



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

**Press Release**

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**PRESIDENTIAL CLEMENCY DEVALUES COURT PROCESS**

On 19 May, a Presidential Decree was issued by His Excellency Dr José Ramos Horta granting clemency to 94 listed prisoners.

This follows previous statements by the President that he intended to issue a number of pardons in time for Independence Day celebrations.

Of those inmates named in the document, only ten appear to be eligible for immediate release under the terms of the Decree.

The remaining prisoners as identified will be eligible for a commutation of sentence, in many cases amounting to half the custodial term imposed.

Prisoners must have been of good behaviour during their detention in order to take advantage of the Decree. It is uncertain how this will be determined.

As previously suggested, former Minister of Interior Rogerio Lobato is among those eligible to have their sentence halved.

In public statements, the President differed from court findings in stating a belief that the former Minister was "definitely not one of the authors of the crisis."

Some confusion appears to exist over the degree of Lobato's sentence reduction, with the President stating "it is three-fourths."

Minister of Justice Lucia Lobato has also been quoted as saying Prime Minister Xanana Gusmão had agreed to a three month decrease.

The Government had recommended that the jail terms of those having served half their sentence be shortened by only six to twelve months, the Minister reportedly said.

Also in line to benefit from discounted sentences are seven individuals sentenced under the UN-sponsored Special Panel for Serious Crimes process.

Militia commander Joni Marques, convicted for his role in the killings of Lospalos clergy during 1999, stands to gain from the President's clemency.

There remains much legal and linguistic ambiguity over the nature of the President's constitutional power to grant pardons.

What is clear, however, is that wholesale reduction of sentences risks devaluing court adjudication and minimising the gravity of prisoners' offences.

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