



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

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The Dili District Court hands down sentence of 5 years imprisonment against the defendant Lúcia M. B. Lobato and acquits the defendant António Freitas

On 8 June 2012 the Dili District Court conducted a hearing to announce decisions in two separate cases, namely Case No. 580/C.Ord/2011/TDD and Case No. 622/C.Ord/2011/TDD. These two cases related to abuse of power, falsification of documents, maladministration and economic involvement in business. These cases involved the defendant Lúcia M.B. Freitas Lobato (Minister of Justice) and the defendant António de Araújo Freitas (Director of Procurement at the Ministry of Justice and member of the Evaluation and Selection Team for a Project relating to the Construction of Notary Offices in eight districts). The crimes allegedly occurred between 2008 and 2009.

The decisions were announced by a panel of judges comprising Edite Palmira (presiding), Paulo Teixeira and José Maria de Araújo. The Public Prosecution Service was represented by Felismino Cardoso and the defendants were represented by public defenders Sérgio Hornai and Cândio Xavier.

After considering the entire process the court drew its conclusions and handed down a sentence 5 years imprisonment against the defendant Lúcia M.B. Freitas Lobato, and ordered the defendant to pay compensation to the State totaling USD 4350,00 and court costs of USD 300.00. The court acquitted the defendant António de Araújo Freitas from all charges leveled at him by the public prosecutor. Previously the public prosecutor recommended for the defendant Lúcia M.B. Freitas Lobato to be sentenced to 12 years imprisonment and for the defendant António Freitas to be sentenced 9 years imprisonment.

The sentence handed down against the convicted person was determined after the court examined all of the evidence presented during the trial.

The Executive Director of JSMP, Luis de Oliveira Sampaio, *stated that notwithstanding the rights of the parties to lodge an appeal with the Court of Appeal against the decision issued by the Court of First Instance, JSMP believes that this decision is a step forward and an important breakthrough of great significance in the context of Timor-Leste which is a post-conflict nation.*

After the panel of judges examined all of the evidence presented during the trial, the court concluded that the defendant was guilty of committing the crime set out in Article 299 (1) of the Penal Code regarding economic involvement in business that carries a penalty between 2 and 8 years imprisonment. The other charges relating to abuse of power, falsification of documents and maladministration were not proven.

In the case involving the defendant António Freitas the court did not find strong evidence of his involvement in the crime of falsification of documents, because the witnesses testified that at the time in question the defendant gave them documents to be signed, and the defendant also gave them documents relating to a tender project for their perusal as members of the evaluation team before providing their signatures. However they were the ones that did not have the desire to read the documents before signing them.

In relation to the sum of US \$ 200,000 for the construction of the Notary Office in Lautem District, it was not established that there was no quality. In addition, the Procurement Law does not clearly state the maximum or minimum amount of funds needed to compete for certain projects.

Based on JSMP monitoring from the outset of the trial until the announcement of the decision by the court, this case received a lot of attention from the community, the media, political parties, individuals and other international agents. This is because this case is the second one involving government officials from the AMP coalition. In particular, this case involved the Minister of Justice who is responsible for the judicial administration of the relevant legal institutions in Timor-Leste.

JSMP praises and congratulates the work carried out by all of the components of the judicial institutions and all of the parties involved in this process that made the result possible, namely that the law is higher than any group/entity, as set out in Article 16 of the Timor-Leste Constitution.

This decision reflects the commitment of the courts, as exercised through the law enforcement officers to have this this case tried and resolved with the announcement of the final decision.

Although appeals can be lodged against this decision, this case sends out a strong message that counters the general perception within the the community to date, namely that the courts only try the common people and the poor, and that the law is not able to touch those who have power in the government or the national parliament.

This decision paves the way forward and provides a very valuable lesson for every citizen, especially those who are currently in power and those who will be in charge of the next government, namely that they need to establish a government that is clean, transparent, credible and authoritative to distance themselves from corrupt practices in the future.

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