

Report on relations between the Judiciary and the Government in Timor Leste following investigations in country between Sunday 16 November 2014 and Tuesday 18 November 2014.

Alistair Wyvill SC – Northern Territory Bar Association

I had arranged to spend these days in Timor Leste to assist Alex Wilks, Principal Programme Lawyer, International Bar Association's Human Rights Institute based in London, to investigate the support which might be given by the IBA to the establishment of an independent bar association in Timor Leste. However, recent events overwhelmed our original intentions and it quickly became clear that the more immediate concern was the independence of the judiciary.

Over these days, I spoke to as many people as possible in Dili about recent developments concerning the judiciary, including an advisor to Timor Leste's Prime Minister Xanana Gusmao, many local lawyers, the President of the Court of Appeal Guilhermino De Silva, another Timorese judge, the Timor Leste head of a major local NGO (whom I cannot identify), and representatives of the Judicial System Monitoring Programme (JSMP), a high-regarded local organisation monitoring the performance of the judicial system in Timor Leste.

The results of those inquiries are as follows:

On Friday 24 October 2014, Timor Leste's National Parliament passed a resolution (No.11/2014 – English Translation attached) in a closed session, immediately terminating the contracts of all international judges, prosecutors, defenders and other international advisors working in the judicial system and requiring an audit of the Timor Leste Justice system. The Government resolved on the same day (No.29/2014) to adopt the measures called for in the resolution from the National Parliament.

On 28 October 2014 the President of the Court of Appeal, Guilhermino De Silva (Timor Leste's most senior judge) issued a directive to all judicial administrators of all Timor Leste District Courts that, as the resolutions lacked lawful validity, the judges were to continue with their duties as normal (original attached). Under the Constitution and laws of Timor-Leste, I understand that judges can only be removed from office by the Superior Council of Magistrates and prosecutors by the Superior Council for the Public Prosecution.

In response to this directive, on 31 October 2014 the Government passed a resolution revoking the visas of five foreign judges, two foreign prosecutors and a foreign official in the Anti-Corruption Commission, giving them 48 hours' notice to leave Timor-Leste (English translation of the resolution attached). They were the following:

1. Cid Orlando de Melo Pinto Geraldo (Portugal)
2. Julio Gantes da Costa (Portugal)
3. Eduardo Neves (Portugal)
4. Pedro Miguel Figueiredo (Portugal)
5. Carlos Câmara (Portugal)

Attorneys General:

1. Luis Landim (Cape Verde)
2. Gloria Alvês (Portugal)

Anti-Corruption Commission:

1. José Brito (Portugal)

Because of this crisis, Portugal has now withdrawn all of its judges from Timor Leste, which as I understand it leaves about eight local judges remaining. In addition to the serious impact this has had and will have on the functioning of the Courts, the resolutions have also led to a number of apparently unintended consequences, e.g., the suspension of all international trainers in the Legal Training College, the equivalent of our GDLP courses.

The Government has sought to justify these moves by referring to the conduct by the judiciary of the resources tax cases brought by the Government against Conoco Philips and others. Apparently, the Prime Minister has gone on television holding up judgments which he claims evidence inappropriate “coping and pasting” by judges. There are a number of other complaints.

It is not clear to me that any of the expelled judges and lawyers listed above had any connection with the tax cases against the resources companies. In fact, it has been positively asserted to me that the expelled judges “had nothing to do with the \$30m case”. The President of the Court of Appeal also confirmed this to me. It is also difficult to see how a member of the Anti-Corruption Commission might have any role to play in a tax recovery case. Nor, in spite of request, has any material been provided to me which might justify the criticism of the judges that did have the conduct of these cases and, if criticism might be appropriate, why that could not have been pursued in an appeal.

Further, almost every “insider” to whom I have spoken who is independent of the Timor Leste Government (including the judges to whom I spoke) connects these events with the corruption cases against 8 members of the current government including the speaker (‘president’) of Parliament and to other cases related to corruption which are presently proceeding through the courts.

This view is supported by the fact that the trial against the Minister for Finance, Emelia Pires, was due to start on Monday 27 October 2014, the next working day after the resolutions were passed. As a result of these resolutions, the trial did not proceed.

