



DILI DISTRICT COURT – WEEKLY SUMMARY
23 November to 30 November

The following information is based on trial monitoring conducted by JSMP at the Dili District Court. At the end of November a more complete report will be released compiling all data gathered for the month of November. It will also contain analysis and commentary about the issues which have arisen throughout the course of the month in the Dili District Court.

- **CASE LOAD**

Criminal Hearings which proceeded	12
Civil Hearings which proceeded	4
Adjourned Hearings	12
Total Number of Hearings Scheduled	28

- Some adjournments were agreed in chambers – in other cases the Court convened but the proceedings had to be adjourned for a variety of reasons.

- **REASONS FOR ADJOURNMENT**

Prosecution unavailable/unprepared	1
Defence unavailable/unprepared	0
Judge(s) unavailable	4
Accused failed to appear	3
Witness failed to appear	0
Civil defendant unavailable/unprepared	1
Civil plaintiff unavailable/unprepared	1
Multiple players unavailable	2
Miscellaneous	0
TOTAL	12

- NUMBER OF ACCUSED PERSONS WHO CAME BEFORE THE COURT WHO WERE IN PRE-TRIAL DETENTION: 28 of 49 accused
- TYPES OF CRIMINAL OFFENCES LISTED BEFORE THE COURT

Negligence resulting in death/serious injury (car accidents)	6
Assault	3
Murder/attempted murder	1
Rape/sexual offences	4
Theft/Property damage	2
Fraud	1
Traffic offences	2
Carrying a concealed weapon	0
TOTAL ⁻	19

- Some cases involve multiple charges. However, the case is categorised according to the primary and most serious charge.

- NUMBER OF PROCEEDINGS BEFORE THE INVESTIGATING JUDGE

Initial review hearings (within 72hrs of arrest)	9 (some with multiple suspects)
Detention review hearings	6
Requests for arrest warrants ⁻	0
Requests for search & seizure	0
Requests for Exhumation & Autopsy	
TOTAL	15

- Other requests for arrest warrants may have been made post-arrest and as part of the initial review hearing.

- OUTCOME OF PROCEEDINGS BEFORE THE INVESTIGATING JUDGE

Detention order	5
Conditional Release Order	19
Release Order	0
TOTAL	23 suspects

DILI DISTRICT COURT MONITORING – Summary of Cases 23 to 30 November 2002

23 - 24 November 2002

- **Hearings**

There were no hearings over the weekend period.

- **Proceedings before the Investigating Judge**

Case one – a man suspected of being an ex-militia involved in a murder in Oecussi was brought before Judge Constancio Basmeri. The Judge ordered that he be detained for 30 days.

25 November 2002

- **Hearings**

Criminal Case 28 of 2002 – (Public Prosecutor v Jamie Da Costa Amaral & 2 others)

The case was listed before Judge Aderito Tilman. The accused are charged with assaulting a husband and wife in Manufahi on 25 October 2001. One of the victims was pregnant, and it is alleged that as a result of the assault she lost the baby she was carrying. The hearing did not proceed today. No hearing was held to explain the adjournment and no notes were entered in the case file. JSMP was told by court clerks that the matter did not proceed because the Judges of the Dili District Court were in a Judges' meeting to determine who would be elected as the Judges' representative on the Supreme Council of the Judiciary.

The first accused has been in detention since 20 December 2001. The other two accused are on conditional release.

Criminal Case 38 of 2002 – (Public Prosecutor v Marcelino Da Costa)

The case was listed before Judge Rui Pereira Dos Santos. The accused is charged with negligence causing death. The charges arise out of a car accident which occurred in Aileu on 22 July 2001. It is alleged that the accused lost control of the truck he was driving, that the truck turned and that one of the passengers fell to her death. The hearing did not proceed today. No hearing was held to explain the adjournment and no notes were entered in the case file. JSMP was told by court clerks that the matter did not proceed because the Judges of the Dili District Court were in a Judges' meeting to determine who would be elected as the Judges' representative on the Supreme Council of the Judiciary.

