



**SPECIAL PANELS FOR SERIOUS CRIMES – WEEKLY REPORT**  
**27-31 JANUARY 2003**

Scheduled Cases

NO	CRIMINAL CASE NAME	CRIMINAL CASE NUMBER
1	The General Prosecutor vs Jose Cardoso ("the Lolotoe case")	04/2001
2	The General Prosecutor vs Marculino Soares ("the Dilly Rally case")	02/2002
3	The General Prosecutor vs Carlos Ena and Umbertus Ena	05/2002

*NB: Selected indictments and case summaries are available on JSMP's website: [www.jsmp.minihub.org](http://www.jsmp.minihub.org) – from the front page follow the "Trials" link to the Case Information page*

**1. Criminal case 04/2001: General Prosecutor vs Jose Cardoso**

**Monday 27 January 2003.** After postponements last week, the trial that was listed before Honorable Judges Sylver Ntukamazina (presiding), Maria Natercia Gusmao and Benefeito Mosso Ramos eventually resumed at around 0930 hours with the testimony of a prosecution witness. The witness was called to give his testimony before the Special Panel of Dili District Court as to an attack that occurred in an area called Sibi, Lolotoe sub district of Maliana on or about 8 September 1999, in which two people were killed. The testimony was heard and the witness was excused at the end of the day.

**Tuesday 28 January 2003.** The court called another prosecution witness to testify about similar events that happened in Sibi in September 1999 after the announcement of the Popular Consultation result on 30 August 1999. The court heard the testimony and the witness was excused at the end of the day

**Wednesday 29 January.** The court was not able to hear the testimony of the third prosecution witness. JSMP was told by the court that the court was delayed until 1012 hours because of difficulties in finding a Bunak language interpreter, the only local dialect spoken by the witness. The trial proceeded without the presence of the witness, with the defense stating to the court that the defense and the accused admitted to the statement given by the witness, and did not need to call the witness for cross examination. The panel accepted the request of the defense after consideration.

In addition, the defense also agreed that three witness statements could be admitted as evidence without calling the witnesses. In response, the prosecution said to the court that they could not make a quick decision and would make their decision on the following day, 30 January 2003. The court was adjourned to Thursday 30.

**Thursday 30 January 2003.** The court was adjourned to 1400 hours because witnesses had still not arrived in Dili by 1200 hours. About 1400 hours, JSMP was told that the witnesses had still not arrived and the hearing was postponed to Monday 3 February at 0900 hours.

## **2. Criminal case 02/ 2002: General Prosecutor vs Marculino Soares**

**Tuesday 28 January 2003.** The case was listed for a Review Hearing before Honorable Judge Benefeito Mosso Ramos. The defense argued that her client should not be held in prison for pre-trial detention as he had voluntarily surrendered himself. Emphasizing the gravity of the crimes committed by the accused, the judge decided to order pre-trial detention of the accused. The session was closed at 1731 pm.

## **3. Criminal case 05/2002: General prosecutor vs Umbertus Ena and Carlos Ena**

**Friday 31 January 2003.** After many postponements, the Preliminary Hearing was listed before the Honorable Judge Sylver Ntukamazina on Friday 31. Both of the accused are charged with crimes against humanity. During the hearing, the defense counsels for both accused persons submitted a joint application for the conditional release of their clients, given that both accused persons have spent a long time in pre-trial detention. The judge decided to discuss this issue in Chambers and the case was adjourned until Friday 14, January 2003 to hear the decision from the court.