



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

PRESS RELEASE

Dili, 12 January 2007

**THE COURT ORDERED THE TIMOR-LESTE'S MINISTRY OF JUSTICE AND
UNPOL TO PROVIDE PHYSICAL PROTECTION MEASURES FOR THE
WITNESSES IN THE CASE OF THE DEFENDANT ROGÉRIO LOBATO
AND HIS CO-ACCUSED**

On 11 January 2007, the third hearing of evidence in the case of arming of civilians involving the defendants Rogério Lobato, Francisco Salsinha, Francisco Xavier Viegas and Marcos Piedade, also known as Labadaen, was held at the same place, the Court of Appeal of Timor-Leste.

To prove whether it is true or not the defendants committed or were involved in the criminal act as established in the indictments, the Timor-Leste's Office of the Prosecutor, through the International Prosecutor Bernardo C. Fernandes, proposed five members of PNTL and RAILOS as the witnesses in the case of arming of Timorese civilians involving the defendant. Of the six abovementioned witnesses, four of them had been heard by the Court. Apart from the six witnesses, the Dili District Court, through the panel of judges examining this case, found it necessary to present six more witnesses whose names were mentioned by the defendant and by the witnesses who had been heard at the court.

This hearing of evidence will be held again on 15 January 2007 to hear the testimony from two more witnesses being members of PNTL. The continued hearing of evidence will be conducted on 22 January 2007 at the same court to hear the testimony from the six witnesses who will be notified by the court.

In relation to the physical protection measure for the witnesses, and whereas a law to apply such measure has not been made, the panel of judges officially ordered the Timor-Leste's Ministry of Justice and the United Nations Police (UNPOL) to provide security protection for the witnesses and the defendant including their families. Such a physical protection measure is to ensure the smooth process of trial in the case of the defendant Rogério Lobato and his co-accused. The need for this protection arose as some of the witnesses felt that their physical security was threatened.

JSMP welcomed such an order and preventive measure required by the court. While attending the whole proceeding, JSMP observed that physical protection for the witnesses was threatened indeed. In Timor-Leste's Legislation, till present day, any law regarding physical protection measure for the witnesses both inside and outside the court has yet to be made. According to JSMP, this is a hindrance for the court actors to try cases in the court. As there is no protection provided, the witnesses to testify before the court often feel insecure in giving their testimony at the hearing.

JSMP recommends that the Government and the National Parliament of Timor-Leste observe this issue without delay. JSMP is of the opinion that law regulating the physical protection for the witnesses is very essential in Timor-Leste's justice system. This is to ease and help court actors process or try both civil case and criminal case. Thus, everyone who is brought before the court as witness in either civil case or criminal case will feel secure and free to give testimony regarding the circumstances to their knowledge.

FOR FURTHER INFORMATION PLEASE CONTACT:

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