The accused is not in detention.

Criminal Case Number 75 of 2002 (Public Prosecutor v Quitiliano da Costa)

The case was before Judge Renato Bere Nahak. The accused is charged with negligence causing death and serious injury. The charges arise out of a car accident which occurred in Bobonaro on 28 December 2001 during which a truck, driven by the accused, hit and killed one man and seriously injured another. Today, the Judge delivered judgment. The accused was sentenced to 1 year and 6 months imprisonment. The accused only spent a short time in pre-trial detention before being conditionally released. Therefore, he has the majority of his sentence still to serve.

Criminal Case Number 118 of 2002 (Public Prosecutor v Aurendino Dos Santos)

The case was before Judge Rui Pereira Dos Santos. The accused is charged with assaulting his wife on 18 July 2002. The hearing did not proceed today. No hearing was held to explain the adjournment and no notes were entered in the case file. JSMP was told by court clerks that the matter did not proceed for a number of reasons. First, the Judges of the Dili District Court were in a Judges' meeting to determine who would be elected as the Judges' representative on the Supreme Council of the Judiciary. Secondly, the accused did not appear. Thirdly, it is unsure whether the matter has been given to a new prosecutor after the appointment of the old prosecutor, Mr Alcino Baris, to the position of Vice Minister for the Interior. The accused is not in detention.

Criminal Case Number 62 of 2002 (Public Prosecutor v Franciso Ahing)

The case was listed before Judge Jose Da Costa Ximenes. The accused is charged with fraud. It is alleged the accused was given a sum of money on 17 October 2001 by another man to exchange. However, rather than exchange it as promised, he used the money to pay debts. He was then unable to pay the money back. The Public Defender' Office then became involved in calling the accused to a negotiation meeting. At the meeting the accused agreed to repay the sum in installments but later breached the agreement. He was then indicted. At the hearing today the Judge adjourned the case, having already heard the defence's objection to the indictment and the Prosecutor's response to the defence's objection. The Judge will deliver his interlocutory judgment on 2 December 2002.

The accused is on conditional release.

Criminal Case 108 of 2002 (Public Prosecutor v Noberto Mendes)

The case was listed before Judge Rui Pereira Dos Santos. The accused is alleged to have raped his 12 year old grandchild. The incident was alleged to have occurred in Maubara on 5 June 2002. In today's hearing the Prosecutor presented closing arguments and the matter was adjourned to 2 December 2002 for the defence to present their closing arguments.

The accused is in detention and has been since 10 June 2002.

Criminal Case No 05 of 2002 – (Public Prosecutor v Sabino da Costa Fatima and 5 others)

The case was listed before Judge Edite Palmira Dos Reis. The case involves the alleged theft of approximately 400 cartons of beer from a container some time in

early July 2001. (The value of the goods stolen was found to be \$2000 plus the transport costs incurred in bringing the beer to East Timor) In today's hearing the Judge delivered judgement. The first accused was found guilty and sentenced to 1 year and 3 months prison. The Judge noted that it was the accused first offence and that he had shown remorse. The remaining accused were all acquitted. No evidence was presented against them at trial and in closing arguments, the Prosecutor had conceded this.

The first accused was previously in pre-trial detention from July 2001 to 30 October 2001 and this period will be deducted from the sentence he has to serve. The second accused, who was acquitted, was in pre-trial detention from 5 July 2001 to 22 August 2001. The other accused, who were acquitted, did not spend any time in pre-trial detention.

Criminal Case No 98 of 2002 (Public Prosecutor v Noberto Fernandez)

The case was listed before Judge Aderito Tilman. The accused is charged with negligence causing death. The charges arise from a traffic accident in Same on 13 March 2002. The accused is alleged to have hit another man while riding his motorbike. In today's hearing the Judge delivered his judgment. The accused was found guilty and sentenced to 1 year and 6 months imprisonment. The accused has not spent any time in pre-trial detention and therefore has the entire sentence still to serve.

