



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAM PEMANTAUAN SISTEM YUDISIAL

Dili, 8 Agustus 2005
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Conviction of an Ex-Militia Member for Plan to Attack Timor-Leste

On 8 August 2005, the Suai District Court convicted an ex-militia member, Daniel Mendes of West Timor, of intention to destabilise the government under the Indonesian Criminal Code. He was found to have been part of a plan to attack vehicles and homes in Bobonaro District and received a four year prison sentence. Two East Timorese citizens, Antonio dos Santos and Carolino Freitas Mau, were convicted of assisting the former militia members in this plan by providing them with food. They each received a six month suspended sentence.

Mendes was arrested on 18 January 2005 when police received information from the community that a group of former militia from West Timor was in the area of Maumela in Cailaco Sub-District, Bobonaro District. When the police approached the group, members of the group shot at police and the police returned gunfire. All members of the group managed to escape except for Mendes who fell into a hole. As well as arresting Mendes, the police also recovered two backpacks containing grenades and an identity card.

Mendes confessed to entering the territory with known militia member Januario Bili Mali in January 2005 and then meeting up with other former militia members. He said that the group was traveling with the purpose of carrying out an attack on the population in the area of Loes, Atabae Sub-District, Bobonaro District. The Court found that it could not be proven that Mendes had been in possession of the weapons or that he had been the one to shoot at police. For these reasons, as well as his lack of previous criminal record, Mendes received a relatively light sentence.

The other two accused were found to have provided one member of the group, ex-militia member Jose Mau Forte, with five kilograms of rice. This was held to be of particular concern in relation to the second accused, Carolino Freitas Mau, who was a village leader and therefore trusted by the community.

This case highlights the continuing risks posed by former militia members entering Timor-Leste and is further fuel to the argument that Timor-Leste must develop a plan for dealing with returnees who were indicted by the Special Panel for Serious Crimes. If there is no risk of prosecution of these individuals, then more suspected criminals from

1999 are likely to return, creating fear and division in the community and possibly pose a threat to national security.