



**DILI DISTRICT COURT- WEEKLY SUMMARY**  
**02-06 JUNE 2003**

**Monday**  
**2 June 2003**

|  |             |
|--|-------------|
| <b>Criminal hearings listed</b>            | <b>- 2-</b> |
| <b>Hearings before Investigative Judge</b> | <b>-1-</b>  |
| <b>Hearing on habeas corpus</b>            | <b>-0-</b>  |
| <b>Civil hearings listed</b>               | <b>-4-</b>  |

**Criminal case hearings**

- 1. Criminal case 76/2002 of Public Prosecutor v Abrao Baptista:** The case was listed before Judge Carmelita Caetano Monis to deliver her final decision in the case. The accused was charged with maltreatment under Article 351(1) of the Indonesian Penal Code. The alleged offence said to have been committed on or around 16 January 2002 in Farol, Dili. The accused was convicted and sentenced to three - months imprisonment minus of the period of time the accused has already spent in the prison.
- 2. Criminal case 36/03 of Public Prosecutor v Jacinto da Concecao:** The case was listed before Judge Cirilio Jose J.V. Cristevao. The case was scheduled to hear the testimony of the witnesses on the part of prosecution. The accused is charged with maltreatment under Article 354 and subsidiary charge under 35(2) of Indonesian Penal Code. The court was postponed until the next trial date is set. The reason given is that the Judge presiding in the case is out of the country.

**Hearing before Investigative Judge**

- 1. Public Prosecutor v Metal Enterprise:** The case was brought before investigative Judge Joao de Carvalho. The suspect is alleged to have committed an illegal exportation of scrap metals from East Timor to overseas destination. The suspect is charged under Article 102, 103, and 104 of Indonesian Regulation 10/1995. Thirty-days detention was ordered for the police to conduct further investigation. The suspect was brought to Becora Prison for thirty-days detention.

## Civil case hearings

- 1. Civil case 30/2003 of Bernabe de Araujo v Joao Baptista Sarmiento Martins:** The case was listed before Judge Carmelita Caetano Monis. The case was scheduled for the court to hear the response of the Defendant to the Plaintiff's application for damages. The matter arose from a property dispute concerning a house and a piece of land located in Comoro, which are currently occupied by the Defendant. An application for damages was submitted to the court by the Plaintiff with the claim for the Defendant to pay compensation for the period of the Defendant's occupation. The case was postponed until 0900 hours to continue.
- 2. Civil case 33/01 of Joao Fransisco v Joao Fernandes :** The hearing of this case was not able to proceed due to the failure of the Plaintiff's lawyer to appear in court. JSMP was told by the court clerks that the new trial date will only set after the court has contacted the lawyers of the Plaintiff.
- 3. Civil case 08/2003 of Lim Kian Juan v Fransico Lay:** The court was not able to proceed with this hearing due to the failure of the lawyer from both parties to appear in court. JSMP was told by the clerks that new trial date will only be set after they have contacted the lawyers from both parties.
- 4. Civil case 10/2003 of Francisco Lay v UNMISSET:** The court was not able to proceed with this hearing due to the failure of the lawyer from both parties to appear in the court. JSMP was told by the clerks that new trial date will only be set after they have contacted the lawyers from both parties. HERE>>>

## Hearings Proceeded/postponed

|                                    |     |
|------------------------------------|-----|
| <b>Criminal hearings proceeded</b> | -1- |
| <b>Civil hearings proceeded</b>    | -1- |
| <b>Criminal hearings postponed</b> | -1- |
| <b>Civil hearings postponed</b>    | -3- |

## Reason of the postponements

|  |     |
|--|-----|
| <b>Judge not available</b>               | -1- |
| <b>Defense counsel not available</b>     | -3- |
| <b>Prosecutor not available</b>          | -0- |
| <b>Accused not available</b>             | -0- |
| <b>Defendant/Plaintiff not available</b> | -0- |

**Tuesday  
3 June 2003**

|  |     |
|--|-----|
| <b>Criminal hearings listed</b>            | -5- |
| <b>Civil hearings listed</b>               | -1- |
| <b>Hearings before investigative Judge</b> | -0- |
| <b>Hearings on habeas corpus</b>           | -2- |

