

Los Palos case closes

JSMP, Dili 8 November 2001

After four months, the Los Palos trial has been adjourned for the Special Panel of the Dili District Court to make its final decision in East Timor's first case involving crimes against humanity. Over the past three days the Special Panel, comprised of Judge Marcelo Dolzany da Costa (Brazil) presiding, Judge Sylver Ntukamazina (Burundi), and Judge Maria Natercia Gusmao Pereira (East Timor), has heard the closing statements of the Public Prosecutor and the Public Defenders acting on behalf of the ten accused.

The Public Prosecutor, Stuart Alford (United Kingdom), commenced on Tuesday with a summary of the applicable law in the case. He referred to cases from the international criminal tribunals for the former Yugoslavia and Rwanda but noted that the Special Panel will be the first court in the world to apply the new law on crimes against humanity that was written for the future International Criminal Court. The Prosecution's case emphasised that the accused men were part of the Team Alpha militia that was active in the Los Palos region, and that each man knew that his actions were part of a widespread and systematic attack on the civilian population of East Timor during 1999, particularly directed at those believed to be supporters of independence from Indonesia. The Prosecution produced over 100 pages of closing statements that summarised the evidence of almost 30 witnesses who testified during the lengthy trial, as well as statements made by the ten accused.

Closing statements were also made by five public prosecutors on behalf of the accused. As many of the facts in the case are not disputed, the defence arguments focused on the claims by each of the men that they were ordered or forced to participate in the crimes by the militia leaders and their Indonesian military backers. Several of the accused denied that they were members of the Team Alpha militia, but were merely ordinary citizens from the same village as the militia members and should not be held responsible. The public defenders also cast doubt on some of the witness testimony, claiming that it was unreliable and inconsistent.

The charges relate to five incidents between April and September 1999 in Lautem district, including torture, murder, forced deportation of a civilian population and the murder of a group of clergy.

After the closing statements, the Presiding Judge gave the accused an opportunity to make any further statements. Joni Marques, who is the most senior member of Team Alpha on trial, repeated his earlier statements that he is prepared to take responsibility for the murder of the group of clergy on 25 September 1999 and asked that his co-accused be acquitted of this charge. He had earlier pleaded guilty to this charge but the Panel is yet to make a decision as to whether they will accept this plea. He also asked the court whether the law would be applied equally to the FALINTIL members who reportedly killed 8 Team Alpha members in an attack on 27 September 1999. Several of the men on trial in this case were captured during that attack and handed over to INTERFET, the Australian-led peace-keeping force. Five other accused also made brief final statements.

The Special Panel will announce its decision in the case at 9am on 11 December 2001.