



SUAI DISTRICT COURT WEEKLY SUMMARY
8-11 September 2003

Monday
8 September 2003

Criminal cases listed

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

Criminal case hearings

- 1. Criminal case 31/2003 of Public Prosecutor v Jose Bareto:** The case was listed to be heard at 10:30am before Judge Jose Da Costa Ximenes. The hearing commenced at 10:45 am. The judgment was read to the court. The accused was found guilty of maltreatment pursuant to section 351.1 of the Indonesian Penal Code. The accused was sentenced to 1 year and 5 months imprisonment including time already served. The accused has already been in prison since 11 April 2003. In sentencing the court took into account the fact that the accused has never been convicted of any offenses before, he had responsibility for his wife and children and he was remorseful. However, the fact that the victim's ability to work has been affected due to the injuries suffered was also considered. The hearing closed at 11:05.
- 2. Criminal case 16/2003 of Public Prosecutor v Quintino Amaro:** This case was listed before Judge Jose Da Costa Ximenes. This case was closed to the public as the case involved a sexual assault of a minor who was giving evidence to the court today. The only persons in court were the Judge, Prosecutor, Public Defender, Accused, court clerk, who are all male. The victim was accompanied to the court by two workers from FOKUPERS, however they were not permitted to enter the court room when the victim was giving evidence. A female court officer was called to assist with interpretation for the witness.

**Tuesday
9 September 2003**

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

Criminal case hearings

- 1. Criminal case number 18/2003; Public Prosecutor v Jose da Costa Nunes:** The case was listed before Judge Renato Bere Nahak, SH. The accused is charged with maltreatment pursuant to Article 351.2 of the Indonesian Penal Code. The accused is alleged to have assaulted and burnt the house of the victims Francisco Alberto and Maria Jose dos Reis on 16 February 2003. It was scheduled that today evidence would be taken from the victims and other witnesses, but the witnesses did not attend the hearing and the matter had to be postponed to a date yet to be determined. It was ascertained after the hearing that the police were unable to transport the witnesses to Dili due to prior commitments of a Ministerial delegation visiting Ainaro.
- 2. Criminal case number 33/ 2003; Public Prosecutor v Carlito Viana dan Thomas Noronha:** The case was listed before Judge Reinato Bere Nahak and was scheduled for the judgment to be delivered. The case was scheduled to commence at 10:00 and started on time. The accused was charged with two offences: committing obscene acts with a minor in his care and having sexual intercourse with a woman he knows is under 15 years of age pursuant to Articles 294.1 and 287 respectively of the Indonesian Penal Code. The accused was found guilty of the former charge in respect of a sexual relationship he had with his step-daughter. The accused was not convicted of the latter charge but no reason was provided in the judgment. The Accused was sentenced to two years in prison. The accused has already been in prison since 8 July 2003 and the judgment was silent as to whether the time already spent in prison would be deducted from the period currently required to be served. The judge took into account the fact that the child was a child entrusted to his care and that it is detrimental for society for such breaches of these types of relationship to occur.

**Wednesday
10 September 2003**

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

Criminal case hearings

Criminal Case 28/ 2003 of Public Prosecutor v Domingos da Costa: The case was listed to be heard at 2:30pm before Judge Jose Da Costa Ximenes. The hearing commenced at 3:05 pm. The accused was charged with maltreatment pursuant to Article 351.1 of the Indonesian Penal Code. The judgment was read to the court. The accused was found guilty of maltreatment pursuant to section 351.1 of the Indonesian Penal Code. The accused allegedly assaulted Miguel Barbosa with "dobel stik" (two sticks joined by a chain). The victim and a witness, Joao de Jesus, gave evidence regarding the assault to the court. The Prosecutor also submitted physical evidence being the "dobel stik", a doctors report and items of clothing worn by the victim at the time of the assault. After the evidence was provided by the witnesses the accused indicated that he agreed with the evidence that was presented. The matter was adjourned for sentence the following day.

Thursday <u>11 September 2003</u>

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

Criminal case hearings

- 1. Case Number 32/ 2003; Public Prosecutor v Francisco da Costa Leao:** The case was listed before Judge Reinato Bere Nahak and was scheduled to commence at 10:00. The hearing started on time and the judgment was read to the court. The accused was charged with two offences: committing obscene acts with a minor in his care and having sexual intercourse with a woman he knows is under 15 years of age pursuant to Articles 294.1 and 287 respectively of the Indonesian Penal Code. The accused was found guilty of the former charge in respect of a sexual relationship he had with his step-daughter. The accused was not convicted of the latter charge but no reason was provided in the judgment. The Accused was sentenced to two years in prison. The accused has already been in prison since 8 July 2003 and the judgment was silent as to whether the time already spent in prison would be deducted from the period currently required to be served. The judge took into account the fact that the child was a child entrusted to his care and it is detrimental for society for such breaches of this relationship to occur. However, the judge also balanced the factors that he had behaved well during the hearings, it was his first offense and he had responsibilities to care for his family. It is noted by JSMP that the detention order in this matter expired on 10 August 2003. The hearing concluded at 10:25 am.

2. Case Number 34 /2003; Public Prosecutor v Abel Relvas Amaral:

The case was listed before Judge Reinato Bere Nahak. The case was scheduled to commence at 2:00 and started at 3:15 pm. The matter concerns a sixteen year old male who is charged with killing his wife in May 2003. The accused has been in detention since 27 May 2003 and the current detention order is valid until 22 November 2003. The case was postponed to provide further time for the Prosecutor to organize with police the transportation of witnesses. No date was set for the next hearing which will be decided after the Prosecutor makes arrangements with the police and witnesses. The hearing concluded at 3: 50 pm.

<p style="text-align: center;">Friday 12 September 2003</p>

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