

First appeals from Special Panel for Serious Crimes heard

Judicial System Monitoring Programme, Dili 26/6/01

Yesterday, the first appeals from the Special Panel for Serious Crimes were heard before the Court of Appeal in the Joao Fernandes and Julio Fernandes cases. In both cases the panel of the Court of Appeal consisted of Judge Claudio Ximenes (Portugal), Judge Fredrick Egonda-Ntende (Uganda) and Judge Cirilio Jose J.V. Cristovao (East Timor).

The Special Panel has sentenced Joao Fernandes to twelve years for murder (25 January 2001). He appealed both the conviction and sentence, particularly with reference to his receipt of superior orders. Julio Fernandes was sentenced to seven years for murder (27 February 2001). He requires leave to appeal the Special Panel's decision as his appeal was filed out of time. Yesterday's hearing was confined to the preliminary question of leave to appeal, with the Applicant contending that the delay in filing his appeal was due to the lack, until recently, of a perfected court record of the trial. In this connection his lawyer cited the "endemic problems associated with the organisation of the court at this rudimentary stage of development of the system".

A decision by the Special Panel of 27 February 2001 on the continued detention of Jose Cardoso Ferreira, one of those charged with crimes against humanity in relation to incidents involving the Kaer Metin Merah Putih militia, was also appealed.

The Court of Appeal's decisions in relation to the above three matters will be read out this Friday 29 June 2001.