



JSMP concerned about illegal detentions in East Timor

Dili, East Timor 16 January 2003

For immediate release

Thirty one men have been illegally detained in Becora prison in Dili since 10 January, according to investigations by East Timorese rights organisation Judicial System Monitoring Programme (JSMP).

In contravention of East Timorese law, the men were admitted to the prison without an order from a judge, no such order has been obtained since, and their detention was not reviewed by a judge within 72 hours as required under East Timor's Constitution.

The detainees, who had not talked to their defence lawyer until this morning, came before two judges this afternoon.

With the Prosecution telling the court there were problems with the investigation and communication with the East Timorese defence force, who arrested the men on 9 January, the Prosecution and Defence appeared to call for the prisoners' release. But a decision on their detention was deferred to tomorrow and the prisoners were led from the court in hand-cuffs.

According to JSMP's investigations, the 31 men were part of a group of 50 men arrested by the Timorese Defence Force or FDTL in one village in the Hatolia subdistrict of Ermera District, south-west of Dili. Thirty nine of the men were brought to Dili prison as suspected members of the group Colimau 2000, with eight - seven classified as juveniles and one elderly man - subsequently released.

JSMP is concerned that it was not clear that FDTL had proper legal authority to arrest the individuals. According to an agreement made available to JSMP, on 6 January FDTL took over responsibility for defence operations in certain parts of Ermera and Bobonaro Districts from the United Nations Peace Keeping Force in East Timor until at least 17 January 2003.

Although the agreement between FDTL and the PKF transfers responsibility for defence, the document does not specify that FDTL have powers of arrest.

The Constitution of East Timor states that no one shall be arrested or detained except under terms clearly provided for by law. East Timor's Transitional Rules of Criminal Procedure only refer to police when describing arrest procedures. The East Timorese law that applies to the FDTL does not grant the FDTL power to arrest.

The arrests occurred as part of a number of continuing arrests across the country, with a newspaper report of 16 arrests in Ermera in the last two days. Those arrested are alleged to be ex-militia or members of the group Colimau 2000.

JSMP is continuing to monitor cases in the Dili District Court related to the arrest of alleged Colimau 2000 members, with hearings conducted today and yesterday for six men arrested in Liquica District, and two men arrested in Ermera and detained in excess of 72 hours before their hearing.

JSMP

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The Judicial System Monitoring Programme (JSMP) was set up in early 2001 in Dili, East Timor. Through court monitoring, the provision of legal analysis and thematic reports on the development of the judicial system, JSMP aims to contribute to the ongoing evaluation and building of the justice system in East Timor. For further information see www.jsmp.minihub.org