

# Dili District Court Releases Detention Decision in Rape Case Against PNTL Officers

PRESS RELEASE

3 June 2004

A Dili District Court Investigating Judge today issued a decision to detain three PNTL officers and one civilian and to conditionally release six other PNTL officers pending trial in the alleged rape of an eighteen-year-old girl on 10 May 2004. Today's decision comes after four days of hearing testimony in the case, but is not a verdict on the guilt or innocence of the suspects in this serious rape case. Rather, it was merely a decision, pursuant to Section 20 of the Rules of Criminal Procedure about whether the suspects should be jailed or freed while awaiting trial.

JSMP notes with concern that on 3 June 2004, PNTL and (Rapid Intervention Unit) UIR officers restricted movement into and out of the Court, reportedly without authorization from the President of the Dili District Court, or from the President of the Court of Appeal. PNTL and UIR officers initially refused JSMP monitors permission to enter the courthouse and cited an Order from Commissioner Paulo Martins as the authority for their actions. However, the court building is a public building and must be open to the public. JSMP congratulates the Administrative Judge of Dili District Court in attempting to deal with the situation when it was brought to his attention.

JSMP also notes with concern the conduct of PNTL and UIR at the court over the past four days. Although the Criminal Procedure Rules state that sexual assault cases and cases involving minors should be closed to the public, during the hearing many police with no apparent connection to the case entered and exited the proceedings at their own free will. The investigating judge assigned to the case told JSMP monitors that he could not control their conduct. In addition, over the past four days, crowds of up to eighty police officers clogged the halls and entrance to the court with no apparent valid work purpose for their presence there. Despite the large numbers of police present at the Court every day, the police did not protect the victim's rights. To the contrary, she was verbally harassed and abused when leaving the courtroom. Her safety should be paramount, and her rights to a closed trial respected. JSMP calls on the Police Commissioner to ensure police do not loiter at the court if they have no reason to be there, and return to the work they are paid to do: protecting the public. JSMP also reminds the police that in a democracy, all citizens are entitled to protection, even their accusers.

JSMP is extremely concerned about reports of illegal governmental interference in the case by ordering the rearrest of the released suspects on the night of 31 May. This action created a great amount of fear in the suspects and reflected an

inexcusable level of disrespect for the justice sector's power. In the democracy of Timor Leste, the justice sector must be permitted to function according to the rules that created it, not on an ad hoc basis pursuant to the will of politicians

Finally, although JSMP welcomes the decision, JSMP is concerned that the length of the hearing reflects a fundamental misunderstanding of the intent of Section 20 of the Criminal Procedure. JSMP believes the relevant factors to detaining the suspects could have been decided more quickly, since there is not a need to determine guilt or innocence just the relative risk.

JSMP calls for a trial date to be set quickly and for the case to proceed efficiently, fairly, and thoroughly with support from all sectors of Timorese society so that justice can be served.

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