



The SCIT works under the direction and supervision of the Office of the General Prosecutor of Timor-Leste



"WE WORK IN COMPLIANCE WITH THE LAW, NOT WITH INDIVIDUAL WILL"

How long have you been the Prosecutor General of Timor-Leste?

I started my work in this post before the restoration of the independence. My second term started in July 2006. I have been in office for a total of 8 years.

What is your assessment of these eight years of work? What were the main difficulties...

As you know, this is a very young country whose institutions were all born in a most adverse situation. We started from zero. We had to build our own capacities. Now we have a young nation that starts to walk by itself, legal mechanisms are already created, that is, regulations, laws, and organic laws of the Public Prosecutions Office, which came into force only in 2005. Of course, we consider the development to be going a little slow, but it is impossible to do everything overnight. As for the difficulties we've faced, these are related to cases whose nature of the crime is involved in a political background such as the investigations on the 2006 crisis, Alfredo Reinaldo, etc. These are difficult situations, first because of the Public Prosecutions Office's duty of informing people on the conduction of our works, then because of background political struggles, which play against the mechanisms of justice.

Legally speaking, is there already a complete frame in place?

Yes. Legally speaking we do have it. The problem we have now is operational.

Which are the most urgent operational needs?

The most urgent task is to implement the strategic plan for the Public Prosecutions Office, which could establish, for example, a minimum of 20 prosecutors for the Office. At the moment, we have only nine prosecutors and four trainees. The plan also aims at the establishment of specialized teams and rotation of prosecutors in the districts. I believe the plan will be fully implemented until 2010, 2011. From then on we will be able to respond for the basic obligations of our mandate.

Are these the difficulties delaying the Prosecutor-General's proceedings?

I must say that we have now nearly 4500 pending cases

at the investigation phase. The Office is extremely dependant on the interchange with other services of justice; the police, to be more specific, because it is the police who supports the Office with criminal investigations. I insist that all those proceedings are pending at the investigation phase. We acknowledge that police has its own difficulties to work. When people point their fingers at us, we have to point our fingers at the police, but no one seems to consider the difficulties the two institutions face. If there is not a solution, the situation can grow worse, numbers will keep mounting up.

Your performance has been recently questioned, namely with respect to your impartiality. What do you have to say to people who believe you are influenced by political powers?

First of all, I should say that one must take care of their own mandates. I take care of mine, I do my work alone, everyday. Politicians often come with such allegations not aiming for the truth, but to raise controversy. I am aware of the implications of my post and the duties I have to observe. I also know how to face these political rivalries. It is no surprise to me.

Politics in Timor-Leste involves everyone, be they the president or the peasants. That is why I am not surprised with this criticism. The most important thing is that my prosecutors know who I am. I carry out my duties only with them. I don't work with anybody else. It is obvious that an institution like this Office has to dialogue with other State institutions, but that is all.

You mean that the Law is the only guideline in your work...

You can ask each one of my prosecutors. I never intervene in any of the proceedings which are under the responsibility of the Republic prosecutors. Whether national or international, I have never intervened. What is certain is that we are not here to satisfy people. We follow the Law and if one is happy or not, the Office has nothing to do with it. We work in compliance with the Law, not with individual will.

The Democratic Republic of Timor-Leste has signed an agreement to establish a Serious



Editorial:

With 'SCIT info', we intend to regularly keep the population of Timor-Leste informed on the progress of the Serious Crimes Investigation Team, within the limitations of confidentiality that our mandate requires. Furthermore, we wish to provide accurate information about our working methods and activities, as well as other relevant issues concerning justice, in particular the process dealing with serious human rights violations of 1999. In this first issue we give the word to the Prosecutor-General of Timor-Leste who bears the maximum responsibility on the pursue for truth and justice.

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Investigating 1999 to assist bringing Justice in Timor-Leste

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SERIOUS CRIMES

In the opening of the Parliamentary year, the President spoke about the Serious Crimes of 1999 and Pardons...

