



JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Justice Update

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Court delivers written decision after lengthy delay: convicted person Valentim Lávio in case of crimes against humanity from 1999 has fled Timor-Leste

Introduction

On 8 July 2011 the Dili District Court read out its decision in a case involving a crime against humanity registered as Case No. 13/C.ord/2011/TDD. The defendant in this case was given a criminal conviction because of a serious crime he committed in 1999.

Valentim Lávio was indicted for trial before the Special Panel for Serious Crimes for his involvement in the murder of the victim Patrício Sarmento Viegas after the announcement of the results from the referendum that took place on 30 August 1999.

The crime against humanity committed by the convicted person occurred in 1999 and was part of a planned and systematic attack carried out by the Indonesian National Army (TNI)¹, the Indonesian Police (POLRI)², and militia that were set up by these authorities, against the civilian population that were considered to be members of the National Council of Timorese Resistance *Conselho Nasionál da Resistência de Timór Leste* (CNRT)³ before, during and after the referendum.

Valentim Lávio was involved in this case as a direct consequence of a protracted process that encompassed the political context and prevailing circumstances in Timor-Leste at that time. The protracted struggle for independence saw the establishment of many militia groups who were given direct assistance/support by TNI/POLRI to launch terrifying attacks and intimidation against community members in the entire territory of Timor-Leste, including Liquica District.

¹ TNI, *Tentara Nasionál Indonesia*

² POLRI, *Polisi Republik Indonesia*

³ CNRT, *Conselho Nasionál Rezistensia Timórense*, was an umbrella organization that evolved from the CNRM (*Conselho Nasionál Rezistensia Maubere* (The National Council for Maubere Resistance)) during the struggle for independence in Timor-Leste.

Liquica District is located very close to the capital Dili and is located approximately 30 kilometers to the west, and this district was subjected to many attacks and threats carried out by the *Besi Merah Putih* (BMP) Militia group.

In Liquica District the civilian population was subjected to coercion, intimidation, terror and threats that were excessive in nature or were carried out through various means by the militia group, due to the different political principles held by those who wanted independence and those who wanted to accept special autonomy within Indonesia.

The *Besi Merah Putih* (BMP)⁴ militia group was the most notorious group involved in a series of human rights violations that were carried out in a systematic fashion against the civilian population during 1999.

Many of the members of the BMP militia group were indicted by the Serious Crimes Unit for cruel acts that occurred in Liquica District in 1999. Many of the defendants who were charged by the Serious Crimes Unit (SCU)⁵ of UNTAET reside in Indonesia.

In relation to the trial of the convicted person Lávio, JSMP is issuing this 'Justice Update' as an attempt to raise this issue and make the public aware of how this matter was processed, in particular the trial process, the court's lengthy delay in issuing a written decision and the particular failure of the court and the public prosecutor to execute the sentence handed down in this case which resulted in the convicted person not fulfilling his obligations to serve his sentence and consequently fleeing from the territory of Timor-Leste.

Trial at the Court of Appeal

The Court of Appeal through a panel of judges led by the President of the Court of Appeal, Claudio de Jesus Ximenes (National), Jose Luis da Goia (International) and Rui Manuel Barrata Penha (International), rejected a request for an appeal lodged by the applicant to the Court of Appeal through his lawyer on 30 September 2011. The request submitted by the applicant to the Court of Appeal was rejected because it did not include justification as to why the applicant was requesting an appeal.

A. Chronology of the case

1. Facts revealed during the trial

⁴ BMP, *Besi Merah Putih* (Red and White Steel) was the name of the Militia Group that operated in Liquica District in 1999.

⁵ SCU, *Serious Crimes Unit*, had the competence to prosecute serious crimes that occurred between 1 January and 25 October 1999. The SCU was established under the UNTAET mission.

The convicted person Valentim Lávio was a member of the *Besi Merah Putih* (BMP) militia group that operated in Liquica District in 1999. Valentim Lávio was charged by the Serious Crimes Unit that was part of the United Nations Transitional Administration in Timor-Leste (UNTAET). The Serious Crime Unit charged the convicted person for his involvement in a crime against humanity that occurred in Liquica District in 1999.

