



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

PRESS RELEASE

Dili, 13 January 2007

**FIRST JUDICIAL INQUIRY FOR ELEVEN MEMBERS OF F-FDTL AND ONE
OF PNTL HELD IN THE DILI DISTRICT COURT**

On 12 January 2007, The Dili District Court, through the judge Ivo Nelson de Caires Baptista Rosa, held the first judicial inquiry for 11 members of F-FDTL (Falintil-Força Defesa de Timor-Leste) and 1 member of PNTL (Polícia Nacional de Timor-Leste). This first closed inquiry was attended by the Prosecutor Bernardo C. Fernandes. These twelve defendants were defended by the lawyers Pedro Andrade and Sebastião Amado de Almeida, both of which were from the Office of the Public Advocacy of Timor-Leste.

This first closed inquiry began at 15:00 and ended at 19:00. However, the defendants had been present at the court at 14:26. After the inquiry, JSMP (Judicial System Monitoring Program) received information from F-FDTL Chief of Staff that the court had decided to impose on four of the twelve defendants heard in the inquiry a temporary detention at the Becora Prison. Meanwhile the eight other defendants, in accordance with the court decision, had to comply with a restrictive measure by signing their obligatory presence once every seven days at the F-FDTL Headquarter. Of the four defendants under temporarily detention, three of them are members of F-FDTL and one of PNTL.

From the beginning, JSMP observed the hearing process from outside the court and security was extremely tightened both inside and outside the court. JSMP observed that some members of F-FDTL were tasked for maintaining security surrounding of the court armed with automatic rifles and wearing military uniform. Besides that, JSMP observed that UNPOL officers were only armed with handgun as they were deployed to support the security during the hearing. It was not only the F-FDTL soldiers who were present at the court but also mostly all F-FDTL commanders including the Chief of Staff Colonel Lere Anang Timur to watch closely the whole proceeding till the end. However, as aforementioned, only the defendants were allowed to enter the court because the hearing was closed to public audience.

Before leaving the court, Colonel Lere Anang Timur told the journalists that F-FDTL respected the court decisions. The defendants should obey the court decisions to serve the temporary detention at the Becora Prison. It was also required that those whom the court ordered a restrictive measures by signing their obligatory presence at the F-FDTL Headquarters await until the investigation process initiated by the Office of the Prosecutor of Timor-Leste.

JSMP welcomed the district court decision. The restrictive measure applied by the court is provided in article 191 and 194 of Criminal Procedure Code. On the other hand, JSMP had respect for military chief of staff and all his personnel who were present at the court for the hearing where some members of F-FDTL had faced charges of committing criminal act by shooting members of PNTL in front of the Ministry of Justice of Timor-Leste on 25 May 2006.

JSMP recognizes that, till present day, Military Courts have yet to be established. Therefore, in accordance with the applicable law, it is the exclusive competence of the Dili District Court to try criminal case involving those members of the defense force. JSMP is of the opinion, however, that it did not deem really necessary for the force commanders to come to the court, because the presence of the F-FDTL commanders and their armed personnel in military uniform at the court would be an indication for the whole community that they were in solidarity with the defendants. Although it was done with good faith, Timorese civilians would have a view that their presence was to pose threat or put pressure on the court actors who conducted the judicial inquiry.

FOR FURTHER INFORMATION PLEASE CONTACT:

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