### **Criminal case hearings**

- 1. Criminal case 34/2003 of Public prosecutor v Joao Bosco:** The case was listed before Judge Carmelita Caetano Monis to hear the response of the defense Counsel to the indictment filed by the public prosecutor. The accused is charged with negligence resulting in death (car accident) under Article 359 of the Indonesian Penal Code. This alleged offence appeared to have been committed on or around 12 December 2003 in Fatuhada, Dili. The accused person has been on conditional release since February 20, 2003 after being held in Becora prison for two months. The court adjourned the case after it heard the submission from the defense Counsel. The case adjourned until 18 June 2003 at 0930 hours.
- 2. Criminal case 38/2003 of public Prosecutor v A minor (The accused's name does not actually appear to be suppressed):** The case was listed before Judge Carmelita Caetano Monis. The hearing was closed to public including JSMP. The case was scheduled for the court to hear the statement of the victim. The case involved a minor who is charged of rape of an Eight-year old child. The minor is primarily charged under Article 285 and subsidiary charged under Article 287 (1) of the Indonesian Penal Code. The alleged offence appeared to have been committed on or around 3 March 2003 in Dili. The case was adjourned until 10 June 2003 at 1000 hours.
- 3. Criminal case 05/2003 of Public Prosecutor v Antonio Luis Soares:** The case was listed before Judge Edite Palmira dos Reis to hear the testimony of the witness on the part of the defense. The accused is charged with fraud under Article 378 of Indonesian Penal Code. The above-mentioned offence is alleged to have been committed by the accused sometimes during the month of January, March and August 2002 in Dili. The accused received a sum of \$7500 USD from three different people with the purpose to run a business activity. However, the money was then alleged to have been used for his own activity. The hearing was adjourned until June 10, 2003 at 0900 hours to hear the testimony of the other witnesses.
- 4. Criminal case 10/2003 of Public Prosecutor v Eugene de Araujo:** The case was listed before Judge Rui Pereira dos Santos to hear the testimony of the prosecution witness. The accused person is alleged to have committed maltreatment on or around 17 May in Ainaro district. The court was not able to proceed following the failure of the accused person to appear in the court. According to the information received by the court the accused was to attend a funeral ceremony in his family and therefore

was not able to present at the court. The court adjourned until 16 June 2003 to continue with the testimony of the other witnesses.

5. **Criminal case 30/2003 of Public Prosecutor v Afonso Francisco:** The case was listed before Judge Carmelita Caetano Monis. The case was scheduled for the court to hear the statement of the victim. The session was closed to public including to the monitors from JSMP. The accused is charged with attempted rape. The alleged offence is said to have been committed on or around 18 March 2003 in Liquica District. The accused person is charged with attempt rape under Article 285 and 53. (1) of the Indonesian Penal Code and with the subsidiary charge under Article 290.(2) of the Indonesian Penal Code. The case was not able to proceed following the failure of the public prosecutor to appear before the court. No trial date has been set.

### **Hearings on habeas corpus applications**

1. **Public Prosecutor v Crisantos Amaral:** The accused person was brought to the court before Judge Aderito Tilman. The accused person is said to have been involved in sexual violence in Suai District. The alleged offence is said to have been committed on or around 18 March 2002. An application for habeas corpus was submitted by the defense counsel for the release of his client due to the court's failure to process this case in a reasonable period of time. The session was postponed until 4 June 2003 at 2430 hours for the court to deliver its decision.
2. **Public Prosecutor v Bruno Magalhaes:** The accused was brought to the court before Judge Carmelita Caetano Monis. The accused is alleged to have been involved in smuggling weapons into East Timor sometime in March 2002. An application for habeas corpus was submitted by the Defense Counsel of the accused due to the court's failure to hear the case in a reasonable time, and also on the grounds that the accused's detention period was extended without knowledge of the his Defense Counsel. The accused has been held in prison since 3 March 2002. The session was adjourned until 04 June 2003 at 1400 hours for the court to deliver its decision.

### **Civil case hearings**

1. **Civil case of Jacinta F. dos Santos Pereira v Director APAC Ltd:** The case was listed before Judge Rui Pereira do Santos. The case was scheduled for the court to hear the response of the Defendant to the Plaintiff's application for damages. The case involved a land dispute that at the moment is occupied by the Defendant. The case was adjourned until 18 June 2003 at 09300 hours for the court to examine the list of evidence that have been submitted by both parties.