Page 7 of the indictment produced by the Serious Crimes Unit states that the convicted person together with his fellow members were conducting a check point and stopping all cars and people who were trying to flee to Atambua, Indonesia.

On the morning of 5 September 1999, the convicted person together with other militia members illegally arrested and detained the victim Patrício Sarmiento Viegas. Then on 6 September the convicted person Valentim Lávio together with his fellow defendants AFdJ and JC, as well as another unidentified person, took the victim in a pick-up vehicle to a beach known as 'Pala' and executed the victim.

As outlined in the page 32 of the indictment issued by the Prosecutor General for Serious Crimes, the defendant AFdJ shot the victim Patrício Sarmiento Viegas with an SKS rifle causing the victim to fall to the ground. However, the victim was breathing and was still alive. Therefore, the convicted person Valentim Lávio, who was also taking part in the aforementioned execution, took a machete and stabbed the body of the victim and cut the victim's throat causing the death of the victim.

The incident occurred on 6 September 1999 at the Pala beach in Liquica.

2. Legal Basis for the Prosecutor's Indictment

Articles 5.1 (a), 10.2 and 14 of UNTAET Regulation No. 15/2000 established the legal basis used by the Serious Crimes Unit to charge the convicted person Valentim Lávio as one of the defendants in the case of the serious crime of murder committed against the victim Patrício Sarmiento Viegas.

Article 5 of UNTAET Regulation No. 15/2000

Article 5.1 of the aforementioned UNTAET Regulation refers to "crimes against humanity" and states that cases of crimes against humanity encompass the following acts:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;

- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Section 5.3 of the present regulation, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the panels;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The convicted person Valentim Lávio was charged with Article 5.1 of UNTAET Regulation 2000/15 because the crime he committed was murder as set out in subsection (a) of the aforementioned article, committed against the victim Patrício Sarmiento Viegas in 1999 in Liquica.

B. Competence of the court

1. Competence of the Dili District Court

The Dili District Court had competence/exclusive jurisdiction to try crimes against humanity that occurred between 01 January 1999 and 25 October 1999 that were indicted by the Serious Crimes Unit during the UNTAET period.

Exclusive jurisdiction for serious crimes is established in Article 9 of UNTAET Regulation No. 25/2001⁶ amending UNTAET Regulation No. 11/2000.⁷

Article 9.1 of UNTAET Regulation No. 25/2001 states that the Dili District Court has exclusive jurisdiction over the following serious crimes:

- (a) Genocide
- (b) War Crimes
- (c) Crimes Against Humanity
- (d) Murder
- (e) Sexual offences
- (f) Torture

⁶ This UNTAET Regulation was issued on 14 September 2001.

⁷ This UNTAET Regulation was issued on 06 March 2000.

Article 9.2 states that “With regard to the criminal offences listed in Section 9.1 (d) – (f) of the present regulation, the District Court in Dili shall have exclusive jurisdiction only insofar as the offence was committed in the period between 1 January 1999 and 25 October 1999”.

Article 9.3 states that “The Transitional Administrator, after consultation with the President of the Court of Appeal, may decide to establish panels with the expertise to exercise exclusive jurisdiction vested in the court by Section 9.1 of the present regulation. Such panels shall be composed of both East Timorese and international judges, appointed to the Court in accordance with UNTAET Regulation No. 1999/3”.

Article 9.4 states that “The establishment of panels with exclusive jurisdiction over serious criminal offences shall not preclude the jurisdiction of an international tribunal for East Timor over these offences, once such a tribunal is established”.

Regulation 2001/25 amends UNTAET Regulation No. 2000/11 on the organization of courts in Timor-Leste as well as UNTAET Regulation No. 2000/30 on the transitional rules of criminal procedure.

The Dili District Court has exclusive jurisdiction pursuant to Article 6 of UNTAET Regulation No. 2000/14⁸ that came into force on 10 May 2000, which amends UNTAET Regulation No. 2000/11.

Article 10.3 of UNTAET Regulation No. 2000/11 sets out the establishment of serious crimes panels, within the Dili District Court that have exclusive jurisdiction over serious crimes.

2. Composition of the court

The panel of judges trying this serious crime case comprised international judge João Felgar, international judge Rosa Brandao and national judge Deolindo dos Santos. The public prosecution service was represented by international prosecutor Franklin A. Furtado and the convicted person was represented by Fernando Lopes de Carvalho from the Office of the Public Defender.

