



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE

RDTL

TRIBUNAL DISTRIAL DE DILI

SECÇÃO CRIMES GRAVES

DISTRICT COURT of DILI
SPECIAL PANEL for SERIOUS CRIMES

Before:

Judge Sylver Ntukamazina, Presiding

Judge Benfeito Mosso Ramos

Judge Maria Natercia Gusmao Perreira

Case n° 04 /2001

The Public Prosecutor

Versus

Jose Cardoso Ferreira (aka Mouzhino)

Disposition of the Decision

For the Prosecutor:

Essa Fal

Shyamla Alagendra

For the Defense:

Siphosami Malunga

Gwynn MacCarrick

Silvia de Bertodano

For the aforementioned reasons, having considered all the evidence (statements from the witnesses and the Accused before the Court, the reports that support the indictment) and the arguments of the parties, the Transitional Rules of Criminal Procedure, the Special Panel for Serious Crimes finds and imposes sentence as follows:

With respect to the defendant Jose Cardoso Ferreira (aka Mouzinho):

- a) Guilty of Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, of Bendito Da Costa, Amelia Belo, Adao Manuel, Mario Gonsalves, Jose Gouveia Lete, Aurea Cardoso and her two children, Herminio Da Graca, Victim A, Victim B and Victim C, as crimes against humanity, in violation of Section 5.1(e) of UNTAET Regulation 2000/15;
- b) Guilty of torture of Bendito Da Costa, Adao Manuel, Mario Gonsalves, and Jose Gouveia Lete, as a crime against humanity, in violation of Section 5.1(f) of UNTAET Regulation 2000/15;
- c) Guilty of other inhumane acts intentionally causing great suffering or serious injury to body or mental or physical health of Mario Gonsalve, as a crime against humanity, in violation of Section 5(k) of UNTAET Regulation 2000/15;
- d) In punishment of those crimes of imprisonment, torture and other inhumane acts, which are considered as one continued act for the purposes of sentencing, in accordance with Section 64.1 of the Indonesian Criminal Code, sentences Jose Cardoso to 5 years of imprisonment;
- e) Not guilty of other inhumane acts intentionally causing great suffering or serious injury to body or mental or physical health of the civilians detained at various places in Lolotoe sub district between May and July 1999, as a crime against humanity, in violation of Section 5(k) of UNTAET Regulation 2000/15;
- f) Guilty of rape of Victim A, Victim B and Victim C, as crime against humanity, in violation of Section 5.1(g) of UNTAET Regulation 2000/15;
- g) In punishment of this crime of rape, sentences Jose Cardoso Ferreira (aka Mouzinho) to 7 years of imprisonment;

- h) Guilty of the murder of Mariana Da Costa and Carlito Freitas, as a crime against humanity, in violation of Section 5.1(a) of UNTAET Regulation 2000/15;
- i) In punishment of this crime of murder, sentences Jose Cardoso Ferreira (aka Mouzhino) to 9 years imprisonment;
- j) Not guilty of the murder of Augusto Noronha and Antonio Franca, as crimes against humanity, in violation of Section 5.1(a) of UNTAET Regulation 2000/15;
- k) Holds that the maximum total punishment for these crimes is the collective total of the maximum punishments imposed on those crimes, but that in accordance with Article 65.2 of the Indonesian Criminal Code, this total must not exceed one third beyond the most severe maximum punishment, which in this case is 9 years;
- l) Therefore sentences Jose Cardoso Ferreira to a single punishment of 12 years imprisonment for all the crimes on which he is convicted, being the most severe punishment (9 years) plus one third of this punishment;
- m) Orders the defendant to pay the costs of the criminal procedure.

Credit for time served

According to Section 10.3 of UNTAET Regulation 15/2000, Section 42.5 of UNTAET Regulation 30/2000 and Article 33 of Indonesian Penal Code, the Special Panel deducts the time spent in detention by Jose Cardoso, due to an order of this Court. The defendant Jose Cardoso was arrested and detained since 19 May 2000 to date. Therefore he was under detention for 2 years 10 months and 17 days. Accordingly, his period of previous detention shall be deducted from the sentence today imposed, together with such additional time he may serve pending the determination of any final appeal.

Enforcement of sentence

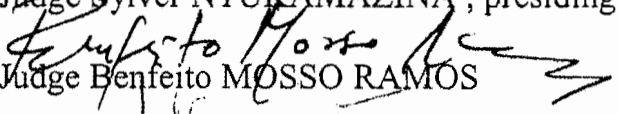
Pursuant to Sections 42.1 and 42.5 of UNTAET Regulation 2000/30 (as amended by UNTAET Regulation 2001/25), the convicted shall be immediately imprisoned and shall spend the duration of the penalty in East Timor.

The sentence shall be executed immediately, provided this disposition as a warrant of arrest.

One copy of this decision is to be provided to the Defendant and his legal representative, the Public Prosecutor and to the prison manager.

This Judgment was rendered on the 5th April 2003 in the District Court of Dili by


Judge Sylver NTUKAMAZINA, presiding


Judge Benfeito MOSSO RAMOS


Judge Maria NATERCIA GUSMAO PERREIRA.

(Done in English and Bahasa Indonesia, the English text being authoritative)