In his speech to the Parliament on the 9th October, president Ramos Horta explained that he does not support setting up an international court due to major national interests. However he stated that: "It is important to prosecute and convict the authors of crimes. This is my attitude and position as from the beginning and I will keep it". In regard to the Presidential pardons to convicted perpetrators of Serious Crimes he explained: "The pardon that the President of the Republic granted did not diminish the disapproval for the harm that was done. On the contrary, the pardon invites the society of Timor-Leste to a gesture of greatness: to give up revenge, to forgive the harm we suffered (even though not forgetting it) and to give a second opportunity to our disoriented brothers".

Crimes Investigation Team in order to resume incomplete investigations on the crimes of 1999. What are the most important topics in this agreement?

We had a Serious Crimes Unit, which finished its mission with the end of UNMISET, in 2005, leaving tens or hundreds of pending cases. It is clear that people involved in those proceedings (victims, etc) ask for conclusions. They want to see the results. That is why the Government, invested with the moral obligations, consulted with the Public Prosecutions Office and the United Nations and understood we needed an investigation team for the serious crimes occurred in 1999 in order to finish investigations. Indictments will depend very much on the conclusions and also on the means we have to deal with each particular case, but at least we are going to have the evidence and the truth to be recorded and kept.

Do you mean that SCIT's mandate is different from SCU's?

Of course, the mandate of the late Serious Crimes Unit allowed it to prepare the indictment for the court to rule on the cases, the special panels for serious crimes. Now we have the SCIT, which is only dedicated to the investigation of pending cases left by the SCU.

When an investigation reaches a conclusion, does the SCIT forward the results to you?

Yes, and here we decide over each particular case in

order to go on with the indictment of not, because each case is completely different from another. In some cases, the criminals are found to be out of Timor-Leste, in another sovereign country. This jurisdiction issue has been a major obstacle. This is not only the Office's responsibility, but also the Government's, who has its Ministry of Foreign Affairs. The Office can not enter into another country. In order to deal with this we must have extradition agreements, but this is out of our competence.

How is the relationship with the SCIT going so far?

We have monthly coordination meetings. I receive reports and information from the SCIT on developments and difficulties on a regular basis.

I try to support and rule on the issues that fall under my competence, mostly by means of my deputy. The SCIT is accomplishing its mission.

The President has recently pardoned some people who had been convicted for crimes against humanity. What do you think about that?

The President of the Republic has the authority to grant pardons. We were asked for an opinion and we gave it, case by case. However, I think our recommendations were not fully taken into consideration. It is a regrettable fact that pardons were not given accordingly to each specific situation of the defendants.

SCIT traveled to the 13 districts explaining its work

The population expressed concerns and opinions on Justice

Between August 19th and September 16th 2008, the Head of Serious Crimes Investigation Team and part of his team travelled to all 13 districts of Timor-Leste to participate in meetings with the community leaders, explaining the mandate of SCIT, the work of the Team, and answering questions about the Serious Human Rights violations that took place in 1999.

Suco chiefs, NGO representatives, PNTL and UNPOL officers, and relatives of victims attended these meetings, amounting to a total of 378 people.

Their main concerns referred to the "needs of the families of victims to know the truth and have some reparation for what they suffered". Furthermore those community leaders requested clarification on the difference between the mandates of SCIT, CAVR and the TCF, namely the distinction between judicial process



and other political processes

This initiative was organized in cooperation with the Public Information Office of UNMIT and had the participation of UNMIT Human Rights Unit, the Post-CAVR secretariat, the office of the Ombudsman for Human Rights, representatives of religious groups and parliamentarians from the Committee A on Justice. The SCIT plans to conduct another round of meetings in all districts in the beginning of next year.

SCIT Forensics section trains PNTL cadets

The role of the medico-legal experts in the investigation of crimes was the subject of a two-days workshop conducted by the SCIT Forensics, at the request of UNPOL. 60 PNTL cadets received the training on the 13th and 14th October. Sharing its experience with the investigations into the Serious Crimes of 1999, the SCIT Forensic Section hopes to bring technical awareness of the obligation state actors have when maintaining the rule of law by conducting effective and adequate forensic investigations in respecting the human rights of the victims.