This connection is also supported by a case concerning the conviction of “CG” a former police commander of criminal investigations in Timor Leste (whose full name I understand is Calisto Gonzales) which is outlined in the attached JSMP report. His defence to a charge that he had assisted drug-traffickers in his custody to escape prosecution and leave the country was that he was following the instructions of his superiors. He appealed on the ground that they should have been called as witnesses by the prosecution. The CA accepted this submission and referred the matter back to the Dili District Court for a further hearing to call the nominated superiors (these matters were confirmed with me generally by the President of the CA). These superiors were - I am told by others – senior members in the Government. As the JSMP report shows, the judge who was to continue with this trial was Judge Julio Gantes - No.2 on the above list. As a result of the expulsions, it is uncertain as to whether, when and how the trial will ever proceed.

What is more concerning is that the PM might be engaged in a campaign against the judicial system of which this is only the beginning – this is not just my view, but a view of some of the senior Timor Leste individuals with whom I spoke. This campaign appears to include demeaning the reputation of local judges with the public. This appears to be having some effect: see the attached “declaration politica” signed by several war veterans which refers to the tax cases and the “copy/paste” complaint.

Further, on Tuesday 18 November 2014, the PM attended the Dili District Courts in the company of war veterans and members of the local press. I understand that he sought an audience with the judges to present them with a bundle of materials. None of this, apparently, was in accordance with court procedure and he was advised by the court to take the materials to prosecutors. It seems that this may have been just a further step in the PM's media campaign against the judges. No other possible rationale is apparent.

The conduct of this campaign would be particularly concerning if, as appears possible, the complaints about the tax cases are a ruse to deflect attention from the real object of the campaign – to prevent the judiciary from hearing and determining corruption cases against members of the Government.

In spite of the pressure being applied by the Government, it appears that the local judges are resolved to continue to discharge their duties including by bringing the corruption cases to trial. No question was left in my mind that that was the position of President de Silva and the judge with whom I spoke. This means that there is a serious risk of escalation over the coming months. As these committed and admirable judges continue to assert their independence, the PM and those behind him may "up the ante". It is not my intention to be overly dramatic, but from what I saw it is just not possible to rule out the risk of danger to the lives and wellbeing of these judges and their families as the current crisis develops.

The position of the judges in Timor Leste is made more problematic because, as far as I could see, they cannot rely upon the advocacy, support or protection of an organised and independent legal profession. JSMP appears to be almost the only local voice attempting to defend judicial independence and the rule of law in Timor Leste. Further, the expulsion of the Portuguese judges – part of whose function was to assist in the training of the local judges - has left the local judges even more isolated.

Finally, and understandably in these circumstances, the President of the Court of Appeal and the other judge with whom I spoke were unequivocal in their request for support from the international community and particularly judges and lawyers from other countries.

My suggestions for action, in line with the requests I received, are as follows:

1. resolutions should be passed and published as widely as possible expressing concern about recent developments in Timor Leste and calling upon the Government to declare its commitment to the rule of law, to the independence of the judiciary, and to support the personal safety and well-being of the members of the judiciary so they may continue to properly discharge their duties;
2. letters should be written to the Prime Minister and President of Timor Leste in the same terms, copied to the President of the Court of Appeal;
3. further investigations should be undertaken to ascertain the relevant facts including
 - a. the legality under Timor Leste law of the various resolutions which Parliament and Government have purported to pass;
 - b. whether there is any connection between the action of the expelled judges and lawyers and the tax cases;
 - c. whether there is any connection between the corruption cases and the Government's actions in relation to the judiciary;

- d. whether there is any risk to the safety of Timor Leste judges;
 - e. how the justice system in Timor Leste might be better supported.
4. options for senior representatives of legal bodies to visit Timor Leste and show their support for judicial independence, the rule of law and the peaceful settlement of disputes should be considered. One possibility might be the convening of a regional conference in Dili to examine the role of independence in the administration of justice, both in respect of the courts and the legal profession. I have discussed this with Alex Wilks and it is possible that the IBA may be interested in co-operating with other professional bodies in convening such a conference.

A handwritten signature in black ink, appearing to read 'Alistair Wyvill'.

Alistair Wyvill SC

20 November 2014

NATIONAL PARLIAMENT RESOLUTION NO. 11/2014

of 24 October

On the need to undertake an Audit in the Justice Sector

The Democratic Republic of Timor-Leste is a Democratic State of Law, based on the rule of law, with respect for human rights and the human person. The public powers are based on the principle of the separation of powers, which implies interdependence and oversight mechanisms.

In carrying out its oversight duties and of controlling public entities, it is up to the National Parliament to monitor several sectors of the public administration, *lato sensu*, of which the Justice Sector is a part.