Previously the convicted person was represented by public defender Jose da Silva; however for reasons that are unclear the convicted person replaced him with public defender Fernando Lopes de Carvalho until such time a decision is handed down in this case carrying the full force of the law.

3. Trial

a. Reading of the indictment and the examination of testimony from the defendant

⁸ UNTAET Regulation No. 2000/14 amending UNTAET Regulation No. 2000/11.

The trial started on 26 May 2011 at the Dili District Court. The trial was open to the public in accordance with Article 255.1⁹ of the Criminal Procedure Code.¹⁰ In the aforementioned trial the court read out the charges against the defendant. The charges outlined the involvement of the convicted person in the murder of the victim Patrício Sarmiento Viegas as a crime against humanity. Before the aforementioned panel the convicted person Valentim Lávio firmly rejected all of the charges leveled against him. The convicted person testified to the court that at that time he was with his family fleeing to Atambua, Indonesia and therefore he did not know about the incident.

The trial of this case took place over 7 hearings, starting on 26 May 2011 and continued on June 2, 3, 6, 7, 8 and 17 2011.¹¹ 32 witnesses were summoned by the court to provide testimony in accordance with the scheduled hearings.

b. Hearing to examine witness testimony

On the first day of the trial, after hearing testimony from the defendant, the court continued the trial with the examination of testimony from witnesses summoned by the Dili District Court.

In the aforementioned hearing 32 witnesses provided a wide range of statements. Some said that they were not aware of the involvement of the defendant Valentim Lávio in this case. Others testified that they knew that the defendant was a member of the BMP militia but they did not know to what extent he was involved in the murder of the victim Patrício Sarmiento Viegas.

Amongst the 32 witnesses, approximately 10 testified that they were aware of the involvement of the defendant, either partially or completely in this case. The ten witnesses were JdS, JEdS, MS, JGdS, LdC, LdCT, MX, MM, MdS and ML. The aforementioned witnesses provided their testimony on 6 June 2011.¹²

Their testimony is summarized below:

- The witness JdS explained that he saw one of the victims being buried at the Pala beach. At that time the witness saw that one of the victim's hands was being tugged at and eaten by a dog.
- The witness JEdS is the older brother of the convicted person Valentim Lávio and testified that the convicted person was not part of the BMP militia group. This testimony is very different to a statement he provided on 24 April 2009 in relation to this case. In his statement on 24 April 2009 he explained that the convicted person Valentim Lávio was involved in the BMP group in 1999.

⁹ Article 255.1 states that the court shall declare the hearing open to the public and starts the trial.

¹⁰ The Criminal Procedure Code that entered into force on 1 January 2006.

¹¹ Refer to page 2 of the decision of the Dili District Court.

¹² A hearing to examine testimony from 10 witnesses in the case of the convicted person Valentim Lávio.

- The witness MAS, the mother of the victim, provided testimony but she didn't see the convicted person kill her son Patriçio Sarmento Viegas. The witness also didn't see the convicted person Valentim Lávio at the BMP militia post in Liquica.
- The witness JGdS was also involved in operating the militia post and he testified that he did not know about this case because the post was a long way away from the scene.
- The witness LdC saw a pickup vehicle carrying 4 people, namely ZC, AM, MG and the defendant ADJ¹³ to Pala beach and not long after he heard a shot being fired.
- The witness MX saw the defendants ADJ, MG and ZC in a pickup vehicle on 6 September 1999. He testified that it was approximately 3am when he heard the sound of a shot at Pala beach. He also testified that on 7 and 8 September 1999 he saw a body with one hand splayed out on the Pala beach.
- The witness ML testified that the BMP group had been beating people in a blind rage. However he didn't know about the involvement of the convicted person in the aforementioned case.
- Other witnesses did not know about the murder. They testified to the court that at that time they were involved with the BMP group because they were threatened by other members of the BMP.

d. Court's Decision

On 8 June¹⁴ the Dili District Court read out its decision against the convicted person Valentim Lávio who was charged with murder as a crime against humanity against the victim Patriçio Sarmento Viegas in Liquica District on 6 September 1999.