- **Proceedings before the Investigating Judge**

Case one – a man suspected of being an ex-militia involved in a murder in Oecussi was brought before Judge Constancio Basmeri. The Judge ordered that he be detained for 30 days. According to the Judge, the suspect admitted that he was present when the alleged victim was murdered but said that he did not participate. However, the Judge said that the suspect admitted that he had killed another man, although he said that he was forced to do so at gunpoint. The Judge said that in order to allow the other murder and the allegation of duress to be properly investigated, he had ordered that the suspect be detained for 30 days.

Case two – a man suspected assaulting his wife was brought before Judge Joao Henrique. According to the Judge he was arrested on Friday on an arrest warrant issued the same day. He was released on condition that he report to the police twice a week for 5 months.

Case three – 3 men suspected of assaulting a journalist, who was filming them while they cut teak trees, was brought before Judge Francisco. The incident was alleged to have occurred in Bentano, Same on 23 November. The case was from the Suai jurisdiction and therefore was handled by Judge Francisco. The Judge ordered that the men be conditionally released while the Prosecutor prepares the indictment within the next 21 days.

Case four – A man suspected of assaulting three policemen on 17 November 2001 in Same was brought before Judge Francisco. This is another Suai jurisdiction matter. The Judge ordered that he be released on condition that he report to the

police for the next three months. The Court also gave an order that over the course of the next year, the police will monitor the accused and if he commits another offence, whether directed towards the police or not, he will face two charges. He will be charged in relation to the incident on 17 November 2002 and in relation to the other offence. On the other hand, if he does not re-offend over the course of the next year, he will no longer be subject to police monitoring.

(There may have been another matter before Judge Franciso involving three men suspected of murder who were conditionally released also. JSMP received this information from the Suai Prosecutor but it was not confirmed with any other players.)

Case five – A request was made to Judge Joao Henrique for the release of a minor held in pre-trial detention in Becora. The request was made by the Public Defender's Office on the basis of a letter from Social Services which was also sent directly to the Minister for Justice, the Public Prosecutor's Office and the Judge Administrator of the Dili District Court. The minor had been held in detention since 5 September 2002 for suspected involvement in a theft. The Judge ordered that he be released on condition that he report once a week to the police for three months while an indictment is prepared. No hearing was held before the order was issued. The Judge acknowledged that he was aware that the request had come from more than one source.

Case six - A request was made to Judge Joao Henrique for the release of a minor held in pre-trial detention in Becora. The request was made by the Public Defender's Office on the basis of a letter from Social Services which was also sent directly to the Minister for Justice, the Public Prosecutor's Office and the Judge Administrator of the Dili District Court. The minor had been held in detention since 23 April 2002 for suspected involvement in theft and property damage. The Judge ordered that he be released on condition that he report once a week to the police for three months while an indictment is prepared. No hearing was held before the order was issued. The Judge acknowledged that he was aware that the request had come from more than one source.

26 November 2002

- **Hearings**

Criminal Case 59 of 2002 – (Public Prosecutor v Abel Dos Santos)

The matter was listed before Judge Aderito Tilman. The accused is charged with assaulting his wife in Dili on 28 February 2002. The case has been subject to many delays because of the unavailability of various key players. Today the hearing did not proceed because the accused did not appear.

Criminal Case 73 of 2002 – (Public Prosecutor v Manuel Das Concelao)

The case was listed before Judge Rui Pereira Dos Santos. The accused is charged with statutory rape/incest. The charges arise from incidents which were alleged to have occurred between 1999 and 2000. The accused is alleged to have raped his daughter on several occasions and she is alleged to now have a child to him. In

today's hearing the accused was called to give evidence. Given that he has already admitted to the charges and had accepted the evidence of the witnesses, the examination was very brief. DNA evidence was tendered in relation to the paternity of victim's child. The matter was adjourned for closing statements from the Prosecution on 29 November 2002. The Judge said that he wanted a written copy of closing arguments because of the seriousness of the matter.