Within the Justice Sector there is a group of state bodies for administration of Justice, that are enshrined in the Constitution such as the Courts, the Public Prosecutor's office, the Public Defender's office, as well as bodies of the Criminal Police, such as the Anti-Corruption Committee. The integrated operation of these entities aims to provide a response to specific cases that have been submitted to the Courts, be they of criminal or civil nature. The process through which Justice is administered and that, according to our national law, only the State may provide, should be credible, independent, transparent, effective, efficient, fast and just. The referred structure of the bodies of the Justice Sector is regulated through several legislative diplomas that form the *acquis* of the judiciary laws or those connected to them.

In this way, the Timor-Leste Justice Sector been called upon to solve a larger number of cases with greater degrees of complexity and is tested on a daily basis, be it by citizens of Timor-Leste, be it by foreigners that resort to the sector. A paradigmatic example of this complexity both in terms of its dimension and in terms of its sophistication, is the set of legal cases where the parties contracted for the exploration of the Bayu-Undan oilfield area, sued the State in over 50 complex international taxation cases, where the proceedings were brought to the national Courts.

The aforementioned cases, as well as others, have revealed some weaknesses that our young legal system suffers from. Not only by the particular nature of the matter under consideration in these cases, that tests our human resources and the capacity for response of the Courts, but also through several incidents referring to legal irregularities, both substantive and procedural, that have contaminated the cases, exposing the country to external threats relating to its sovereignty and subsequent national security.

Over the past few years, and faced with the young legal system in Timor-Leste, the Government has had to hire, for our courts and Public Prosecutor's Office, foreign professionals from countries with more developed legal systems, with the objective of training our Timorese staff and of enhancing the capacity of the

operation of our legal system. However, what has been found is that these external professionals, instead of enhancing the capacities of our legal system and of giving the Timorese staff the required technical knowledge, have revealed a lack of technical capacity to attain the purposes for which they have been hired.

The Anti-Corruption Committee has also been subject to the referred hiring of foreign professionals to train and build capacity among the staff of that judicial body. However, the action of the said professionals has not been satisfactory and it is public that the Anti-Corruption Committee has not acted in line with the criminal evidence that has been presented to it, for purposes of further investigation.

In light of the above, and responding to the legitimate expectations that the Timorese population places on its legal bodies, and given the need to carry out an evaluation of the operation of the Justice Sector as a whole, and given that the activities developed throughout the last fourteen years by the bodies that integrate the said Justice System, we are able to draw our own clear conclusions on the present and future needs of our Judiciary. The National Parliament has thus decided, under Article 92 of the Constitution of the Democratic Republic of Timor-Leste, the following:

1. Call on the Government, as the responsible entity for implementing Justice policies, to undertake an in-depth technical audit on the operation of the sector, namely on:
 - a. the operation of the Courts, the Public Prosecutor's Office, the Public Defender's Office and the Anti-Corruption Committee;
 - b. the articulation of the Public Prosecutor's office with the criminal police bodies;
 - c. the need to carry out legislative changes and to develop new legal diplomas;
 - d. the human resources and trend towards an increased *timorization* of the sector;
 - e. the economic efficiency of the sector and the implementation of external aid;
 - f. the articulation of the formal systems and the strengthening of the *traditional justice* mechanisms.
2. As a way of marking the 15 years of the establishment of the Justice Sector, it is recommended that the conclusion of the referred audit be presented to the National Parliament and to the public in the beginning of 2015.
3. Provisionally, and without prejudice to an opposing decision in the future, for reasons of *force majeure* and of national interest, all existing contracts and contract renewals of international staff, should be immediately terminated, including the respective international advisors exercising duties in the Courts, Public Prosecutor's office, in the public Defender's office, in the Anti-Corruption Commission as well as in the Legal Training Centre.

4. With regard to the provisions in the previous number, the Government should promote the creation of mechanisms susceptible to suppressing difficulties in relation to human resources that may arise from the termination and non-renewal of the external contracts.
5. The competent authorities of the Government should from now on, for purposes of coordination of the said protocols as well as for reasons of economic rationality, coordinate the international contracts for the Justice Sector, under the protocols and memorandums of understanding signed between the Timorese State and foreign entities.

This Resolution enters into force on the day following publication in the Daily Gazette (*Jornal da República*).

Approved on 24 October 2014.

For publication.

