



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

Period : July 2010

Published : 14 July 2010

Poor interpretation during trial of the perpetrators of the 28 April 2006 attack

On 13 July 2010 the Dili District Court read out the indictment in Case No.88/C.ord/TDD/2009 in relation to an attack that was carried out on 28 April 2006 in front of the government building (government palace) involving the defendant OML. The trial took place before a panel of judges led by presiding judge Jacinta da Costa Correia who was accompanied by judge Guilhermino da Silva and international judge Maria Leonor Botelho. The prosecution service was represented by public prosecutor José Luis Landim and the public defender's office was represented by international public defender Marcelo Mendonça.

JSMP noted that the interpreting provided in the aforementioned hearing was unsatisfactory, particularly in relation to the reading out of the indictment by the Public Prosecutor and the defence presented by the lawyer for the defendants. In response to this situation the presiding judge took over and summarized what was presented by the public prosecutor and public defender.

The director of JSMP Luis de Oliveira Sampaio considers that the language issue is a major concern in the justice system of Timor-Leste. This issue often creates difficulties and confusion for interpreters as well as defendants and victims, as occurred during the reading out of the indictment relating to an attack carried out on 28 April 2006 that caused damage to the government building. Therefore JSMP recommends and urges the government of Timor-Leste to make efforts to provide interpreters who are qualified and fluent in Portuguese, who have sufficient understanding of legal terminology to ensure that the trial process can run smoothly.

JSMP is concerned that during this trial the interpretation from Portuguese into Tetum was problematic and many statements were repeated and the message was unclear. As a consequence the presiding judge took over and clarified or corrected the interpretation to accurately reflect what was stated by the defence.

The prosecutor's indictment charged the defendants with Article 189.3 of the Timor-Leste Penal code on instigation to commit a crime as well as Article 193.1 on failure to obey a lawful order. However, the lawyer for the defendants in his defence stated that what his client said in public speeches between 24 - 28 April 2006 could not be classified as the crime charged in the prosecutor's indictment, because his client did not act in a manner that could be considered as instigating others to commit a crime. Rather, his

client only stated his opinion by demanding an end to the issue of discrimination within the F-FDTL institution which had led to the petitioner issue at that time. If violence and crimes were committed against state assets, then this was the public displaying their dissatisfaction with the government who had deliberately ignored the requests and demands that they had presented over five consecutive days.

For more information, please contact:

Luis de Oliveira Sampaio

Executive Director of JSMP

Email: luis@jsmp.minihub.org

Landline: 3323883