



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

PRESS RELEASE

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**THE FOURTH HEARING OF EVIDENCE IN THE TRIAL OF ROGÉRIO TIAGO
LOBATO AND THE OTHER CO-ACCUSED DID NOT AGGRAVATE
ACCUSATION AGAINST THE DEFENDANTS**

On 15 January 2007, the Court of Appeal of Timor-Leste held the fourth hearing of evidence in the case of allegedly arming of civilians involving the defendant Rogério Tiago Lobato and his co-accused. All the questions asked by the court actors to the witnesses in the trial were around the crisis which occurred on 24, 28 and 29 April and 23, 24 and 25 May 2006. It was known from the statements made by the two witnesses that their testimony did not aggravate the accusation against the defendant.

The witnesses appearing at the court for the trial are both members of PNTL who knew, saw and heard about the incidents that took place with the involvement of the defendant Rogério Tiago Lobato. Regarding the the three other co-defendants namely Francisco Salsinha Francisco Viegas Xavier and Marcos Piedade, the witnesses said that they did not know any related case involving the abovementioned co-accused.

In his testimony, Afonso de Jesus stated that it was him who led members of PNTL to take control of the demonstrators in from of the Government Palace (Palácio do Governo) of Timor-Leste on 28 April and also 24 and 25 May 2006. He also added that he saw the incident that took place in front of Ministry of Justice on 25 May 2006 where eight members of PNTL were shot dead by members of F-FDTL and more than thirty suffered serious and light firearm injuries including him.

As it has been explained before that all statements given by the witnesses in trial did not aggravate the accusation against the defendants. Nevertheless, pursuant to article 114 item (2) of Criminal Procedure Code, it is incumbent on the Public Prosecutor to verify the indictment in the trial by producing any evidences needed to reveal the truth and making appropriate decision, in particular that relating to the civil responsibility of the defendants.

On the other hand, after the trial, the defendant Marcos Piedade told JSMP showing a letter of request for replacement of his lawyer that he wanted to

request to the court for the replacement. In the letter of request as showed to JSMP, it was evident that the defendant had contacted two private lawyers from AATL (Asosiasi Advokat Timor-Leste) to replace his public defender who assisted his legal representation all this time. The defendant Marcos Piedade was unsatisfied with the service and advocacy his lawyer could provide as expected. The defendant complained that he mostly missed contact with his lawyer.

According to JSMP, the initiative of the defendant Marcos Piedade to have his lawyer replaced is a good legal faith, because the right of the defendant to choose a lawyer to represent him or her in every trial process has been guaranteed in article 34 item (2) of the Constitution of the Democratic Republic of Timor-Leste. It is provided in article 60(f) of Criminal Procedure Code that: *A defendant has the right to freely communicate with the defender, even where the defendant is under arrest or detention.* According to JSMP, the reason why the defendant wanted to have his lawyer replaced was because his right to do so as guaranteed in the Criminal Procedure Code of Timor-Leste was not fulfilled. JSMP considers that such an initiative of the defendant could be realized for the sake of his legal representation.

Although the request for replacement made by the defendant was an appropriate step, JSMP recommended that every lawyer who represents both criminal and civil case must improve the legal service in order to satisfy their clients in accordance with the Advocates Code of Ethics. JSMP is of the opinion that the replacement of the lawyer might result in inefficient service that will cause violations against the rights of the client.

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