The panel of judges decided on the facts revealed during the hearing, after careful examination of all of the facts that were proven and not proven during the trial.

1. Facts that were proven

- a. Starting on 27 January 1999 the civil authorities and the Indonesian military established 25 militia groups in Timor-Leste (page 4)
- b. A militia group was established at the end of 1998 in Liquica District (page 6)
- c. Between January-September 1999 the BMP group together with TNI-POLRI conducted operations in all of the areas of Liquica (page 6)
- d. The convicted person Valentim Lávio and the defendant ADJ participated in operations during 1999 (page 6)

¹³ The defendant is still residing in Indonesia and has not been brought to trial although he was also one of the defendants in the crimes against humanity case that occurred in 1999 in Liquica.

¹⁴ 8 July 2011 was the date in which the Dili District Court read out its decision in the case of the convicted person Valentim Lávio.

- e. The convicted person Valentim Lávio was a member of the BMP militia group in Liquica District in 1999.
- f. The victim Patrício Sarmiento Viegas left Dili with his family in three cars together with another 50 cars with the aim of heading towards Atambua, Indonesia on 5 September 1999.
- g. The convicted person Valentim Lávio and the defendant ADJ took the victim Patrício Sarmiento Viegas to Pala beach.
- h. The convicted person Valentim Lávio committed murdered and serious crimes against the victim Patrício Sarmiento Viegas by slashing the victim's throat with a machete after the victim was shot by the defendant ADJ.
- i. The convicted person Valentim Lávio left Liquica together with his family at 9am after the incident took place (page 8).
- j. The convicted person was residing in Indonesia until 2009 and continued his study at a university in Denpasar, Bali.

2. Facts that were not proven

The panel of judges also decided on the facts that were not proven in accordance with what was revealed in the testimony of the convicted person and the testimony of witnesses during the trial:

- a. During 1999 the BMP commander in Liquica was a person named Manuel de Sousa;
- b. Filipe Graciliano and João Sera a.k.a. João Loumesa were deputy commanders of BMP.
- c. Each Sub-District in Liquica had a commander and deputy commander.
- d. On 5 September 1999 Afonso de Jesus became the deputy commander of Zacarias Alves in Maumeta.
- e. On 5 September 1999 the militia commander Afonso de Jesus was also present when the victim Patrício Sarmiento Viegas was taken near the Lauhata Bridge.
- f. The convicted person Valentim Lávio left Liquica to go to Atambua, Indonesia at 9am on 6 September 1999.
- g. Zacarias Alves was the BMP commander in the sub-districts of Liquica and Bazartete.

Based on analysis of the facts that were proven and not proven in relation to each element of the crimes examined during the aforementioned process, the panel of judges issued its decision and sentenced the convicted person Valentim to nine years imprisonment. However, the court only issued an oral decision in this case on 8 July 2011, but the court did not immediately provide the decision in writing.

At that time the presiding judge told those present that the panel of judges would issue a written decision in the aforementioned case on 25 July, however on 15 September 2011¹⁵ the written decision had not yet been given to the parties, including the convicted person, the family of the victim, or their representatives, namely the prosecutor or the lawyer of the convicted person.

In relation to this obstacle the lawyer for the convicted person felt that his client had been greatly disadvantaged because he could not appeal the case to the Court of Appeal and this presented an opportunity to the convicted person to avoid justice or flee so he would not have to serve his prison sentence.

Based on information obtained informally by JSMP, the written decision was received by the parties after the 15 day time limit had expired so they were no longer able to request an appeal.

D. Appeal Process

The convicted person Valentim Lávio was not satisfied with the sentence handed down by the Dili District Court. Therefore the convicted person, through his lawyer, requested an appeal. Although the convicted person lodged a request for an appeal to the Court of Appeal, the time limit for doing so in accordance with the law had already expired, so the Court of Appeal rejected his request. This means that the decision of the Dili District Court carried full force of the law and the convicted person had to serve the prison sentence pursuant to the decision issued by the court.

a. Assessment of the Court of Appeal

The convicted person Valentim Lávio was tried in case 13/2011/TDD by the Dili District Court and convicted for a serious crime committed in 1999, and the defence lodged a request to the Court of Appeal against the decision of the Court of First Instance. However, unfortunately the request did not include reasons or justification.

