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Ex-Los Palos militia conditionally released

The Dili Special Panel for Serious Crimes has conditionally released a former Los Palos militia member after he completed two-thirds of the five year sentence for torture he received in the 2001 Los Palos crimes against humanity case.

After being detained on 9 October 1999, Gilberto Fernandes was 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. An order for his release was issued on Friday 28 February.

Fernandes, acquitted in the Los Palos case of Evaristo Lopes' murder, was released on condition that he does not commit any other offence or pose any danger to public safety or security, that he live in his home village of Sarano in Los Palos district and not leave East Timor, and that he reports to police monthly. The conditions will apply until 8 October 2004.

East Timor's Transitional Rules of Criminal Procedure provide that a court may order the conditional release of a convicted person who has served two-thirds his term of imprisonment where the convict poses no danger to public security or safety and a favorable report has been presented to the court by correctional authorities. The court in the Los Palos case held that Fernandes' term would be considered to have begun when he was detained.

An application for the conditional release of Fernandes, former team Alfa militia group member, was heard before Judge Sylver Ntukamazina on Friday, with JSMP monitors at court. In his decision to release Fernandes, Judge Sylver said "the good behaviour the convict has been exhibiting while serving his sentence would suggest that Gilberto Fernandes will continue to adopt a good behaviour once released and will cause no danger to public security or safety".

The Los Palos case was the first large crimes against humanity trial in East Timor, and the first time the subject matter jurisdiction of the Statute of the International Criminal Court was applied in a court of law.

Gilberto Fernandes is the second of 10 defendants from the Los Palos case to be released, after Alarico Fernandes was released on 21 June 2002 after serving two thirds of his sentence.

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