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PRESS RELEASE

Judicial System Monitoring Programme (JSMP) and La'o Hamutuk

## Special Panel Refuses the General Prosecutor's Motion to review and amend the Wiranto Indictment

Yesterday, Monday 17 May 2004, the Special Panel for Serious Crimes rejected the motion brought by the Prosecutor General to "review" and "amend" the indictment against Wiranto. The Special Panel stated that the reasons for refusal were because there was insufficient evidence about possible defects in the indictment and a lack of reasons regarding how the indictment would be amended.

The General Prosecutor made the application for review to the Special Panel on 10 May 2004. The motion requested that the court allow the Prosecutor to review and amend the indictment in the case of Wiranto. It was stated that the review was necessary as the trial had not commenced even though more than one year had passed since the indictment was lodged. As cited by the Special Panel for Serious Crimes in its decision, the commencement of the trial is not dependent on the contents of the indictment but the inability to hold the trial is due to the fact that the indictees, for whom arrest warrants have been issued, Wiranto and Yayat Sudrajat, are not within the jurisdiction of the court.

On 11 May 2004 the Prosecutor General held a press conference regarding the motion that he had lodged with the court. In the press conference the Prosecutor General said that the political strategy of East Timor was important in this case and he believed that there was not sufficient coordination regarding this case by the Serious Crimes Unit (SCU) with his office of the Prosecutor General. Further the General Prosecutor alleged that outside influences and interests were being pursued in this case although he did not specifically state the countries he was referring to.

"Although this case has political implications, these should not influence the legal process and court actors. The legal process and the political process must be separate in a system which adopts the separation of powers as expressed by section 69 of the Constitution of East Timor" said JSMP and La'o Hamutuk.

Since 24 February 2003 the Office of the Public Prosecutor has sought an arrest warrant in the case against Wiranto. It is important that there is good communication and relations between both, the Prosecutor General and the Serious Crimes Unit in order to ensure the credibility of the Office, and the integrity of the case against Wiranto are protected.

" JSMP and La'o Hamutuk support the continuation of this case along with all serious crimes cases. Now, as there is an arrest warrant for Wiranto, as in other

cases we urge the Prosecutor General to forward the warrant to Interpol and for the countries who are members of Interpol to abide by this international arrest warrant”, said JSMP and La’o Hamutuk.

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