



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

PRESS RELEASE

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**44 PERPETRATORS INVOLVED IN THE RIOTS OF 20th MAY 2007
TEMPORARILY DETAINED IN BECORA PRISON**

The Dili District Court conducted a hearing in the case of the main perpetrators of the riots that occurred on the 20 May 2007 in front of the ASDT office which resulted in the death of one individual. These riots coincided with the anniversary of independence for the Democratic Republic of Timor Leste and the swearing in of a second president after Xanana Gusmão completed his five year tenure.

The hearing was presided over by international judge Ivo Nelson de Caires Rosa Batista, the prosecution was represented by international prosecutor Felismino Cardoso, and the defendants were represented by their respective public defenders, namely: Augusto dos Santos, Arlindo Sanches, Rozinda Tilman and Jose da Silva. The defendants were held under tight supervision by international police which included the Portuguese Rapid Response Unit (GNR) who were granted permission by the presiding judge to enter the court room with pistols at their sides.

The first session commenced at 11:00am and was adjourned at 12:30 pm. At this interval JSMP legal researcher Roberto Pacheco asked the international prosecutor Felismino Cardoso about the decision to permit the presence of armed GNR in the courtroom. In response, the aforementioned prosecutor stated that the presiding judge has exclusive authority to request that the police provide security to prevent any interruption to the hearing, considering the 47 defendants who are involved in this case.

It is clear that the presiding judge has exclusive authority to request that the police keep a tight watch over the hearing. However, this does not mean that it was necessary for them to enter the court room with pistols at their sides, as JSMP legal researcher Roberto believed that this would have a psychological effect by intimidating the defendants who were relatively young. Also, this could influence the way the defendants and the community perceive the interests of justice. The defence also expressed similar sentiments before the hearing began.

The second phase of the hearing commenced at 14:00 and continued until 20:30, and each defendant in turn was summoned by the presiding judge to his chambers to provide testimony about the case.

Recalling that the prevailing climate in the capital was one of instability, the judge decided to adjourn the hearing until the following day, scheduled for 9.30am sharp, to hear the testimony of approximately 8 defendants who were yet to be examined by the court.

After the hearing continued on Thursday 24 May 2007, the judge decided at 3:30pm that 44 defendants had been involved in the confrontation resulting in the death of one individual, injuries to several UNPOL members and serious damage to 7 UNPOL vehicles, and sentenced them to temporary detention in the Becora Prison. 3 defendants were released due to a lack of sufficient evidence to support the charges against them, as well as taking into account their young age.

The announcement of the decision was met with dissatisfaction by the families of the defendants who tried to protest against the judicial authorities, as they believed that their children or family members had not been involved in the confrontation, but rather had been working when they were arrested by UNPOL. This dissatisfaction culminated in an outburst of grief in front of the court, however after being advised by their lawyers that they had 15 days in which to lodge an appeal against the court's decision, their demeanor changed to one of optimism in anticipation of having their case reheard in the near future.

JSMP hopes that all parties will respect the decision handed down by the judge in the aforementioned hearing. JSMP also advises those families that feel aggrieved to seek redress through the proper legal channels and lodge an appeal, rather than taking any action above the law that would have stern ramifications and would be to their own detriment.

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