



JSMP Press Release
27 May 2005

Concerns over Legal Representation for Outstanding SPSC Appeals

The end of the Special Panels for Serious Crimes (SPSC) has meant the departure of UNMISSET legal staff, but not the end of the legal process for those with appeals outstanding from its decisions.

Six matters are still to be heard by the Court of Appeal, but with only one Serious Crimes Public Defender and one Serious Crimes Unit Prosecutor remaining in Dili until 20 June (the head and acting head of these units respectively) and the recently announced failure of all East Timorese Public Defenders and Prosecutors in their evaluations, there are concerns that appellants may have difficulty obtaining adequate representation in their appeals.

Appeals against conviction are outstanding for 13 defendants: in the cases of *Alarico Mesquita et al* (28/2003), *Domingos Amati & Francisco Matos* (12/2003), *Mateus Punef & Januario da Costa* (22/2003), *Rudolfo Alves Correia* (27/2003) and *Sisto Barros & Cesar Mendonca* (1/2004). A Prosecutor's appeal against sentence is yet to be heard in the matter of *Francisco Perreira* (34/2003). The *Mesquita* case is the first of these matters to be scheduled before the Court of Appeal, to be heard on 7 June.

This week a former Serious Crimes Public Defender paid a courtesy visit to the appellants in that case in prison to inform them of the status of their appeal, in the absence of any other Serious Crimes Public Defenders in Dili. He will be leaving Timor Leste before their scheduled appeal and the appellants are understandably worried about the quality of representation they will receive from a lawyer unfamiliar with their case file. The sole remaining Public Defender, the head of the unit, who is contracted to remain in Dili until 20 June, co-represented three accused before the Panel in only one of the cases (*Mesquita et al*) currently awaiting appeal.

The right to appeal is a vital guarantee of the right to a fair trial. Article 14 (5) of the International Covenant on Civil and Political Rights (ICCPR) establishes that "everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by higher tribunal according to the law". That cannot be done without adequate representation, and JSMP urges that there be concerted effort by the remaining Serious Crimes authorities and the East Timorese Courts to ensure that this is provided.

END