



Press Release
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JSMP, ALFeLa, FOKUPERS and Mahein Foundation demand for the police authorities to protect the human dignity of suspects and to act in accordance with the law

The civil society organisations of JSMP, ALFeLa, FOKUPERS and Mahein Foundation demand for the police authorities to protect the human dignity of suspects and to act in accordance with the law.

Via a press conference on 7 August 2019, JSMP ALFeLa, FOKUPERS and Mahein Foundation expressed deep regret for the actions of police authorities in a case of infanticide.

“We believe that the police authorities play an important role in establishing relevant facts and identifying perpetrators. However, it is more important to ensure that their actions and interventions adhere to the applicable law and protect the human dignity of all people, even those who have been accused of a crime”, said Casimiro dos Santos, Acting Director of JSMP.

These acts seriously undermine the basic principle of universal human rights set out in the Constitution and international laws that have been ratified. In particular, these acts violate the basic principle regarding the presumption of innocence that is set out in Article 34(1) of the Timor-Leste Constitution, Article 11(1) of the Universal Declaration of Human Rights and Article 14(2) of the International Convention on Civil and Political Rights ratified by the State of Timor-Leste. According to these provisions, all people who are accused of a crime have the right to be considered innocent until they are found guilty in accordance with the law.

JSMP and its partners also regret the actions of the police who covered the suspect's face and showed the suspect to the media, because this behaviour violates international norms ratified by Timor-Leste which are a violation of the Universal Declaration of Human Rights because this behaviour is considered inhumane and undermines the dignity of the suspect. Article 5 of the Universal Declaration of Human Rights states that no one shall be subjected to torture or to cruel, **inhuman or degrading treatment or punishment**. This is reinforced by Article 30 of the Timor-Leste Constitution on the right to personal freedom, security and integrity, which prohibits any person from being subject to inhuman treatment.

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“We are very concerned about posts on social media because they could impact on the investigation process, especially the gathering of proof or evidence and also clues relating to the involvement of other perpetrators in this case who could abscond or remove evidence or interfere with the gathering of evidence,” said the Director of ALFeLa, Mr. Antonino Marques.

Behaviour or practices like this also go against the role and obligation of the police to ensure judicial confidentiality. Based on the law, participants in all proceedings and persons who have contact with or knowledge about proceedings, either fully or partially, or about the contents of proceedings, may not divulge any information. The law also states that in all situations when the police carry out an arrest or search goods or documents, they must behave in a way that adheres to the rules set out in the Criminal Procedure Code.

Article 53 of the Criminal Procedure Code states that the police must conduct an inquiry at the police station in a manner that does not offend the human dignity of the suspect.

These acts show that the police do not respect the rights of suspects, as provided for in Article 60 of the Criminal Procedure Code that states that suspects need to give their consent at any time during the inquiry phase.

Furthermore, Article 75(1) of the Criminal Procedure Code on the public character of proceedings states that a criminal proceeding is open to the public from the time the indictment is presented. JSMP is concerned that these acts can have serious consequences for other suspects who are directly linked to this case who can abscond or remove evidence because of these posts.

JSMP and its partners request for those parties who have accepted their role to investigate and protect (protect the facts) need to consider the general principles on guaranteeing the fundamental rights of defendants and ensuring that all acts must comply with basic requirements relating to judicial confidentiality in accordance with the law.

In particular, as a State-party to the international conventions that have been ratified, State institutions including the police authorities have the institutional obligation to comply with the principles set out in these international conventions that guarantee the protection of human rights, especially the rights of individuals during proceedings.

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