### Hearings proceeded/postponed

|                                    |     |
|------------------------------------|-----|
| <b>Criminal hearings proceeded</b> | -4- |
| <b>Civil hearings proceeded</b>    | -1- |
| <b>Criminal hearings postponed</b> | -2- |
| <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>          | -1- |
| <b>Accused not available</b>             | -1- |
| <b>Defendant/Plaintiff not available</b> | -0- |

**WEDNESDAY  
4 JUNE 2003**

|  |     |
|--|-----|
| <b>Criminal hearings listed</b>            | -3- |
| <b>Hearings before investigative Judge</b> | -0- |
| <b>Hearings on habeas corpus</b>           | -1- |
| <b>Civil hearings listed</b>               | -3- |

### Criminal case hearings

- 1. Criminal case of 97/01 of Public Prosecutor v Celestino Ximenes Gama:** The case was listed before Judges Edite Palmira dos Reis in assistance with two other Judges. The case was scheduled for the court to hear the testimony of the prosecution witnesses. The accused is charged with negligence causing in death (car accident). The offence alleged to have been committed on or around 27 July 2001 in Hera village of Metinaro sub-district, Dili district. One of the passengers is alleged to have been dead as a result of the accident. The accused person is primarily charged under Article 359 jo 361 of the Indonesian Penal Code with the subsidiary charge under Article 360.(2) of the Indonesian Penal Code. The hearing was adjourned after it heard the testimony of the witnesses. The case is adjourned until 15 July 2003.
- 2. Criminal case 143/02 of Public prosecutor v Frenky Tilman:** The case was listed before Judge Carmelita Caetano Monis to hear the testimony of the prosecution witnesses. The accused person is charged with maltreatment. The alleged offence appeared to have been committed on or around 10 October 2002 in Plapaco, Dili. The accused person is charged with Article 351(2) of the Indonesian Penal Code with the subsidiary charge under Article 351.(1) of the Indonesian Penal Code. The hearing was adjourned until 19 June 2003 at 0900 hours to continue with the testimony of the other witnesses.

- 3. Criminal case 131/ 02 of Public Prosecutor v Domingos Ximenes cs (multiple accused persons):** The case was scheduled before Judge Edite Palmira dos Reis for the defense Counsel to give its response to the indictment filed by the prosecutor. The accused persons (four accused) are charged with theft, which alleged to have been committed in Sagrado Coracao Clinic in Becara Dili. The accused persons admitted to the charge during the session. The accused persons are charged under Article 363 of the Indonesian Penal Code. The session was adjourned until 12 June 2003 for the court to deliver its decision

### **Hearings on habeas corpus**

- 1. Public Prosecutor v Bruno da Costa Magalhaes:** The case was listed before Judge Carmelita Caetano Monis to hear application of the Habeas Corpus from the defense Counsel for the release of the accused. After it was heard, the session was adjourned for the court to deliver its decision. The session was adjourned until 5 June 2003 at 1430 hours for its continuation.
- 2. Public Prosecutor v Crisantos Amaral: Public Prosecutor v Crisantos Amaral:** The accused person was brought to the court before Judge Aderito Tilman. The accused person is charged to have been involved in sexual violence in Suai District. The offence is alleged to have been committed on or around 18 March 2002. The application of the habeas corpus was submitted by the defense counsel for the release of his client due to the court's failure to process this case in a reasonable period of time. The accused was given conditional release. The accused person is obliged to report regularly to the near-by police station once a week, while waiting for the court process.

### **Civil case hearings**

- 1. Civil case of Gino v Phoenix Fuel:** The case was listed before Judge Edite Palmira dos Reis. The case was scheduled for the court to hear the response from the Defendant to the application of damages made by Plaintiff. The Defendant and his defense Counsel were not able to appear in the court. JSMP was told that the new trial dates only be set after the court has contacted the Defendant and his lawyer. JSMP and the court were unable to ascertain the reason for non-attendance. The session was closed.
- 2. Civil case of Joao Marques Martins v DSMTL (Joao da Silva Sarmento):** The case was scheduled before Judge Cirilio Jose J. V. Cristevao in assistance with two other Judges. The case was scheduled for the court to hear the testimony of the Plaintiff's Witnesses. The case arose from a property dispute concerning a building that is currently used by the Student Solidarity Counsel located in Colmera-Dili. The Plaintiff claimed to own the building. The hearing was adjourned until 18 June 2003 at 1000 hours for the court to hear testimony of the other witnesses.
- 3. Civil case of General director of Ltd v Strolling Company:** The case was scheduled before Judge Edite Palmira dos Reis. The case was scheduled for the Plaintiff to read its application for the damages submitted to the court.

