



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Conference

Dili, 22 March 2007

**DILI DISTRICT COURT HANDS DOWN FIVE DAY SENTENCE AGAINST
THE FIVE DEFENDANTS CHARGED WITH ILLEGAL POSSESSION OF
WEAPONS**

The five defendants accused by the community of illegally possessing and storing weapons in Ermera were tried at the Dili District Court on Tuesday 20 March 2007. The case of illegally possessing weapons was heard by a single judge. The trial was conducted by international judge Vitor Hugo. The defendants were represented by a public defender named Pedro de Andrade. The prosecution unit was represented by international prosecutor Felismino Cardoso.

The five defendants were Abel da Costa, Celestino Soares, Agostinho da Costa, Marcelino de Carvalho and Adolfo Assuncao de Jesus. All the defendants were Fretilin militants who were charged by the prosecution with illegally possessing weapons. When questioned by the court about the case presented by the prosecution, each of the defendants testified that they were not guilty of possessing organic weapons, rather, they were in possession of traditional weapons such as machetes, slingshots, home made darts (*rama ambon*) etc.

The defendants calmly responded to the questions posed by the court and each of them stated in their testimony that the illegal weapons that had been stored or in their possession had belonged to their group. They had prepared these traditional weapons for their own protection. These actions were carried out in response to orders given by the Fretilin party leadership, in particular by an individual named Antonio dos Santos who had distributed Fretilin t-shirts to Fretilin militants as part of a campaign that was being set up. Furthermore, a Nissan vehicle was used by the defendants as a means of transport to distribute the aforementioned t-shirts. This activity was conducted at the orders of Antonio dos Santos. The defendants also admitted that the Nissan vehicle belonged to the Fretilin party.

The defendants had been in possession of the following number of illegal (traditional) weapons: 105 steel darts, 10 machetes, 13 slingshots and so on. The defendants told the court that they had prepared these weapons in response to threats made against them by a number of individuals who had a dislike for them. This was especially the case in the Fatubesi area where

animosity existed (threats to security), and it was difficult to conduct party activities, especially for members of the Fretilin party. Nevertheless, the defendants informed the court that they had not used the aforementioned traditional weapons to take the life of another.

The prosecution charged the defendants with Article 4.4 of UNTAET Regulation No. 5/2001 for illegal possession of weapons which carries a maximum sentence of 7 (seven) days. The presiding judge agreed with the article cited by the prosecution to charge the defendants. After hearing testimony from each of the defendants, the presiding judge decided that there was insufficient evidence to send the defendants to jail. Pursuant to the aforementioned article, the judge decided to hand down a sentence of 5 days against each of the defendants to be suspended for a period of 6 months. This means that for the duration of 6 months the defendants are free to move around and the five day jail term is not imposed against them. The suspension of this sentence means that for a period of six months the defendants are not permitted to repeat or conduct any criminal act, or be directly involved in the commission of a crime. If one of the sentenced defendants is involved in a criminal act then the suspended sentence will immediately be executed and the perpetrator will immediately be taken to jail for a period of 5 days in accordance with the suspended sentence previously determined by the court, without the need of establishing the same case against the defendant. However, there is a possibility that a new trial will be required to hear any new charges that may carry an even heavier sentence, depending on the type of crime committed by the defendant.

JSMP staff who observed the aforementioned case of illegal possession and ownership of weapons have verified that the prosecution did not present any organic weapons to the court as evidence against the defendants. This means that no strong evidence was presented against the defendants. The accusation that the defendants had illegally possessed and stored weapons was merely an opinion and emotional interpretation of the public (merely public assumptions that were not in accordance with the facts).

Nevertheless, in the interests of the state and national stability, to guarantee a secure and safe environment for the people, to remove any existing threats in the community, and to prevent mutual suspicion, JSMP (*Judicial System Monitoring Program*) recommends that all members of society should be cautious when using or possessing traditional weapons in public, as such acts can be interpreted in a number of ways. In such situations this may lead to community panic, especially considering the current circumstances faced by the people of Timor Leste where a large number of citizens are still living in traumatic conditions.

JSMP represents all members of the community who wish to defend and uphold the truth and justice and requests for the government to take clear steps to control internal security issues, so that the people can live in a secure environment. If possible, the government should take concrete steps against those individuals who have malicious intent to create instability in this nation, especially against those who attempt to illegally possess and store weapons

within the community. This is one way to reduce community crime and guarantee national stability.

For further information please contact:

Roberto da Costa Pacheco

JSMP Legal Researcher

bebeto@jsmp.minihub.org

Or you can contact:

Timotio de Deus, Director of JSMP

E-mail: timotio@jsmp.minihub.org

Telephone: (+670 390) 3323883