



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

PRESS RELEASE

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**TAUR MATAN RUAK THE LATEST WITNESS IN CIVILIAN GUN
DISTRIBUTION CASE IN EAST TIMOR**

Trial continuation XII of the case of accused Rogerio Tiago Lobato was held on Tuesday, 13 February 2007. The session saw testimony from Brigadier General Taur Matan Ruak only. JSMP observed a high level of interest among those present during his testimony. This is due to his position as head of the military and being called by Rogerio Lobato's lawyers as a key witness responding to the charge of illegal distribution of guns to civilians.

Before commencing, Rogerio Lobato's defence lawyer, Paulo dos Remedios, said that five unknown people driving Pajeros and possessing firearms had attempted to pressure them. Judge Ivo Nelson de Caires Rosa Batista explained that the court did not have competence to discuss security. He suggested it would be better for the lawyer to contact the Ministry of Justice or UNPOL directly in order to ensure this doesn't occur in the future.

In Taur's testimony he said that he doesn't believe that a person like Rogerio Tiago Lobato committed the alleged crime against his own nation. This is because he is a leader that struggled for East Timor's independence.

Taur Matan Ruak said, "One more time, I don't believe this accusation."

He went on to explain that Rogerio Lobato's entire family died during the struggle for liberation and he was a founder of FALINTIL who struggled for liberation during the 24 year Indonesian occupation. Lobato attended school in a seminary and had wanted to become a priest if he had remained in the seminary. Because of this, it is impossible to conceive that he had evil intentions to eliminate priests, nuns, the Petitioners, or members of opposition groups.

Taur also affirmed that the issue of discrimination between Lorosae and Loromonu in East Timor, according to him, never existed and never appeared because everyone in East Timor is East Timorese first and foremost.

Regarding the distribution of guns to civilians, Taur made this declaration:

"Rightfully, he didn't know anything about this issue. He first found out about it when it appeared in the mass media. He doesn't know who handed over these guns or whom they were given to. Perhaps, Rogerio handed over these guns, as he is currently accused of, with the objective of supporting the police because at that moment they were not functioning."

According to Taur, "From a practical political perspective this action was correct."

"It's similar to what the F-FDTL did to recruit resistance veterans to support the F-FDTL if threatened. Because they have absolute faith in the loyalty of the veterans of the resistance, from the perspective of the Ministry of Defence and security, there was also authorisation for the actions which occurred on 23 May 2006."

When questioned about who controlled the resistance veterans who were armed, Taur responded that in principle the F-FDTL maintained control over these veterans. Regarding the case of Railos who was also a veteran, they had lost control. Taur responded that he wasn't familiar with this as Railos and the members of his group weren't under his supervision.

JSMP concludes from the testimony of Brigadier Taur that this establishment of a parallel force to support members of the F-FDTL and police in case of crisis must be interpreted as unconstitutional.

Civilians who are veterans of the resistance are still civilians. According to applicable law these people cannot possess firearms, regardless of faith in their loyalty to struggle in defence of the national interest.

Article 146 and 147 of the RDTL Constitution says that only the F-FDTL and police have competence for defence and national security. The Constitution doesn't allow for the civilian population to possess firearms.

JSMP believes that according to the constitution and laws of East Timor, the civilian population cannot be armed in this manner. Further, article 49(1) of the constitution says, "all citizens have a right and duty to defend the independence, sovereignty and integrity of the national territory." This article can be interpreted as saying that all citizens have a duty and right to support the F-FDTL and police in their defence of the territory and independence of East Timor.

This does not mean that civilians can receive and possess firearms. The law does not permit any civilians to be armed or possess firearms. Only those working in the military can be armed in this way.

JSMP recommends to government that they pay serious attention to this issue as weapons were given to civilian veterans for practical political purposes. JSMP is

concerned that firearms possessed by the civilian population cannot be properly controlled, as there is no proper leadership.

However, JSMP appreciates, and has the utmost respect for, the collaboration of the top leader of the F-FDTL, Brigadier General Taur Matan Ruak in making himself available to attend the trial and testify. We hope that his evidence will assist the court to come to a good, correct and just decision for everyone involved in this criminal process. JSMP firmly believes that the nation of East Timor will stand strong and advance further with the good work of East Timor's armed forces and PNTL (police).

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