Criminal Case 150 of 2002 – (Public Prosecutor v Karon Andra)

The case was listed before Judge Pedro A de Oliveira. The accused, who is a foreigner, was charged with a traffic offence (speeding and driving without a license on two occasions). The accused was unrepresented and said that she did not require a defence lawyer. The Prosecutor did not appear, so a UNPOL presented the matter directly to the Court. A unofficial interpreter was used. The accused pleaded guilty to the charges but noted that in many years of driving, she had only had one accident and also noted that she had a licence but did not carry it with her because her bag had been stolen on an earlier occasion. The Judge found her guilty and fined her \$50 and \$5 court costs.

Criminal Case 151 of 2002 – (Public Prosecutor v Antony Selmes)

The case was listed before Judge Aderito Tilman. The accused, who is an Australian national, was charged with two counts of speeding and driving without a licence. The accused contested the charges and the hearing was adjourned so that a public defender could be found for him. The accused called into issue many aspects of the charges. Most notably, he questioned whether the speed limit where he was stopped was 45 kms or 60 kms an hour. He said that there were no signs and that it was outside the village of Hera on the way to Manatutu. He called a witness, who had returned with him to the place that he had been stopped, to testify that there were no signs and that it was before the beginning of the 45 km zone inside the village. The Court was reluctant to hear the evidence of the witness because he was not with the accused when he was stopped by police and was therefore not an eyewitness and did not fit into any of the categories of "witness" generally allowed under Indonesian law. After lengthy submissions by the accused and a response from the UNPOL with charge of the matter, the Prosecutor stood up and told the Court that under East Timorese law, the speed limit on all East Timorese roads is 45kms unless otherwise marked. Accepting this, the Court fined the accused \$150 and \$10 for court costs.

Criminal Case 91 of 2002 (Public Prosecutor v Januari Andrade)

The case was listed before Judge Jose Da Costa Ximenes. The accused is charged with negligence causing serious injury. The charges arise out of a car accident which occurred in Dili on 9 July 2001 and in which two people on a motorbike were injured when they were hit by a car. The case did not proceed today. JSMP assumes that this is because the Judge was not available. The Prosecutor was available and did not know why the matter did not proceed. The Defence were in the same position. The accused and the witness (the alleged victim) waited at the Court all afternoon and were given no information about why the case did not proceed. The accused is on conditional release.

Civil Case 05/2002 – (John Bapiste v Border Control)

The case was listed before Judge Edite Palmira Dos Reis, Aderito Tilman and Jose Da Costa Ximenes. The case concerns a ship which was impounded by Border Control and which allegedly incurred damage while impounded. The case did not proceed today. The matter was listed for 10am but when it had not commenced by 12noon, the lawyer for Border Control asked that it be adjourned rather than waste any more time waiting with his clients for the listed hearing. The reason for the delay was that some judges from the panel were involved in another case. The matter was adjourned to 3 December 2002.

- **Proceedings before the Investigating Judge**

Case one - There was a detention review hearing before Judge Basmeri Constancio. The suspect had been arrested on suspicion of involvement in a serious crimes murder committed in the Hera region in 1999. After his initial arrest, he was brought before Judge Basmeri and was conditionally released. Shortly thereafter he was re-arrested on suspicion of having breached the conditions of his release and detained. According to the Judge, although the breach of conditions was not proven, in the interim further and stronger evidence had come to light of his involvement in a murder thus warranting detention. At this review hearing the Prosecutor sought a further 30 day detention order because evidence had emerged of the suspect's involvement in multiple murders. It was argued that the suspect's detention was necessary to properly investigate these matters. The Judge ordered that the suspect be detained for a further 30 days.

Case two – 2 suspects were brought before Judge Joao Henrique on suspicion of having dug up and concealed an unexploded grenade. The hearing before the Judge actually commenced yesterday but was postponed because a witness/victim was not available. That meant that by today the suspects had been held beyond the 72 hour period. However, the Judge said that because the hearing had actually commenced yesterday, it was not a violation of the 72 rule and the suspect's rights. The Court was told that the grenade was actually broken and not dangerous. The suspects were conditionally released.

