



JSMP Press Release
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CASE DETERMINED TO BE POLITICAL NOT CRIMINAL

At a hearing held in Dili District Court on 28 February 2005, three suspects from Fatu Makerek, Laklubar, Manatuto were freed without condition. The three suspects were arrested by the police two days prior on suspicion of threatening the public by ordering others not to participate in the Suco or other general elections.

In the hearing the international judge heard the accusations and also evidence from two witnesses. After listening to the evidence the judge reached the conclusion that none of the suspects were involved in criminal acts or had criminal intentions as claimed by the police at the time of arrest. In addition the judge stated that the charges were not accepted by the court on the basis that they were politically motivated rather than based on criminal law or actions.

After adjudicating these facts the judge issued a decision that the suspects should be released from detention without condition. JSMP commends the decision of the judge and the process of this 72 hour hearing which appeared to be based on sound law and procedures. It is hoped that the legal reasoning in this case can be followed in similar matters in the future. Another positive aspect of the case is that the decision asserted the independence of the courts which cannot be influenced by other factors outside the law. Such separation is guaranteed by Section 119 of the Constitution which states that courts are independent and subject only to the Constitution and the law.