In addition, the 15 day time limit to lodge a request for an appeal, as set out in Article 300 of the Criminal Procedure Code, had already expired when the defence lodged its appeal that included substantiation for lodging the appeal.

The decision of the Court of Appeal explained that Article 300.3 of the Criminal Procedure Code states that “An appeal motion shall at all times be lodged on substantiated grounds; otherwise,

¹⁵ The date when the National Alliance for an International Tribunal (ANTI) held a press conference at Yayasan HAK entitled “Joint Statement of ANTI members regarding case of Besi Merah Putih Militia member Valentim Lávio” available on the JSMP website: www.jsmp.minihub.org under Publications, September.

the appeal shall not be admitted”. The Court of Appeal cannot accept a request for an appeal if the motion is not accompanied by substantiation.

b. Justification and legal grounds for the decision of the Court of Appeal

The motion stated that the Dili District Court read out its decision on 8 July 2011 (page 1814)¹⁶ in the presence of the convicted person and his lawyer, however it was only on 29 August 2011 that the defence received the written decision. Therefore, the 15 day time limit to lodge an appeal should have commenced on 29 August 2011 because it was only from this date onwards that the convicted person and his lawyer had access to all the elements required to prepare their appeal.

Although the law states that “The reading is tantamount to notifying the persons who are or are to be considered present at the hearing” (Article. 279.4 of the Criminal Procedure Code), the convicted person faced a major obstacle because the time limit was not calculated from the date that the court provided the decision to the applicant. Therefore, the convicted person submitted a request for appeal was still within the appropriate time frame.

c. Analysis of the grounds for appeal

The panel of judges at the Court of Appeal issued its analysis of the grounds for appeal on 26 September and stated that the Court of Appeal found that request did not include justification.

Article 301 of the Criminal Procedure Code obliges the applicant to include substantiation in a request to appeal a decision of the court, therefore:

- The applicant must believe that there are legitimate legal grounds for requesting an appeal before lodging that appeal, and
- The applicant should highlight the mistakes in the decision being appealed and therefore can assist the court to correct the mistakes in that decision. Therefore the law forbids the court from accepting an appeal if the applicant does not include the substantiation for requesting an appeal in accordance with the provisions of the law.

The lawyer representing the convicted person Valentim Lávio lodged the appeal 30 days later to the Court of Appeal without explaining in detail why he had 30 days in which to lodge an appeal.

Pursuant to Article 300.3 of the Criminal Procedure Code states that “An appeal motion shall at all times be lodged on substantiated grounds; otherwise, the appeal shall not be admitted”. This provision does not allow for the applicant to present the request 30 days later together with a written appeal statement.

UNTAET Regulation 30/2000 states that the applicant can file a written appeal statement within 30 days (Article. 40.3). However, there are provisions set out in Law No. 13/2005 of December

¹⁶ Page 1814 of the Decision (page refers to the contents of the decision on the appeal).

2006 Approving the Criminal Procedure Code, which supersedes UNTAET Regulation No. 30/2000, and these provisions are based on rules that provide alternative solutions to those adopted in the Rules of Criminal Procedure (Article 2).

Law No. 13/2005 on the Criminal Procedure Code, states that “all provisions regulating cases related to serious crimes committed between 1 January and 25 October 1999 remain in force” (Article 3).

However UNTAET Regulation No. 30/2000 establishes provisions regarding all criminal processes, not just the process for serious crimes, and the provisions set out in Article 40.3 of this regulation are not only applicable to the serious crimes process, but are also applicable to all criminal processes. Therefore, there is no reason to say that Regulation No. 30/2000 and Article 40.3 will still be followed for the serious crimes process.

Although the substantiation was not included in the request for an appeal the court can accept the request from the applicant and the substantiation of such if the time limit for lodging an appeal has not yet expired, because in the aforementioned time limit the applicant can submit an appeal as well as a written appeal statement. However, in this case the time limit for the submission of an appeal had expired and only thereafter the legal representative of the convicted person Valentim Lávio submitted the substantiation of the appeal to the court.

