

Special Panels in Dili Finally Releases Illegal Detainee

Yesterday in Dili (21 October) the Special Panels for Serious Crimes ordered the immediate release of Laurindo Vidigal from illegal detention, following an habeas corpus application from the defence.

Mr. Vidigal had been detained since his arrest on on the 2 September 2003, despite the fact that there was a formal request for his release from the prosecution on the 15 October. In addition, the initial order for a thirty-day period of detention had already expired.

In the hearing before the Investigating Judge on 5 September 2003, it was decided to extend Mr Vidigal's detention for a further 30 days period, even though the prosecution expressed its view that there was no need to detain him. Further, on the 15 October the prosecution requested the release of Mr Vidigal and informed the investigating judge that the case was dismissed by the prosecution for lack of evidence.

"This is a blatant violation of basic human rights as no one should be detained without a just cause. The East Timorese Transitional Rules of Criminal Procedure, UNTAET Regulation 2000/25, clearly provide that the Investigating Judge shall release the suspect if the case is dismissed. JSMP from the start could not identify any legal ground to maintain his detention." - said JSMP

"It is positive that this miscarriage of justice was remedied. However, this should never have happened in the first place. In our monitoring, we have encountered many shortcomings in the decisions of Investigating Judges regarding pre-trial detention which amount to serious breaches of criminal procedure rules and human rights guarantees. This is one more extreme example." - continued JSMP

In the habeas corpus hearing the defence also claimed compensation as provided by law. The judge was of the opinion that there was not enough information to decide on the amount for compensation and suggested a separate civil claim.

"It is important for people to be aware of their right to take an action claiming compensation for illegal detention. Such claims could, in the long run, be an important tool to prevent future abuses of human rights."- concluded JSMP

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