



**DILI DISTRICT COURT WEEKLY SUMMARY**  
**04-08 AUGUST 2003**

**Monday**  
**4 August 2003**

<b>Criminal hearing listed</b>	-2-
<b>Hearings before Investigative Judges</b>	-1-
<b>Hearings on Habeas Corpus</b>	-0-
<b>Civil hearings listed</b>	-1-

**Criminal case hearings**

- 1. Criminal case 38 Public Prosecutor v A minor (The accused name does not actually appear to be suppressed):** The case was listed before Judge Carmelita Caetano Monis to hear the final statement from the victim. The hearing was closed to the public. The case involved a minor who is charged with the rape of an eight-year old child. The accused is principally charged under Article 285 and subsidiarily charged under Article 287(1) of the Indonesian Penal Code. The alleged offence is said to have been committed on or about 3 March 2003 in Dili. The accused person is currently detained in Becora Prison since his initial arrest on or around 15 March 2003. The hearing was adjourned until 11 August at 0930 for the court to deliver its final decision.
- 2. Civil case 43/2003 Public Prosecutor v Constantino Pinto:** The case was listed before Judge Cirilio Jose J.V. Cristevao. The case was scheduled for the court to hear the testimony of the prosecution witnesses. The accused is principally charged with maltreatment under Article 351(2) and subsidiarily, under Article 351(1) of the Indonesian Penal Code. The offence is alleged to have been committed on or about 15 April 2003 in Comoro. The accused was given conditional release on 15 May 2003 after being detained in prison for a month. The session was adjourned until 11 August 2003 at 0900 hours.

**Civil case hearings**

**Hearings before the Investigative Judge**

- 1. The Public Prosecutor v Kirk McFarlane (ANZ Bank manager):** The case was scheduled before Investigative Judge Joao Henrique de Carvalho. The suspect was alleged to have committed destruction or damage of property and embezzlement in Dili. The suspect is charged under Articles

206 and 372 of the Indonesian Penal Code. However, the Investigative Judge decided that this was not a criminal matter as the case concerned a disputed lease contract between the ANZ Bank and the plaintiff. The suspect was given an unconditional release.

<b>Tuesday</b> <b>5 August 2003</b>
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<b>Criminal case listed</b>	-2-
<b>Hearings before Investigative Judges</b>	-0-
<b>Hearings on Habeas Corpus</b>	-0-
<b>Civil case hearings</b>	-0-

### Criminal case hearings

- 1. Criminal case 80/2002 Public Prosecutor v Miguel Soares and Afonco Ximenes:** The case was listed before Judge Carmelita Caetano Monis. The case was scheduled for the court to hear the testimony of witnesses on the part of the defence. Both accused are principally charged with murder under Article 340, and subsidiarily charged with destruction or damage to property under Article 406 of the Indonesian Penal Code. The offence is said to have been committed on or around 8 March 2002 in Ermera District. Both the accused person have been held in Gleno Prison since their initial arrest on 8 April 2003. The court hearing was not able to proceed following the failure of one of the panel Judges to attend court. The case was postponed until 10 September 2003 at 1000 hours.
- 2. Criminal case 146/2001 Public Prosecutor v Marquelino do Santos:** The case was listed before Judge Rui Pereira do Santos. The case was listed for the court to hear testimony of the witnesses. The accused is charged with maltreatment under Article 351(1) of the Indonesian Penal Code. The alleged offence is said to have been committed in Liquica District on or around 13 April 2001. The accused person is currently at liberty on conditional release. The hearing was not able to proceed due to the failure of one of the panel Judges to attend court. The case was postponed until 10 September 2003 at 1030 hours.

### Hearings proceeded/postponed

<b>Criminal hearings proceeded</b>	-0-
<b>Civil hearings proceeded</b>	-0-
<b>Criminal hearings postponed</b>	-2-
<b>Civil hearings postponed</b>	-0-

### Reason for Postponements

<b>Judge not available</b>	-2-
<b>Defense counsel not available</b>	-0-
<b>Prosecutor not available</b>	-0-
<b>Accused not available</b>	-0-

Defendant/plaintiff not available	-0-
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<b>Wednesday</b> <b>6 August 2003</b>
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<b>Criminal case listed</b>	-2-
<b>Hearings before Investigative Judge</b>	-0-
<b>Hearings on Habeas Corpus</b>	-0-
<b>Civil case hearings</b>	-0-

### Criminal case hearings

1. **Criminal case 48/2003 Public Prosecutor v A minor (The name of the accused was not actually appear to be suppressed):** The case was listed before Judge Rui Pereira do Santos. The case was scheduled for the court to hear the testimony of prosecution witnesses. The case involved a minor who is principally charged with murder under Article 338, and subsidiarily charged with maltreatment under Article 351(3) of the Indonesian Penal Code. The offence is said to have been committed on or around 3 March 2003 in Ermera District. The accused has been detained in Becora prison since his initial arrest on or around 17 March 2003. The court was adjourned until 4 September 2003 at 0930 hours.
2. **Criminal case 47/2003 Public Prosecutor v Zafal and others:** The case was listed before Judge Cirilio Jose. J.V. Cristevao. The case was scheduled for the court to hear the testimony of the witnesses from the part of Public Prosecutor. All of the accused person (4 accused person) are charged with smuggling under Article 106 of Indonesian Regulation no 10/1999. The alleged offence appeared to have been committed in Atauro island on or around 29 March 2003. All of the accused person are currently housed in Becora prison since their initial arrest on the same date by Atauro Police officers. The case was adjourned until 13 August 2003 at 0930 hours.

### Hearings proceeded/postponed

<b>Criminal hearings proceeded</b>	-2-
<b>Civil hearings proceeded</b>	-0-
<b>Criminal hearings postponed</b>	-0-
<b>Civil hearings postponed</b>	-0-

### Reason of Postponements

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

**Thursday  
7 August 2003**

<b>Criminal case listed</b>	-0-
<b>Hearings before Investigative Judge</b>	-0-
<b>Hearings on Habeas Corpus</b>	-0-
<b>Civil case listed</b>	-0-

**Hearings proceeded/postponed**

<b>Criminal hearings proceeded</b>	-0-
<b>Civil hearings proceeded</b>	-0-
<b>Criminal hearings postponed</b>	-0-
<b>Civil hearings postponed</b>	-0-

**Reason of Postponements**

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

NB: No court matters were heard on this date. JSMP was told that the Judges were to attend meetings and others had been called upon by the National Parliament to discuss issue on applicable law.

**Friday  
8 August 2003**

<b>Criminal case listed</b>	-0-
<b>Hearing before Investigative Judge</b>	-1-
<b>Hearings on Habeas Corpus</b>	-0-
<b>Civil case listed</b>	-0-

**Hearings before the Investigative Judge**

- 1. Public Prosecutor v Augusto de Almeida:** The suspect was brought before Investigative Judge Sergio Paulo dias Quintas. The suspect is charged with maltreatment under Article 351(1) of the Indonesian Penal Code. The offence is said to have occurred on or around 6 August 2003 in Comoro, Dili. The suspect had been detained since that date in Becora prison. A plea of guilty was entered, and a conditional release granted after the hearing. The suspect is obliged to report to the nearest police station once a week for 3 months.

**Hearings proceeded/postponed**

<b>Criminal hearings proceeded</b>	-0-
<b>Civil hearings proceeded</b>	-0-
<b>Criminal hearings postponed</b>	-0-
<b>Civil hearings postponed</b>	-0-

**Reason of Postponements**

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