The Speaker of the National Parliament,

Vicente da Silva Guterres

GOVERNMENT RESOLUTION NO. 29/2014

of 24 October

Audit and Actions on the Justice Sector

Prompted by the National Parliament, under Resolution no. 11/2014, 24 October 2014, and considering the legitimate expectations that the Timorese population places on its legal bodies, as well as the need to undertake an evaluation of the operation of the Justice Sector as a whole,

The Government decided, under the terms presented in Articles 115, paragraph 1, point l) and o), in paragraph 3 and in paragraph 116, point c) of the Constitution of the Democratic Republic of Timor-Leste, the following:

1. Create a Commission to Audit the Timor-Leste Justice System, for purposes of an in-depth technical audit on the operation of the Justice Sector, namely on:
 - a. the operation of the Courts, the Public Prosecutor's Office, the Public Defender's Office and the Anti-Corruption Committee;
 - b. the articulation of the Public Prosecutor's office with the criminal police bodies;

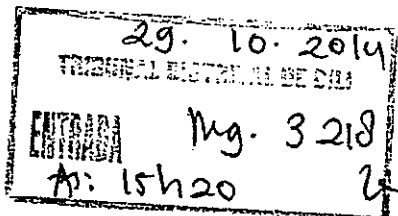
- c. the need to carry out legislative changes and to develop new legal diplomas;
 - d. the human resources and trend towards an increased *timorization* of the sector;
 - e. the economic efficiency of the sector and the implementation of external aid;
 - f. the articulation of the formal systems and the strengthening of the *traditional justice* mechanisms.
2. The Commission will be composed of national and international technical staff that is renown, has experience, knowledge and prior background and has public recognition, in the field of Justice.
3. The Commission for Audit of the Timor-Leste Legal System has the mission to undertake a report with its conclusion on the referred audit, mobilizing and hiring to this end, the human resources that are deemed necessary.
4. The conclusions of this Committee shall be presented to the National Parliament and to the public at the beginning of 2015.
5. Provisionally, and without prejudice to an opposing decision in the future, the relevant Ministries should immediately terminate, for reasons of *force majeure* and of national interest, all existing contracts and contract renewals of international staff, including the respective international advisors exercising duties in the Courts, Public Prosecutor's office, in the public Defender's office, in the Anti-Corruption Commission as well as in the Legal Training Centre.
6. As a means to suppress the difficulties relating to human resources that may arise from the termination and non-renewal of the contracts of international legal staff, the relevant Ministries shall proceed to mobilize and hire the human resources that are deemed necessary.
7. The coordination of international hiring for the Justice Sector, under the protocols and memorandums of understanding signed by the Timorese State and foreign entities, shall, from now on, be coordinated by the relevant Ministries in the Government, namely by the Ministry of Justice and by the Ministry of Finance.

Approved in Council of Ministers, on 24 October, 2014.

For publication.

The Prime Minister,

Kay Rala Gusmão



TRIBUNAL DE RECURSO

Exmos. Senhores

Juizes Administradores dos Tribunais Distritais.

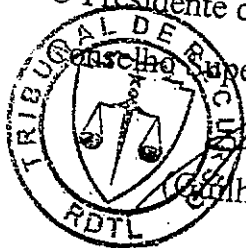
*Of. nº: GA / 154 / 2014 / 15475
Cópia de processo administrativo
visto e assinado por Juiz Internacional
em 29/10/2014
Ass: [assinatura] 29/10/2014
pelo 15476*

Nos termos do artigo 18º, alínea e) da Lei 11/2004 de 29 de Dezembro (Estatuto dos Magistrados Judiciais) e artigos 18º, n.º 2, 26º, 41º, 55º, 60º, 72º e 82º do Decreto-Lei nº 19/2012, de 25 de Abril (Estatuto dos Oficiais de Justiça) deverão os senhores funcionários judiciais e juizes internacionais em exercício de funções nos Tribunais Distritais, continuar a exercer as suas funções, a fim de ser assegurada a continuação do bom funcionamento dos tribunais, visto que as suas contratações se encontram em vigor.

Apenas ao CSMJ compete nomear, transferir ou exonerar os senhores magistrados judiciais e funcionários judiciais e apreciar o seu mérito profissional e exercer a acção disciplinar, não tendo qualquer efeito prático a resolução do Parlamento Nacional nº 11/2004 de 24 de Outubro, nem a resolução do Governo nº 29/2014, de 24 de Outubro.

