

East Timor crimes against humanity perpetrator released, recaptured and released again

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After six days on conditional release from East Timor's Becora prison, Gilberto Fernandes, previously convicted in the first major crimes against humanity case in East Timor (the Los Palos case), was re-captured again on 6 March because he is alleged to have committed another crime in 1999.

Gilberto Fernandes had originally been sentenced on 11 December 2001 to five years' imprisonment for the crime against humanity of the torture of Evaristo Lopes, a clandestine FALINTIL member, in April 1999 in Los Palos, after being detained on 9 October 1999.

Fernandes was conditionally released on 28 February 2003 after he completed two-thirds of his 5 year sentence.

On 6 March Fernandes was once again arrested along with two others - Inacio Oliveira and Jose da Costa alias Manelarin, suspected former Team Alfa militia members. The three were arrested because they are suspected of killing the former king of Los Palos district Verissimo Dias Quintas in 1999.

The three have been indicted together with former District Administrator of Los Palos district, Edmundo da Conceicao Silva, two Indonesian army special forces (TNI Kopassus) members and nine Team Alfa and BRTT militia members in an indictment issued by East Timor's Serious Crimes Unit on 15 November 2002. They are charged with crimes against humanity (murder) and crimes against humanity (persecution).

On 10 March 2003, following Fernandes' re-arrest his defence lawyer in the preliminary hearing in the Special Panel for Serious Crimes of Dili District Court argued that the recapture was illegal and violated his client's rights, stating that his client was not shown a copy of an arrest warrant and was not informed of his rights on issues such as contacting his family.

Despite the arguments about the arrest, His Honour Judge Benefeito Mosso Ramos held that the three of satisfied criteria for release, including that there were not reasons to believe that the suspects would flee. The conditions of release included that the three live in Los Palos District, not leave the jurisdiction of East Timor, and report to police weekly.

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