(The Public Defender said that there were 8 suspects and that 6 were released without condition and the remaining 2 were conditionally released. There is often contradictory information about the number of suspects. The Judge is the most reliable source of information because he must issue the release or detention orders for each.)

Case three – The Prosecutor sought and was granted the conditional release of a man who has been in detention for five months for assaulting his brother. The Prosecutor said that no indictment had been filed and that it was not a serious assault. Judge Franciso ordered that the man be conditionally released. No hearing was held.

27 November 2002

Criminal Case 103 of 2002 – (Public Prosecutor v Domingos Soares)

The case was listed before Judge Pedro A de Oliveira. The accused is charged with raping his step daughter who is below the age of 12. In today's hearing evidence was given by the alleged victim. The matter was adjourned to 5 December 2002 for closing statements. (The accused has admitted his guilt from the outset. According to the Public Defender with carriage of the matter, both she and the Prosecutor had agreed that it would be best to proceed with the case according to s 29A of Reg 30/2000 as amended by Reg 25/2001 so that there was no need for the victim to be called to give evidence. However, the Judge did not accept that proposed course.) The accused is in detention and has been since 24 May 2002.

Criminal Case 121 of 2002 – (Public Prosecutor v Serafin Da Costa)

The case was listed before Judge Rui Pereira dos Santos. The accused is charged with negligence causing death and negligence causing serious injury. The charges arise out of a car accident which occurred in Ermera on 6 June 2002. It is alleged that, because of the accused's negligence, the truck he was driving turned killing four passengers. In today's hearing, the indictment was read and the defence was given an opportunity to respond. The defence's response focussed on the issue of detention. The accused has been in detention since 7 June 2002. The defence noted that the matter was a "traffic accident" and not a crime committed with intent. The Judge ordered that the accused be released on condition that he report to the Court every Monday at 10.00am, that he not drive any vehicle, that he not discuss the case, and that he not interfere with the evidence. The matter was adjourned to January 2003. An earlier date could not be found because the Prosecutor is actually a Suai prosecutor who has to divide his time between courts.

Criminal Case 34 of 2002 (Public Prosecutor v Maucuru)

The case was listed before Judge Jose Da Costa Ximenes. The accused is charged with raping a nine year old girl on 17 January 2001. The case did not proceed because there was no Prosecutor. The accused has been in detention since 24 January 2002.

Criminal Case 8 of 2002 (from Suai) – (Public Prosecutor v Joaquim Dos Santos and 24 Others)

The case was listed before Judge Jose Da Costa Ximenes, Judge Renato Bere Nahak and Judge Guilhermino Da Silva. The accused are all charged with theft using violence or threats under section 368 of the Indonesian Penal Code (maximum sentence 9 years). The crimes were allegedly committed at different times and places by each accused but using the same modus operandi. The accused are all indicted together because they are alleged to be from the same gang. The hearing could not proceed today because 4 of the accused, who are detained in Gleno, were not brought to the Court. Without their presence, the Judge said it was not possible or fair to read the indictment. There was one lawyer representing all of the accused. He made an application for conditional release on behalf of those accused in detention. (4 of the accused are in Gleno, 17 are in Becora, 2 are on conditional release and

one has escaped.) The Judges replied that they would consider the application but noted that it would be very difficult to coordinate the attendance of all the accused if they were not in detention. The matter was adjourned to 9 December 2002 for the reading of the indictment, the defence's response to the indictment and a decision on the question of pre-trial detention.

Civil Case 17 of 2002 – (It Ming Lay v Ho Tzan Tsien)

The case was listed before Judge Renato Bere Nahak. The case involves a dispute over the rental of a property and in particular an alleged one year extension of the rental contract. Today's hearing involved examination of a witness for the defendant. The witness was called to explain the contents of the rental extension contract which is in Chinese. The matter was adjourned but a new date was not set because of the difficulty of finding dates given that the Judge has to divide his time between Suai and Dili.

