



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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Final decision issued by court in 11 February case fails to prove who shot the President of the Republic

On 3 March 2010 the Dili District Court issued a decision in the 11 February 2008 case, involving the attempted murders of the President of the Republic Ramos Horta and Prime Minister Kay Rala Xanana Gusmão. The attempted murders were allegedly carried out by armed groups led by former Major Alfredo Reinado and Gastao Salsinha.

As a result of the attempted murders President Horta and his bodyguard Celestino Gama suffered serious injuries at the residence of the President in Metiaut, and Major Reinado and Leopoldinho were shot dead at the scene. Prime Minister Xanana Gusmao escaped unharmed, but the car he was travelling in suffered serious damage as a result of shots fired in the Balibar area.

Many family members and sympathisers of the defendants were present for the announcement of the decision, as well as analysts, and members of the national and international media. A strong security presence was also provided by UNPOL GNR (National Republican Guard) as well as the Timor-Leste National Police (PNTL).

There were 28 defendants in this case, however only 24 of the defendants were found guilty of committing crimes and were respectively sentenced to terms of imprisonment ranging from nine years and four months to sixteen years, although some of them were acquitted from other charges. The remaining four defendants, including Angelita Pires, were acquitted due to a lack of evidence.

The court found the defendants guilty based on the facts presented during the trial, namely that the defendants together with the deceased Alfredo Reinado were illegally armed and travelled from Lauwala to the residence of the President to carry out attempted murder. However, the court found that the identity of the person who had injured the President and his bodyguard had not been established. The court also found that it had not been proven that Francisco Lino Marçal shot dead Alfredo Reinado and Leopoldino Expsoto. Amaro da Costa (also known as Susar) was named as the leader of the attacks

made on the President, assisted by other defendants.¹ To da Costa, the court handed down a sentence of 16 years imprisonment for committing the crimes of attempted murder against a head of state² attempted murder³ and illegal use of weapons.⁴

In its decision the court stated that a number of defendants⁵ were found guilty of the crime of attempted murder,⁶ the illegal use of weapons and the crime of destruction of property⁷ in the form of transport belonging to the Prime Minister. These defendants were sentenced to 9 years and four months imprisonment. Gastão Salsinha was sentenced to 10 years eight months imprisonment for leading an illegally armed group⁸ to carry out attempted murder against the Prime Minister and two bodyguards of the Prime Minister.⁹

The defendant Angelita Pires, who was charged as a principal actor in a conspiracy to commit attempted murder, was acquitted by the court together with three other defendants¹⁰ due to a lack of evidence. The court decided not to order the defendants to pay court costs pursuant to Article 358.1 of the Timor-Leste Criminal Procedure Code.

JSMP believes that all parties are concerned by the lack of any evidence to indicate who shot President Horta, even though the medical report stated that President Horta was definitely wounded by a bullet fired from a HK 33 weapon used by the perpetrator.

JSMP is also concerned with the contradiction between evidence provided by the witness Francisco Marcal and the ballistic examination report about the bullets that caused the death of the former Major Alfredo Reinado and Leopoldino Exposto. The court relied on the ballistics report as evidence that the bullets that caused the deaths of the two aforementioned individuals were not fired by the weapon belonging to Francisco Lino Marcal, and the bullets that killed the two individuals were fired from different weapons.

Nevertheless, JSMP congratulates those who have worked carefully on this case to successfully avoid any confrontations in what may have been a politically charged environment. JSMP believes that this process can be used as a learning experience, and that where large scale and complex cases occur in the future everyone can have faith in the courts to find the truth and uphold justice. JSMP requests that all parties respect the

¹ Domingos Amaral, Gilson Jose Antonio da Silva, Paulo Neno Leos, Marcelo Caetano, Joanino Maria Guterres, Gilberto Suni Mota, Egidio Lay Santos Ximenes, Ismael Sansão Moniz Soares and Caetano dos Santos Ximenes.

² Article 104 of the Indonesian Penal Code.

³ Articles 338 and 53 of the Indonesian Penal Code.

⁴ Article 211.3 of the Timor-Leste Penal Code.

⁵ Januário Babo, Raimundo Maia Barreto, Gaspar lopes, Jose Agapito Madeira, Quintito Espirito St, Avelino da Costa, Bernardo da Costa, Alexandre de Araujo, Julio Soares Guterres, Julião Antonio Soares, Adolfo da Silva, Jose da Costa Ventura, Francisco Ximenes Alves.

⁶ Articles 338 and 53 of the Indonesian Penal Code.

⁷ Article 406 of the Indonesian Penal Code.

⁸ Article 211.3 of the Timor-Leste Penal Code.

⁹ Articles 338 and 53 of the Indonesian Penal Code.

¹⁰ Tito Tilman, João Amaral Bere & Alfredo de Andrade.

court's decision, and asks all parties to take advantage of all legal mechanisms available in accordance with the applicable law to lodge an appeal if they do not accept the outcome.

For more information please contact:

Luis de Oliveira Sampaio

Executive Director of JSMP

Landline: 3323883

Email: Luis@jsmp.minihub.org