



DILI DISTRICT COURT WEEKLY SUMMARY
14 -18 JULY 2003

Monday
14 July 2003

Criminal case listed	-3-
Hearing before Investigative Judge	-1-
Hearings on habeas corpus	-0-
Civil case listed	-0-

Criminal case hearings

- 1. Criminal case 38/2003 of Public Prosecutor v A minor (The name of the accused does not actually appear to be suppressed):** The case was listed to be heard at 10.00 am before Judge Carmelita Caetano Monis. The hearing was closed to public. The case involved a minor who is charged with the rape of an eight-year old girl. The minor was charged under Articles 285 and 287 (1) of the Indonesian Penal Code. The offence is alleged to have been committed in Pantai Kelapa, Dili on or around 03 March 2003. The minor is has been detained in Becora Prison since his initial arrest on 04 March 2003. The Public Prosecutor was still not ready to commence the trial as investigations are continuing. The case was postponed until 23 July 2003.
- 2. Criminal case 37/2003 of Public Prosecutor v Miguel Metan Freitas and others:** This case was listed before Judge Cirilio Jose. J.V. Cristevao to hear the testimony of the prosecution witnesses at 10.30am. This case involves multiple accused (eight accused persons). The accused persons are charged with attempted crime against the security of the state (treason, rebellion etc) under Article 53(1), 104 and 107 of the Indonesian Penal Code. However the hearing was not able to proceed due to the failure of the Judge to appear in court. The reason for the Judge's failure to attend court is not clear. The case was rescheduled for 21 July 2003 at 09.30 hours.
- 3. Criminal case 43/2003 of Public Prosecutor v Constantino:** The case was listed before Judge Cirilio Jose J.V. Cristevao at 09.30am to hear the testimony of the prosecution witnesses. The accused person is charged with maltreatment under Articles 351(1) and 351(2) of the Indonesian Penal Code. The offence alleged to have been committed on or around 12 April 2003 in Comoro market. The accused was detained in prison for a

month and later granted conditional release on 5 May 2003. The session was adjourned for further hearing on 21 July 2003 at 09.30 am.

Hearings before Investigative Judge

1. **Public Prosecutor v Juvenal Ximenes:** The suspect was brought before Investigative Judge Joao de Carvalho. The suspect is alleged to have committed the rape of a 15 year-old girl on several occasions during 2003-2003 in Dili. The suspect was arrested by police on 12 July 2003 and charged under Articles 287(1) and 285 of the Indonesian Penal Code. The Investigative Judge ordered that the accused be detained in Becora Prison for thirty-days in order to allow the police to conduct further investigation of the alleged offences.

Hearings Proceeded/postponed

Criminal hearings proceeded	-1-
Civil hearings proceeded	-0-
Criminal hearings postponed	-2-
Civil hearings postponed	-0-

Reason of the postponements

Judge not available	-1-
Defense counsel not available	-0-
Prosecutor not available	-1-
Accused not available	-0-
Defendant/plaintiff not available	-0-

<p>Tuesday 15 July 2003</p>

Criminal case listed	-1-
Hearing before Investigative Judge	-1-
Hearings on habeas corpus	-0-
Civil hearings listed	-2-

Criminal case hearings

1. **Criminal case 15/2000 of Public Prosecutor v Jose M.P. Loe:** The case was listed before Judge Edite Palmira dos Reis. The trial in this case was postponed in chambers and without hearing. The reason for this was that the Judge presiding in the case was preparing to leave for judicial training in Portugal. This case is currently awaiting allocation to a new Judge. JSMP was told by court staff that a new trial date will only be set when the case has reallocated to a new Judge

Civil case hearings

- 1. Civil hearings of Almeida V. Lay v Ministry of Justice and land and property:** The hearing was listed before Judge Rui Pereira dos Santos. The case was scheduled for the court to examine the evidence submitted to the court by both parties. However, given that this was the first time both plaintiff and the defendant had appeared before the court, the court considered that the case should be adjourned for another month to allow the parties to undertake further negotiation. The case was adjourned until 15 September 2003 at 09.00am, at which time the court would hear the result of the reconciliation process between the parties.
- 2. CIVIL CASE OF ANTONIO DE JESUS V BORDER CONTROL:** THE CASE WAS LISTED BEFORE JUDGE CARMELITA CAETANO MONIS AND TWO OTHER JUDGES. THE CASE WAS SCHEDULED FOR THE COURT TO EXAMINE THE EVIDENCE OF BOTH PARTIES. HOWEVER, THE SESSION WAS NOT ABLE TO PROCEED AS THE OTHER TWO JUDGES HAD LEFT FOR PORTUGAL TO ATTEND JUDICIAL TRAINING. THE HEARING WAS POSTPONED UNTIL 28 JULY 2003 AT 0.9.00AM FOR THE COURT TO ALLOCATE THIS CASE TO OTHER JUDGES.

