



**JUDICIAL SYSTEM MONITORING PROGRAMME**  
**PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

**PRESS RELEASE**

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**COURT REMOVES FATHER GEOVANIO DE SOUSA FROM WITNESS LIST  
IN ROGERIO LOBATO CASE**

The trial of accused Rogerio Tiago de Fatima Lobato for the illegal distribution of guns to civilians continued on Monday, 12 February 2007. Proceedings began at 9:40 local time with a number of witnesses scheduled to testify before the court, however the court then revised this list without adequate explanation.

The witnesses scheduled to testify were Father Giovánio de Souza, José Belo, Júlio de Jesus, Agio Pereira, Agostinho da Conceição, Casmiro Ramos, Casmiro Freitas and João dos Santos. When the court, through a justice official, revised the witness list, it was revealed that Father Giovánio de Souza was no longer authorised to give his testimony for reasons not immediately clear.

Father Giovánio de Souza protested to the justice official who announced the decision and was informed that he could complain directly to the panel of judges, comprising Ivo Nelson de Caires Rosa Batista, Teresa do Rosario and Antoninho Goncalves, if he believed an error had occurred.

The trial of the accused Rogerio Tiago Lobato then began. The justice official asked Father Giovánio and Júlio de Jesus to enter the courtroom to hear the decision regarding why the court would not hear their testimonies. After hearing explanations from the judges, prosecution and defence lawyers, Júlio de Jesus immediately left the courtroom. However, Giovánio de Souza remained in the courtroom as he felt the court was manipulating him.

A discussion occurred between Father Giovánio and Judge Ivo.

Judge Ivo explained that according to court regulations, witnesses are heard based on a request from the accused's defence lawyers. The defence had told the court they no longer needed to hear the testimony of the two witnesses. The court apologised to the witnesses and ordered that Father Giovánio leave the courtroom, return home and carry out his normal everyday activities.

The judges were not able to carry on the trial because those present in the courtroom reacted strongly to the decision of the court not to hear the two witnesses, particularly Father Giovánio. The trial participants left the courtroom.

The panel of judges decided to adjourn the trial until the next day and re-commence with the revised witness list.

JSMP concluded that this failure occurred due to poor communications between the court and accused Rogerio Tiago Lobato's defence team. The court had advised the defence to submit a list of witnesses required to testify during the trial. The defence team, led by Paulo dos Remedios, had already submitted their list and then later rejected witnesses they had already asked to testify.

JSMP recommends to all court actors: judges, defenders, prosecutors and justice officials, that they must establish ongoing communication with all parties involved in proceedings to avoid these problems in the future which raise further concerns and questions from society regarding this nation's judicial system.

Is the judicial system in East Timor operating adequately yet? Events like this undermine the community's confidence in, and the credibility of, the East Timorese judicial system, although we can see it is in a phase of improvement.

It is true that the role of lawyers and defenders is to defend the interests of their clients. Nevertheless, they must coordinate and cooperate with the courts to avoid situations like this. JSMP believes poor communication was the cause of this problem, particularly between the accused's defence lawyers and the witnesses they planned to call, regarding the allegations of illegally distributing guns to civilians.

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