



República Democrática de Timor-Leste
TRIBUNAL DISTRITAL DE DILI
CRIMES GRAVES

DISTRICT COURT OF DILI

SPECIAL PANEL for SERIOUS CRIMES

Public Hearing Record

Public Prosecutor
Vs
Domingos Amati and others

Case# 26/2003

Hearing: Trial

Date: 12 February 2004 **Time:** 3.05 p.m.-3.45 p.m.

Place: Court of Appeal Building, Court Room

Judges: Siegfried Blunk (**JSB**)

Public Prosecutor/s: Ms. Shyamala Alagendra (**PA**)
Thomas Lynch

Defense Counsel/s: Jed Abad for Jose Lopes
Sebastian Appenah for Jorge Manuel Lopes
Jeannette Mills for Domingos Amati
Pamela Reusch for Antonio Maukasa

Interpreter/s: Angelo Madeira (AM)

Transcriber: Esther M. Kitaka

Witness/s:

The Accused

Domingos Amati
Antonio Maukasa
Jorge Manuel Lopes
Jose Lopes

Court session starts at 3.05p.m.

JSB: Would the translator please state his name, and take the usual oath?

AM: I am Angelo Madeira, and I swear that the translation I will make in this hearing shall be impartial and as accurate as possible.

JSB: Next, would the Defense Counsel for Amati state her name.
DM: My name is Jeanette Mills. I would like to declare that Mr. Amati is present.

JSB: The Defense for Maukasa?
DP: YH, I am Ms. Pamela Reusch. I am here to represent Maukasa.

JSB: And for Lopes?
DA: I am Sebastian Appenah for Jorge Manuel Lopes.

JSB: And for Jose Lopes?
DJ: I am Jed Abad. I am here to represent Jose Lopes.

JSB: The Public Prosecutor could you please introduce yourself?
PA: I am Shyamala Alagenda, assisted by Thomas Lynch.

JSB: The Special Panel for Serious Crimes opens the Preliminary Hearing in the Case No.26/2003: Domingos Amati and Others. This session is open to the Public.

Now, can we start with Domingos Amati?

PA: YH, I apologise that, before we proceed I would like to make a motion to withdraw the indictment on the basis that the factual allegations in the indictment and the supporting evidence do not support the charge of persecution, as it does not rise to the level of severity required to establish such a charge, and in my opinion the indictment should be withdrawn.

JSB: Without any substitute?

PA: Yes, without any substitute.

JSB: Any objections by the Defense?

DM: I think at the moment we don't have any objection.

PA: YH, I think the only issue that would arise is in terms of procedure is as to whether a single judge can deal with this motion or whether it has to be decided by a panel of judges, otherwise there is no issue, as it is an exercise of prosecution discretion to withdraw the indictment.

JSB: I want to consult with my colleagues. The Defense, do you have any objections?

DM: Yes I am just referring to the regulation of the withdrawal of the indictment because of the evidence, but YH, at the moment we don't have any objection.

JSB: As I said, I want to deliberate with my colleagues just in case this cannot be decided by me alone. So the hearing is suspended until 3.30p.m.

At 3.30 p.m the court session resumes after a break.

JSB: Please be seated.

Let me announce the following decision by the Court:

In view of the withdrawal of the indictment, the case is declared closed.

The hearing is closed.

Court session ended at 3.45p.m.