Hearings before the Investigative Judge

- 1. Public Prosecutor v Clementino da Silva:** The suspect was brought before Investigative Judge Sergio Paulo dias Quintas. The suspect is charged with maltreatment under section 352(1) of the Indonesian Penal Code. The offence is alleged to have been committed in Caikoli, Dili, on or around 13 July 2003. Conditional release was granted with the suspect being obliged to report to the nearest police station twice a week for 3 months.
- 2. The Public Prosecutor v Silverio dos Santos and others:** The suspects were brought before Investigative Judge Joao de Carvalho. The suspects are alleged to have committed an attack in Tibar, Liquica District on or around 7 July 2003. The suspects have been charged with assault under section 358 of the Indonesian Penal Code. Thirty-days detention was ordered for each of the suspects to allow further police investigation. The suspects were taken to Becora prison.

Hearings proceeded/postponed

Criminal hearings proceeded	-0-
Civil hearings proceeded	-1-
Criminal hearings postponed	-1-
Civil hearings postponed	-1-

Reason for Postponements

Judge not available	-1-
Defense counsel not available	-0-
Prosecutor not available	-0-
Accused not available	-0-
Defendant/plaintiff not available	-0-

<p style="text-align: center;">Wednesday 16 July 2003</p>

Criminal case listed	-2-
Hearing before Investigative Judge	-1-
Hearings on habeas corpus	-0-
Civil case listed	-1-

Criminal case hearings

1. **23/2002 of Public Prosecutor v Marcelino dos Santos:** The case was listed before Judge Cirilio Jose J.V. Cristovao. The case was scheduled for the court to hear the accused's statement in defence. The session was closed to the public. The accused person is charged with rape under Article 285 of the Indonesian Penal Code, with the offence alleged to have been committed in Liquica District on or around 28 November 2001. The accused has been detained in Becora prison since his initial arrest on 30 November 2001. The court was adjourned to 21 July 2003 at 09.00am.
2. **Criminal case 23/2003 of Public Prosecutor v Antono Soares Nunes:** The case was scheduled before Cirilio Jose J.v. Cristovao. The case was scheduled for the court to hear the indictment filed by the prosecutor against the accused. The accused is principally charged with embezzlement under Article 372 of the Indonesian Penal Code, and also with the subsidiary charge of forgery contrary to Article 263 of the Indonesian Penal Code. The alleged offence is said to have been committed in Dili on or around 15 October 2003. The accused was held in Becora prison for a month from his initial arrest on or around 23 October 2002 and is currently bailed on conditional release. The court was postponed until 6 August 2003 at 09.30 am due to the failure of the accused person to appear at court as required. No warrant was issued for his arrest.

Civil case hearings

1. **Civil case of Bernabe v Henriques:** The case was listed before Judge Carmelita Caetano Monis. The case was scheduled for the court to examine the documents and evidence submitted to the court by the parties and to hear the testimony of the witnesses. The dispute concerns a house and a piece of land in Comoro, which are currently occupied by the defendant. An application for damages was submitted to the court by the plaintiff seeking that the defendant pay compensation for the period of unlawful occupation. The case was adjourned to continue on 21 July 2003 at 10.30am.

Expedited trial hearings

- 1. Public Prosecutor v Gery Lay:** The case was brought before Judge Cirilio Jose J.V. Cristevao. The suspect was charged with a drink driving traffic infringement offence under Article 219(1) of the Indonesian Penal Code. The suspect pleaded guilty and was fined USD 150. The session was closed to the public. No reason for closing the session to the public was given.

