



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

**Press Release**  
**18 September 2007**

**TRIAL COMMENCES IN CASE RELATING TO THE SHOOTING OF  
PNTL MEMBERS THAT OCCURRED IN 2006**

On 18 September 2007, the Dili District Court opened the trial in the case relating to the shooting of members of the National Police Force (PNTL) which occurred in front of the Ministry of Justice on 25 May 2006, at a time when Timor Leste was in crisis.

This case was one of the cases recommended by the International Commission of Inquiry. It was given close attention by the international community as well as the wider community in Timor Leste, since it related one of a series of incidents that occurred during the crisis and which have been classified as serious crimes.

The trial was attended by a large number of people, and consequently the Dili District Court (operating out of the Court of Appeal) organized additional measures such as stringent security during the hearing. Some F-FDTL members in military uniform were present.

Before the hearing commenced the court clerks conducted a check to make sure that no witnesses were present in the court room. However closer examination revealed that a witness from the F-FDTL named Major Maukalu was indeed present. After being informed by the prosecution unit that he was one of the witnesses who would be summoned by the court to provide testimony about the shooting incident, Major Maukalu and his colleagues refused to accept this information and he protested, claiming that the court had not provided any notification that he would be summoned as a witness. Major Maukalu was adamant that he would remain in the court room. However, the lawyer Arlindo Dias Sanches approached him and explained the relevant procedure. Thereafter Major Laukalu was willing to remove himself from the court room.

After these matters had been cleared up, Judge Ivo Nelson Rosa Batista de Caires (International Judge), Judge Hugo Perdal (International Judge) and Judge Antoninho Goncalves (National Judge) entered the court room to start the hearing, however after the presiding judge conducted a check to see if all of the defendants were present in the hearing, it became evident that one of the F-FDTL members was absent. There should have been 12 defendants, namely 11 F-FDTL members and one Police Inspector.

Considering that one of the F-FDTL members who was a defendant in this matter had failed to attend the hearing, the presiding judge decided to discontinue the hearing in accordance with Article 253.1 of the Timor Leste Code of Criminal Procedure which states that *“the defendant’s presence at the hearing is compulsory, except as otherwise stated in the law”* and decided to continue the trial at 9:30am on 20 September 2007 at the Dili District Court (operating out of the Court of Appeal).

JSMP accepts that this decision was made in accordance with Article 253.1 of the Criminal Procedure Code, and the decision issued by the presiding judge should be respected and observed because the aforementioned article gives full authority to the presiding judge to adjourn the hearing in this matter.

JSMP fully respects the members of the F-FDTL who appeared at the court to give support to their colleagues who are defendants in this case, however JSMP notes the need for ongoing co-operation between them and the police providing security to the court. Members of the community must be assured that no-one is trying to place pressure on the judicial actors, especially given that the hearing was being attended by the families of the victims, who have been severely traumatized.

JSMP hopes that F-FDTL will demonstrate to every one else that the negative perceptions held by some in the wider community towards them are not accurate.

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