Civil Case Number 34 of 2002 (Maria LV Do CC v Andre NC De L)

The case was before Judge Rui Pereira Dos Santos. The case involves a claim by the plaintiff over a house and car in the possession of the defendant. The goods were the marital property of the two parties. The plaintiff was the defendant's second wife, however, the marriage was never properly formalized. During today's hearing both parties' counsel approached the Bench and sorted through and discussed the documentary evidence which has been submitted. In particular, they matched original documents with photocopies previously submitted. The matter was adjourned to 4 December 2002 for closing arguments.

Civil Case 39 of 2001 – (Robert K Mac Donald v Perusahaan Api Resources)

The case was before Judge Rui Pereira Dos Santos. The plaintiff was the former General Manager of the defendant company. The plaintiff claims that after he resigned he was not paid the monies he was due. In today's hearing the Judge delivered judgement in the matter. The Court found in favour of the plaintiff ordering that the defendant pay the remainder of the plaintiff's wages, termination pay, money for car hire, money for a ticket to Perth, the costs of car repair and the costs of the case. The Judge asked whether both parties accepted the decision, noting that they had 14 days to appeal. It was not clear whether either party accepted the outcome. The actual amount awarded was considerably less than the plaintiff had sought. The Judge then proceeded to justify his decision, explaining why the amount sought was not realistic.

Civil Case 8 of 2000 – (Vidal Alfonso De Jesus v Afonso Ximenes)

The case was listed before Judge Rui Pereira Dos Santos, Judge Cerilo Cristovao and Judge Carmelita Caitano Moniz. As far as JSMP could ascertain, the case involves a dispute over land and property. In today's hearing two witnesses were called. The first witness, however, was sick and did not proceed to give testimony. The second witness did. The case was adjourned to 4 December 2002 for more witness testimony.

Civil Case 28 of 2001 (A Suai Case) – (Sara S Dos AS v Fernando Ramos)

The case was listed before Judge Jose Da Costa Ximenes, Judge Renato Bere Nahak and Judge Guilhermino Da Silva. The case involved a claim by an ex-wife or at least ex-partner for monies owing to her for the care and maintenance of the couple's children. Apparently an agreement had previously been reached between the parties but was breached by the defendant. The case did not proceed today because there was not appearance by the defendant.

- **Proceedings before the Investigating Judge**

Case one – A man suspected of deliberately burning banana trees, coconut trees, mango trees and corn plants on a property, which is the subject of a civil dispute, was brought before Judge Joao Henrique. The man had been arrested two days earlier. With regards to the civil dispute, the Judge told the parties they had two options. First, they could approach the Land and Property Office in Aileu. Secondly, they could retain a lawyer to bring an action in the District Court. As for the criminal matter, the Judge ordered that the suspect be released on condition that he report once a week for a one month period commencing on 21 December 2002. It was not clear why there was a delay in the commencement of the reporting period.

Case two – Eight men suspected of illegally selling sandalwood in the Ainaro District were brought before Judge Franciso. The suspects were actually arrested 6 days ago but were released after 72 hours when a hearing could not be held in Suai because the Judge was in Dili. The police then brought the men to Dili for the hearing today. All the men were released on condition that they report to the police once a week while the investigations continue and the indictment is prepared.

Case three – Two men suspected of involvement in the attack on the Liquisa police station, which occurred last week, were brought before Judge Joao Henrique. The men were suspected of involvement in the gambling which began the disturbance and with the attack itself. The men were suspected of violating s212 of the Penal Code (attacking/threatening a civil servant); s358 of the Penal Code (involvement in a group attack or brawl) and s406 of the Penal Code (damage to property). The Judge ordered that the men be detained for 30 days while the investigation continues.

28 November 2002

- **Hearings**

There were no hearings held today because 28 November is a public holiday.

- **Proceedings before the Investigating Judge**

There were no proceedings before the Investigating Judge.

