



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

PRESS RELEASE

Dili, 10 January 2007

**COURT PROCEEDINGS IN THE CASE OF ROGERIO TIAGO LOBATO AND
CO-ACCUSED**

On 9 January 2007, the Dili District Court proceeded with the case against primary defendant Rogerio Tiago de Fátima Lobato along with co-accused, Francisco Salsinha, Francisco Xavier Viegas and Marcos Piedade. The trial was originally scheduled for the 30th of November 2006, but due to the non-appearance of one of the four defendants, namely Marcos Piedade, the trial was adjourned until the 9th of January 2007.

A panel of judges, consisting of two international judges and one national judge, conducted the trial. These three judges were: Judge Ivo Nelson de Caires Baptista Rosa from Portugal as president, accompanied by Judge Teresa and National Judge Antonino Gonçalves. International Prosecutor Bernardo C. Fernandes from Portugal represented the Public Ministry. Four defenders in total represented the co-accused. Rogerio Lobato, Francisco Salsinha and Francisco Xavier Viegas were represented by private lawyers Paulo dos Remedios and Nelson de Carvalho. Only Marcos Piedade was represented by a public defender, International Defender Pedro Andrade from Cape Verde. The trial proceeded in Portuguese with Tetum translation provided by judicial interpreter Joana da Silva.

Before continuing, in accordance with articles 60(c) and 62(3) of East Timor's Code of Criminal Procedure (KPP), the president informed the co-accused of their right to remain silent regarding the accusations against them. At this point Marcos Piedade declared he wished to respond to the charges against him. The other three accused declared that they wished to remain silent and would be solely represented through their lawyers.

Throughout the proceedings, JSMP has observed that in this case of illegal distribution of guns to civilians, one case is linked to others. There are the co-accused who have been named in the arrest warrant issued by the Public Ministry and there are new suspects whose names have been mentioned by the co-accused during the proceedings.

JSMP concludes that there are more people involved in this case of illegal distribution of guns to civilians than the four co-accused in this trial. There still are suspects who need to be brought before the courts.

Because of this, JSMP recommends that the courts use their full powers to compel every person suspected in this case, and those named by the co-accused during the trial, in order to respond and clarify the facts of the allegations made by the Public Ministry.

This includes those witnesses who have already received notification from the court to fulfil their duty and obligations as regulated by article 123 of the KPP to participate in these criminal proceedings.

During the trial JSMP is aware of five witnesses that have received notification from the courts to appear and have participated, while one witness has failed to appear, reportedly due to their responsibilities in a border area. The importance of witnesses appearing when requested needs to be reinforced in order to help and facilitate a court decision that is just towards all those accused. If not, it will be difficult for the court to hand down a correct decision.

JSMP would like to inform the public that the trial of Rogerio Lobato and his co-accused will continue on Wednesday and Thursday, 10th and 11th of January with the testimonies of various witnesses.

FOR MORE INFORMATION PLEASE CONTACT:

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