Hearings proceeded/postponed

Criminal hearings proceeded	-2-
Civil hearings proceeded	-1-
Criminal hearings postponed	-0-
Civil hearings postponed	-0-

Reason of Postponements

Judge not available	-0-
Defense counsel not available	-0-
Prosecutor not available	-0-
Accused not available	-0-
Defendant/plaintiff not available	-0-

Thursday
17 July 2003

Criminal case listed	-2-
Hearings before Investigative Judge	-1-
Hearings on habeas corpus	-0-
Civil case listed	-3-

Criminal case hearings

- 1. 34/2003 Public Prosecutor v Joao Bosco:** The case was listed before Judge Carmelita Caetano Monis. The case was scheduled for the court to hear the testimony of the witnesses. The accused is charged with negligence resulting in death (car accident) under Article 359 of the Indonesian Penal Code. The alleged offence is said to have been committed on or around 12 December 2002 in Fatuhada Dili. The accused was held in Becora prison for two months and has been bailed with conditional release since 20 February 2003. The hearing was not able to proceed due to the unavailability of the accused's defence counsel and was postponed until 13 August at 02.30pm.
- 2. 67/2001 Public Prosecutor v Antonio Doutel M. Coe:** The case was listed before Judge Carmelita Caetano Monis to hear the testimony of prosecution witnesses. The accused is charged with negligence resulting in death (car accident) under Articles 359 and 360 of the Indonesian Penal Code. Following evidence being given, the court was adjourned until 23 July 2003 at 09.30am.

Civil case hearings

- 1. Civil case of Ni Tai Lay v Americo:** The case was listed before Judge Rui Pereira da Costa. The session was scheduled for the court to examine the evidence submitted to the court by both parties. However the hearing was postponed following the failure of the plaintiff's lawyer to appear at court. No explanation was given for the failure to attend. The case was postponed until 28 July 2003 at 09.30am.
- 2. Civil case of Lucinda Ximenes v Alfredo de Araujo:** The case was listed before Judge Rui Pereira da Costa. The case was scheduled for both parties to present their evidence to the court. However it was not able to proceed following the failure of Counsel of both parties to appear in the court. The session was postponed until 29 July 2003 at 09.30am.

- 3. Civil case of Michele Simons v East Timor Plumbing and Gas:** The case was listed before Judge Cirilio Jose J.V. Cristevao. The case was scheduled for the court to hear the submissions of both parties. However, as this was the first time the case has been brought before the court, both plaintiff and the defendant sought and were granted more time for them to pursue private negotiation towards settlement. The case was adjourned until 23 July 2003 at 10.00am.

Hearings before the Investigative Judge

- 1. Public Prosecutor v Lestario da Silva and Leonito Xavier:** Both suspects were brought before Investigative Judge Joao de Carvalho. The suspects are alleged to have committed theft from a convent in Aileu District, and are charged under sections 363(1) and (2) of the Indonesian Penal Code. The hearing were detained in custody pending further investigation, and the hearing adjourned until 18 July 2003 at 05.00pm.

Hearings proceeded/postponed

Criminal hearings proceeded	-1-
Civil hearings proceeded	-1-
Criminal hearings postponed	-1-
Civil hearings postponed	-2-

Reason of Postponements

Judge not available	-0-
Defense counsel not available	-3-
Prosecutor not available	-0-
Accused not available	-0-
Defendant/plaintiff not available	-0-

<p align="center">Friday 18 July 2003</p>

Criminal case listed	-1-
Hearings before Investigative Judge	-1-
Hearings on habeas corpus	-0-
Civil case listed	-0-

Criminal case hearings

1. Criminal case 24/2003 of Public Prosecutor v Eduardo M. Paulino:

The case was scheduled before Judge Carmelita Caetano Monis to hear the testimony of the witnesses. The court was closed to the public. The accused is charged with rape under Article 285 of the Indonesian Penal Code. The alleged offence is said to have been committed in Dili on or around 15 January 2003. However the court was not able to proceed as the accused person is reported to have been sick and not able to stand trial. The trial was postponed until 24 July 2003 at 09.30am.

Hearings before the Investigative Judge

1. Public Prosecutor v Public Prosecutor v Lestario da Silva and Leonito Xavier:

Both suspects were brought before Investigative Judge Joao de Carvalho. The suspects are alleged to have committed theft from a convent in Aileu District, and are charged under sections 363(1) and (2) of the Indonesian Penal Code. Conditional release was granted pending further police investigation. The suspects are obliged to report to the nearest police station twice a week for three months.

Hearings proceeded/postponed

Criminal hearings proceeded	-0-
Civil hearings proceeded	-0-
Criminal hearings postponed	-0-
Civil hearings postponed	-0-

Reason of Postponements

Judge not available	-0-
Defense counsel not available	-0-
Prosecutor not available	-0-
Accused not available	-1-
Defendant/plaintiff not available	-0-