



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

PRESS RELEASE

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**FIRST JUDICIAL QUESTIONING OF A SUSPECT IN THE SHOOTING OF
CIVILIANS IN KOLMERA**

On Tuesday 5 September 2006 JSMP monitored a questioning held by Judge Dora Martins of the Dili District Court held of a suspect arrested in connection with a violent incident which occurred in the Kolmera Park area of Dili on Friday 1 September in which shooting occurred and a number of persons were injured, some seriously. The suspect was a member of the Dili PNTL.

According to the statement of the suspect which was obtained by JSMP the suspect was arrested by international police in the office of the Ministry of the Interior of Timor Leste on Friday 1 September 2006 in connection with the aforementioned incident. He stated that the international police arrested him without showing him a warrant of arrest.

The first judicial questioning in this case was first scheduled for Monday 4 September, within 72 hours of the arrest as required by the Criminal Procedure Code (articles 60(a) and 63(1)). However owing to the non-attendance of witnesses the Judge postponed the questioning until Tuesday 5 September. Unfortunately did not appear again at the second scheduled questioning. JSMP was informed that the reason for this was that the witnesses had received threats from certain (unnamed) persons.

Despite the non-appearance of witnesses, after consultation with the public prosecutor and defence counsel, the Judge decided to order the pre-trial detention of the defendant in Becora prison.

JSMP welcomes the proper application of judicial processes in such a significant case. However it notes two unwelcome developments which are evidenced by this case:

- JSMP is alarmed by the evidence of threats being made against witnesses in criminal proceedings. This phenomenon has the potential to seriously undermine the justice system.
- JSMP was also concerned by the presence in the courtroom of heavily armed security forces. JSMP believes that a balance needs to be found between ensuring the security of the proceedings and minimizing the intimidation of defendants during court processes.

FURTHER INFORMATION:

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