The case concerns a failure of the Defendant to pay the Plaintiff in a timeframe as agreed by both parties in the contract.

**Hearings proceeded/postponed**

|                                    |     |
|------------------------------------|-----|
| <b>Criminal hearings proceeded</b> | -3- |
| <b>Civil hearings proceeded</b>    | -2- |
| <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>     | -1- |
| <b>Prosecutor not available</b>          | -0- |
| <b>Accused not available</b>             | -0- |
| <b>Defendant/Plaintiff not available</b> | -1- |

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|---------------------------------------|
| <b>THURSDAY</b><br><b>5 JUNE 2003</b> |
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|--|-----|
| <b>Criminal hearings listed</b>            | -4- |
| <b>Hearing before investigative Judges</b> | -0- |
| <b>Hearings on habeas corpus</b>           | -1- |
| <b>Civil hearing listed</b>                | -2- |

**Criminal case hearings**

- 1. Criminal case 49/01 of Public Prosecutor v Manuel Barbosi:** The case was listed before Judge Carmelita Caetano Monis to deliver her final decision of the case. The accused was granted six-months conditional release where he had to report to the nearby police regularly every week for the six-months period of time. The accused is charged with maltreatment. The offence is alleged to have been committed in Suai District. The accused is charged under Article 351 of the Indonesian Penal Code. The trial was not able to proceed and was postponed. The next trial date is still yet to be allocated given that, the Judge who seats in the case was out of the country.

2. **Criminal case 17/03 of Public Prosecutor v Carlito Castro Soares:** The case was listed before Judge Edite Palmira dos Reis to hear the testimony of the prosecution witnesses. The accused is charged with the crime against life under Article 338 of Indonesian Penal code. The offence is alleged to have been committed on or around 27 August 2002 in Poetete, Ermera District. The accused person is currently housed at Becora prison since its initial arrest on 2 September 2002. The court was adjourned until 16 June at 0930 hours to hear the testimony of the other witnesses.
3. **Criminal case 67/01 of Public Prosecutor v Antonio Doutel M. Coe:** The case was listed before Judge Carmelita for the public prosecutor to read its indictments. The accused is charged with negligence causing in death (traffic accident). The accused is charged under Article 359 in relation with Article 361 of the Indonesian Penal Code and under Article 360 of the Indonesian Penal Code as subsidiary charge. The session was not able to proceed following the accused's absence in the court. JSMP was told that the accused was to attend the funeral ceremony at his family and thus was not able to stand for trial. The court was postponed until 20 June 2003 to hear the indictment from the public prosecutor.
4. **Criminal case 20/03 of Public Prosecutor v Roberto Carlos:** The case was listed before Judge Edite Palmira dos Reis. The case scheduled for the court to hear the testimony of the prosecution witnesses. The accused is charged with extortion or blackmail under Article 368(3) of the Indonesian Penal Code. The offence alleged to have been committed on or around 11 September 2002 in Dili. The court was postponed after it heard the testimony of the witnesses. The session is adjourned until 13 June 2003 at 0930 hours to continue.

### **Hearing on habeas corpus**

1. **Public Prosecutor v Bruno da Costa Magalhaes:** The case was listed before Judge Carmelita Caetano Monis. The case was scheduled for the court to deliver its decision on the application of the Habeas Corpus submitted by the Defense Counsel for the release of the accused. The court eventually ordered a continue detention of the accused person. The reason given was that the accused person is involved in is very serious case which could be punishable for more than five years.

### **Civil case hearings**

1. **Civil case of Lip Tek Fat v Nuno R:** The case was listed before Judge Aderito Tilman. The case was scheduled for the Plaintiff to read its written application for damages to the court. The case arose from lease agreement where the Plaintiff claimed that the Defendant made another lease with the third part without co-coordinating with first lessee. Thus the Plaintiff in their application recommend to the court in order to stop lease activities. However the court was not able to proceed following the failure of the defense Counsel of the Defendant to appear in the court. JSMP was told by the court

clerk that the new trial date will only be set after the court have contacted the defense counsel of the Defendant.

