



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

PRESS RELEASE

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**WITNESSES PRESENTED TO THE COURT DO NOT HAVE KNOWLEDGE
ABOUT THE INVOLVEMENT OF ABILIO MAUSOKO AND CO-ACCUSED
IN CASE OF ATTACK ON THE RESIDENCE OF BRIGADIER GENERAL
TAUR**

On the 15th and 18th June 2007, the Dili District Court continued a trial relating to an attack on the residence of Brigadier General Taur Matan Ruak by examining 4 members of F-FDTL who were witnesses in this case. The names of the four witnesses are as follows: Domingos da Costa Pereira, Marito dos Santos, Domingos da Silva and Felix Dias, who were at the scene when the attack took place. These witnesses were present to keep watch over the residence of the Brigadier General.

The judge examined each of the witnesses separately in accordance with the applicable legal procedures set out in Article 263 (1) of the Criminal Procedure Code which states that: ***“While proof is being produced, every person who is to make statements is kept away from the courtroom and without access to any information about what is happening inside the courtroom”***

Under examination one of the witnesses explained that he knew about the incident that took place on 24-25 May 2006 at the residence of Brigadier General Taur Matan Ruak. The witness knew about the incident because he had been at the Brigadier’s house since the 20th May. The witness has been working at the Brigadier’s house as a personal bodyguard from 2000 until now. In his testimony the witness stated that when the attack took place on the Brigadier’s residence he was together with 6 other members of F-FDTL as well as members of the Brigadier’s family.

2 people suffered gunshot wounds during the attack. The two victims were F-FDTL members, namely Domingos da Costa Pereira who was injured on 24th May, and Domingos da Silva who was shot on 25th May. They were both

taken to the Dili hospital after they were injured, so that their testimony was limited to telling the court what they experienced and saw on the 24th and 25th May 2007 when the attack occurred.

At the commencement of the hearing the Public Prosecutor asked the witness Domingos da Silva if he had knowledge about what took place on 23rd, 24th and 25th May in the Marabia hills. The witness testified that he did not have knowledge about any incidents on 23rd and 24th May, as he only arrived at the Brigadier's residence on the evening of the 24th at approximately 19.30. The witness attended the Brigadier's residence because he was ordered to assist the Brigadier's bodyguards who had been surrounded by an armed group. Therefore, as explained above, the witness **Domingos da Silva** decisively stated that he did not have accurate knowledge about any incidents on the 23rd and 24th May.

The witness claimed that on 25th May, shooting started at 03.00 and continued until about 21.00-22.00. The witness Domingos da Silva was injured on the 25th at about 15.00. After being injured he was taken to the hospital in the evening by his fellow members of F-FDTL.

To convince the court that they did in fact have knowledge about the attack on the Brigadier's residence that occurred on 24-25 May 2006, they were asked to show the scars caused by gunshot wounds. The witnesses took off some clothing and showed their scars to the judges, Public Prosecutor and defence. Scars caused by gunshot wounds were evident on the bodies of the witnesses. These scars demonstrated that the witnesses had suffered gunshot wounds in the neck, back and leg.

At this opportunity the witnesses explained that they had been shot at when they were relaxing. Shots were fired from the direction of the old Lahane Public Hospital, SPK, State Building and from the hills, and shooting continued up to the intersection heading to Aileu in close proximity to the Brigadier's residence. Based on the testimony of the witness Domingos da Costa Pereira, the attack was conducted by people wearing Police uniforms, UIR and civilians who were fully armed. Almost all of the witnesses gave similar testimony to that of earlier witnesses, namely that they only knew what took place on 24th and 25th May 2006.

The most common question asked during the examination phase related to the involvement of the defendant Abilio Mesquita and co-accused and the types of weapons used by the attackers. However the witnesses answered sincerely that they only saw the defendant Abilio on 24th May when they were discussing the East-West issue. At that time the witnesses clearly saw Abilio carrying a F2000 long barreled gun together with his friends, but the witnesses testified that they didn't know who else was with Abilio Mausoco. JSMP has been actively observing this trial and believes that no procedural errors have occurred before, during and after each of the hearings. This shows that the 25th May in the Marabia hills. The witness testified that he did not have knowledge about any incidents on 23rd and 24th May, as he only arrived at the Brigadier's residence on the evening of the 24th at approximately 19.30. The witness attended the Brigadier's residence because he was ordered to assist the Brigadier's bodyguards who had been surrounded by an armed group. Therefore, as explained above, the witness **Domingos da Silva** decisively stated that he did not have accurate knowledge about any incidents on the 23rd and 24th May.

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JSMP has been actively observing this trial and believes that no procedural errors have occurred before, during and after each of the hearings. This shows that the court actors are truly demonstrating their professionalism. Nevertheless, the defence, judges and Public Prosecutor have been engaged in some debate because the lawyer often repeats the same questions to the witnesses.

JSMP recommends for the Public Prosecutor and the Court to do their best to present witnesses who can provide certainty about the perpetrators of the attack on the residence of Brigadier General Taur Matan Ruak that occurred on 24-25 May 2006, considering that five witnesses have given testimony in this trial and not a single witness has provided certainty about who perpetrated the attack. The witnesses only knew that members of the PNTL had conducted the attack without knowing their individual identities.

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