



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

16 May 2008

Vote Buying Case Heard by Circuit Court

The 'Mobile Court', a relatively new initiative of the Suai district jurisdiction, heard only one matter on its recent Maliana circuit. This related to an incident of vote buying that allegedly took place in Cailaco prior to the general election held in 2007.

The case involves a PNTL officer with known party political ties. A hearing was conducted at the Maliana PNTL office, and proceeded with the defendant's cooperation. The judge, sitting alone rather than as part of a panel, read out the indictment submitted by the Public Prosecutor, which stated that the defendant had bribed certain individuals with different political allegiances to vote for the party supported by the defendant.

The defendant is alleged, by these actions, to have violated Article 56.1 of the Law on the Election of the President of the Republic, No. 7/2006, which states that "*any person who uses violence or threatens to use violence against any elector or who employs deceit, fraudulent trickery, false news or any other illegal means to force the elector not to vote or to vote in a certain direction, or to abstain from voting or to buy votes, shall be punished with coercive detention of up to 2 years or fine of up to 1,000 US dollars*".

After hearing the indictment, the defendant stated that in principle he admitted the charges against him, but had no intention of providing any further testimony in the trial. Following some explanation of process by the judge, the defendant did change his mind and agreed to give a more comprehensive statement to the court.

The defendant subsequently testified that he did indeed give ten dollars each to eighteen individuals as named. He claimed, however, that the money was paid to them for services rendered as security guards at Cailaco during the election. He stated these actions were solicited and encouraged by the then State Secretary for Regional Affairs, Lino Torreza. He further denied any intention to threaten these witnesses into voting for a candidate from his preferred party. The defendant did, though, admit that he had, during this period, criticized a candidate from another party while drunk on palm wine.

The judge suggested at this point that witness testimony would not be required, as sufficient evidence of guilt had been provided by the defendant, pursuant to Article 268.4 of the Criminal Procedure Code, which states that "*Where the court is satisfied that the admission of guilt is free and genuine, the questioning, including the remaining production of proof, is limited to the facts and circumstances that have not been sufficiently clarified*". The Public Prosecution Unit, represented on this occasion by Reinato Bere Nahak, felt that this was unusual and requested that the court proceed to hear the testimony of those witnesses who were then present at the Maliana PNTL Office.

The two witnesses brought before the court both testified that the defendant had bribed them to vote for his favoured party and threatened that if they did not choose the candidate he recommended, then he would beat them and everyone else who had accepted his money.

After hearing this testimony, the prosecutor decided to further investigate the matter and summon Lino Torrezão as a witness, not discounting the possibility that he could conceivably be charged himself on the basis of evidence in this case. The judge adjourned until 22 May 2008.

JSMP is pleased to see that cases of suspected election-related offences are receiving the due attention of the court. Whilst politics may have moved on from last year's elections, effective prosecution of crimes that threaten the integrity of electoral process remains critical to the full expression of democracy in Timor-Leste.

Also worthy of comment is the creation of the 'Mobile Court' – a laudable innovation that will assist in adjudicating the concerns of parties who might otherwise have had no means to attend a hearing. This circuit court approach will also likely help to educate people in more remote areas about the formal justice system. JSMP hopes that the Mobile Court is well supported and funded to continue and improve its work, and eventually extended across the country.

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