- 2. Civil sase of Chun Poc Lay v Aku Lay:** The case was listed before Judge Edite Palmira dos Reis. The case was scheduled for the court to deliver its decision. The case arose from a dispute concerning a house lease, where the Plaintiff claimed to have been deceived by the Defendant. That the lease was made jointly by both Plaintiff and the Defendant but was enjoyed only by the Defendant. Thus the Plaintiff claimed for the Defendant to pay a remedy of USD 1.350.00. The court in its decision decided that the Defendant is to pay the above-mentioned amount of money. The session was closed.

**Hearings proceeded/postponed**

|                                    |     |
|------------------------------------|-----|
| <b>Criminal hearings proceeded</b> | -3- |
| <b>Civil hearings proceeded</b>    | -1- |
| <b>Criminal hearings postponed</b> | -1- |
| <b>Civil hearings postponed</b>    | -1- |

**Reason of Postponements**

|  |     |
|--|-----|
| <b>Judge not available</b>               | -1- |
| <b>Defense counsel not available</b>     | -1- |
| <b>Prosecutor not available</b>          | -0- |
| <b>Accused not available</b>             | -0- |
| <b>Defendant/Plaintiff not available</b> | -0- |

|                               |
|-------------------------------|
| <b>FRIDAY<br/>6 JUNE 2003</b> |
|-------------------------------|

|  |     |
|--|-----|
| <b>Criminal hearings listed</b>            | -3- |
| <b>Hearings before investigative Judge</b> | -0- |
| <b>Hearings on habeas corpus</b>           | -0- |
| <b>Civil hearing listed</b>                | -2- |

**Criminal case hearings**

- 1. Criminal case 12/03 of Public Prosecutor v Carlos A.R. da Silva:** The case before Judge Aderito Tilman to hear the testimony of the witnesses on the part of public prosecutor. The accused person is charged with negligence causing in death (car accident) under Article 359 of the Indonesian Penal Code. The offence alleged to have been committed in Dili on or around 3 June 2002. However the hearing was not able to proceed due to the failure of the Defense Counsel to appear in the court. The court was postponed. JSMP unable to ascertain new trial dates.

2. **Criminal case 24/03 of Public Prosecutor v Eduardo M. X:** The case was listed before Judge Crmelita Caetano Monis to hear the testimony of the prosecution witnesses. The court was closed to public including to JSMP observer. The accused person is charged with sexual violence under Article 285 of the Indonesian Penal Code. The offence alleged to have been committed in Dili on or around 15 January 2003. After the court heard the testimony of a witnesses, the session was adjourned until 20 June 2003 for its continuation.
  
3. **Criminal case 13/03 of Public Prosecutor v Leonofre Aveij:** The case was listed before Judge Edite Palmira dos Santos to hear the testimony of the prosecution witnesses. The accused person is charged with attempted murder under Article 53 in relation with Article 338 of the Indonesian Penal Code. The offence alleged have been committed in Becora, Dili on or around 30 August 2003. The trial was postponed due to the failure the Defense Counsel to appear in the court. The trial was postponed until 11 June 2003 to hear the testimony of the witnesses. JSMP was unable to ascertain the reason of non-attendance.

### **Civil case hearings**

1. **Civil case of ENSUL v SAPT:** The case brought to the court before Judge Aderito Tilman in assistance with two other Judges. The case was scheduled for the court to examine the evidence form the part of Plaintiff. The case concern a lease between the parties. The court proceeded to examine the documents of Plaintiff. The case was postponed due to the failure of the translator to appear in the court room. The hearing was adjourned until 1400 hours.
  
2. **Civil case of Benie v Arief:** The case was scheduled before Judge Rui Pereira do Santos. The case was scheduled for the Plaintiff to read its written application for damages to the court. However it was not able to proceed due to the failure of the Plaintiff's Defense to appear in the court. JSMP was told by the court clerk that the new hearing date will only be set after they have contacted the Defense Counsel.

### **Hearings proceeded/postponed**

|                                    |     |
|------------------------------------|-----|
| <b>Criminal hearings proceeded</b> | -1- |
| <b>Civil hearings proceeded</b>    | -1- |
| <b>Criminal hearings postponed</b> | -2- |
| <b>Civil hearings postponed</b>    | -1- |

### **Reason of Postponements**

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

|                                   |
|-----------------------------------|
| Defendant/Plaintiff not available |
|-----------------------------------|

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