The Court of Appeal could not consider or interpret that the substantiation was submitted together with the request for an appeal; therefore the court had to consider that the request for an appeal submitted by the convicted person Lávio did not include substantiation. Thus, pursuant to Articles 300.3 and 304.2 of the Criminal Procedure Code, the Court of Appeal could not accept the appeal submitted by the legal representative of the convicted person Valentim Lávio, because it did not include substantiation.

E. JSMP Monitoring

JSMP conducted monitoring of the trial from the outset until such time as a decision was issued carrying full force of the law and JSMP noted several errors during the trial of the convicted person Valentim Lávio, attributable to professional negligence and the failure of the court in several regards, especially regarding the provision of a written version of the court’s decision after announcing it verbally on 8 July 2011.

Based on JSMP monitoring, in this case the court unfortunately did not immediately provide a written version of its decision so that the convicted person bisa could immediately be taken to prison to serve his sentence which would have guaranteed the security of the convicted person and also ensured that the convicted person was not able to flee the territory of Timor Leste, by restricting the freedom of the convicted person.

In relation to executing the decision, Article 326 of the Criminal Procedure Code, which is applicable in the jurisdiction of Timor-Leste, prescribes that the executive competence rests with the first-instance court where the case has been handled.

JSMP believes that the Dili District Court as the Court of First Instance has the exclusive competence to try all serious crimes cases, including the case involving the convicted person Valentim Lávio, however the delay in issuing a written decision has significantly disadvantaged the rights of victims to justice. This is a case of institutional negligence that was extremely fatal in relation to upholding justice for victims of past violence.

On page 2 of the decision,¹⁷ issued by the Court of Appeal on 30 September 2011 in Dili the request of the applicant was quoted as follows;

“The Dili District Court read out the aforementioned decision on 8 July 2011 (page 1814) in the presence of the convicted person and his lawyer, however it was only on 28 August 2011 that the lawyer of the convicted person received the decision in writing. Therefore, the 15 day time limit to lodge an appeal started on 29 August 2011 because from that date forth the convicted person had all of the elements required to prepare a request for an appeal. Although the law states that the reading is tantamount to notifying the persons who are or are to be considered present at the hearing where the court carried this out (Article. 279.4 of the Criminal Procedure Code), the convicted person faced a reasonable obstacle in calculating when the time limit commenced for the submission of an appeal based on the day in which the court provided the decision to the applicant.

JSMP also noted that the delay in executing the decision of the court which carried the full force of the law was the determining factor in convicted person’s failure to comply with the decision by absconding.

F. Recommendations

Based on the information provided above, the results of JSMP’s analysis of the court trial and the factors outlined previously, the following matters have been raised as recommendations for the future:

1. We recommend that judges, prosecutors and public defenders or private lawyers should continue to receive training to provide them with a comprehensive understanding of how to interpret the provisions of the applicable law in Timor Leste. Based on the observations of JSMP, many of the interpretations made by judges, prosecutors, public defenders and private lawyers tend to differ from one another in regards to the same issue.

¹⁷ The original decision from the Court of Appeal was written in Portuguese

One concrete example is the interpretation of the right to lodge an appeal pursuant to Article 300.1 of the Criminal Procedure Code, whereby several judges have indicated different interpretations in their decision. Judges that were interviewed said that when the court announces a decision orally the party that objects to the decision can immediately request an appeal. However, several other court actors who engaged in an informal discussion with JSMP staff said that based on their own interpretation the parties can only lodge an appeal against a case if they have received a written version of the decision;

2. JSMP also recommends that for cases that are large and complex in nature because they are categorized as crimes against humanity, public prosecutors and public defenders could delegate a teams of prosecutors and public defenders because based on JSMP observations, these types of cases are not processed efficiently, and this was particularly so in the case involving the convicted person Valentim Lávio;
3. JSMP recommends that when a panel of judges tries a case involving crimes against humanity, such as the case involving the BMP militia member Valentim Lávio, in future the judges should prioritize and fully focus on the matter at hand, so that they do not cause lengthy delays in issuing a final decision to the family of the victim and the defendant. In this way they can uphold the principle of ensuring a timely, affordable, effective and just trial which is known as the principle of a fair trial;
4. JSMP urges all the competence authorities, such as the National Police of Timor-Leste, to find solutions on how to execute mandates and orders of the court in cases involving crimes against humanity, such as the present case whereby the convicted person Valentim Lávio was convicted.

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