29 November 2002

- **Hearings**

Criminal Case 73 of 2002 – (Public Prosecutor v Manuel Das Concelao)

The case was listed before Judge Rui Pereira Dos Santos. The accused is charged with statutory rape/incest. The charges arise from incidents which were alleged to have occurred between 1999 and 2000. The accused is alleged to have raped his daughter on several occasions and she is alleged to now have a child to him. In today's hearing the prosecutor presented his closing arguments. Noting that the accused has admitted his guilt, the Prosecutor requested a sentence of 2 years and 6 months. The matter was adjourned to January 2003 for the defence to present closing arguments.

The accused has been in pre-trial detention since 28 March 2002. The Judge noted that his detention was due for review on 3 December 2002 and said that he would consider the question of pre-trial detention before then.

(Outside Court, surprise was expressed by both the Judge and the Defence Lawyer at the light sentence requested by the Prosecutor. The Prosecutor remarked to JSMP that he was influenced by the alleged victim's delay in reporting the matter.)

Criminal Case 15 of 2002 – (Public Prosecutor v Manuel Bere Aka)

The case was before Judge Rui Pereira Dos Santos. The accused is charged with illegally entering East Timor from West Timor to steal and sell sandalwood on 4 August 2001. The case did not proceed today because the accused did not appear. The matter did not proceed on the last occasion because no witnesses had been called to give evidence. JSMP was told that no witnesses were present ready to give evidence today so that even if the accused had been present the matter would not have proceeded.

The accused was originally detained on 7 August 2001. A letter from the Indonesian Government requesting his conditional release was sent on 11 April 2002. The accused appears to have been conditionally released some time after this but JSMP could not find the release order on the file.

Criminal Case Number 27 of 2002 (Public Prosecutor v Antonio Rodrigues)

The case was before Judge Cerilo Cristovao, Judge Rui Pereira Dos Santos, Judge Edite Palmira Dos Reis. The accused is charged with attempted murder. On 5 July 2001, the accused was alleged to have stabbed his brother in law 13 times. In today's hearing the alleged victim was called to give evidence. The Judges each questioned the witness and became very frustrated with him when they believed that he kept changing his testimony. A second witness was called but her evidence was primarily based on what she had been told by the victim. A third witness was available to give evidence but the Court adjourned because it was lunchtime (12.15pm) and she will have to return another day. A new date was not set because of the difficulty of finding a date when the Prosecutor will be available. The Prosecutor is from Suai and has to divide his time between the Suai and Dili Courts.

The accused has been in detention since 20 July 2001 but was conditionally released today.

Criminal Case 48 of 2002 – (Public Prosecutor v Nelson Dos Santos)

The case was listed before Judge Edite Palmira Dos Reis. The accused is charged with negligence causing death. The charges arise out of a car accident in Maliana. The case was adjourned because neither the Prosecutor nor defence appeared. The accused himself was present.

The accused is not in detention. Although he was previously been in detention for two months.

Civil Case 14 of 2002 – (John Materes v John Sarmiento (as the former Head of the Student Solidarity Council))

The case was before Judge Guilhermino Da Silva, Judge Aderito Tilman and Judge Edite Palmira Dos Reis. The case involves a dispute over land and property with the plaintiff claiming title from Portuguese times over the building which the Student Solidarity Council now has use of. Today's hearing was supposed to be for further examination of the plaintiff's witnesses. The plaintiff had not called any further witnesses because they had hoped that the four witnesses they had already called would be sufficient. However, the Judges indicated that they would like the plaintiff to call Manuel Carascalao as earlier foreshadowed because he is older than the other witnesses and would be able to give more reliable testimony. The matter was adjourned to 11 December 2002 to allow the Plaintiff to call Mr Carascalao and for testimony from the defendant's witnesses.

- **Proceedings before the investigating Judge**

Case one - There were no proceedings before the Investigating Judge. Judge Joao Henrique said that there was a hearing which was supposed to take place but it was adjourned to Monday because a witness was not available. The suspect is not in detention.