Díli, 28 de Outubro de 2014.-

O Presidente do Tribunal de Recurso e do Conselho Superior da Magistratura Judicial



(Guilhermino da Silva)

Government Resolution no. 32/2014, of October 31

Compliance with the measures enacted by the National Parliament to promote and safeguard the interests and dignity of the Democratic Republic of Timor-Leste

The National Parliament of the Republic of Timor-Leste, an entity that exercises sovereignty and represents all Timorese citizens, through Resolution no. 11/2014, of October 24, on the grounds of force majeure and the need to uncompromisingly protect the national interest, in order to defend and ensure the sovereignty of the country, urged the Government to carry out an in-depth technical audit about the functioning of the Justice sector.

In order to achieve this aim, it was deemed necessary, on a transitory basis, and without prejudice to a reverse decision in the future, to terminate immediately all existing contracts and contractual renewals of the international judicial workers, including their advisory services in the Judiciary, in the Public Prosecutor's Office, in the Public Defender's Office, in the Anti-Corruption Commission, as well as in the Judicial Training Centre.

Urged by the National Parliament, the Government of the Republic of Timor-Leste, through Resolution no. 29/2014, of October 24, not only has established an Audit Committee of the Justice System of Timor-Leste, with the fundamental priority to protect and to ensure the sovereignty of the country, but also, on the grounds of force majeure and of national interest, has recognized the immediate termination of all the existing contracts and contractual renewals of the international judicial workers, including their advisory services, currently working in the entities mentioned above. As a result, the international judicial workers and advisors working with those entities saw their working contracts terminated.

The fact is that, under the terms of Article 36 (1), of Law no. 9/2003, of October 15, given the termination of the contractual obligations, the necessary preconditions for granting the work permits or even the special stay authorizations in the Democratic Republic of Timor-Leste no longer exists and thus their visas have been revoked.

Accordingly, under the terms in Article 22 (1)(k) and (3) of Decree Law no. 41/2012, of September 7 and of Article 44 (2)(b), of Decree Law no. 31/2008, of August 13, it shall be the responsibility of the Immigration Service to control and monitor the permanence of foreigners within the national territory, as well as to immediately revoke the work permits or the special stay authorizations that were granted to the international judicial workers and international advisers above-mentioned, as well as to notify them to leave the territory of the Democratic Republic of Timor-Leste.

Thus, and based on and subject to the foregoing, the Government decides, under the terms of Article 6 (a), Article 115 (1)(a), (b) (c), (l) and (o), and Article 116 of the Constitution of the Democratic Republic of Timor-Leste, the following:

1. In regard to the need to ensure national security, law and order and common decency, order the Immigration Service of the Ministry of Defence and Security, to notify the revocation of the work permits or the special stay authorizations of the international judicial workers and international advisers, referred to in no. 3 of the National

Parliament Resolution no. 11/2014, of October 24 and in no. 5 of Government Resolution no. 29/2014, of October 24, identified in the attachment to the present Resolution, and of which constitutes a part of.

2. And considering that their presence in the national territory is a threat to the national interest and dignity of the Democratic Republic of Timor-Leste, to order, under Law no. 9/2003, of October 15, that the individuals above-mentioned leave the territory within 48 hours.
3. The police and security authorities, namely, the Immigration Service of the Ministry of Defence and Security, ensure, under Law no. 9/2003, of October 15, Law no. 4/2010, of April 21 and Decree Law no. 30/2009, of November 18, the compliance of the present Resolution and the legally provided measures, in the event that the referred individuals do not leave the national territory, leading to their illegal stay in the national territory.

Approved by the Council of Ministers, 31st October, 2014

To be published.

The Prime-Minister,

Kay Rala Xanana Gusmão

Annex

Judges:

1. Cid Orlando de Melo Pinto Geraldo (Portugal)
2. Julio Gantes da Costa (Portugal)
3. Eduardo Neves (Portugal)
4. Pedro Miguel Figueiredo (Portugal)
5. Carlos Câmara (Portugal)

Attorneys General:

1. Luis Landim (Cape Verde)
2. Gloria Alvês (Portugal)

Anti-Corruption Commission:

1. José Brito (Portugal)

Court sentences former commander of criminal investigations to 9 years in prison

On 08 August 2014 the Dili District Court conducted a hearing to announce its decision and sentenced the defendant CG to 9 years in prison after the court found him guilty of the crime of failure to report a crime and kidnapping of 5 foreign citizens who were allegedly involved in drug crimes in 2012.

“JSMP welcomes the court’s continued impartiality and capacity to rule on cases involving high ranking people from State institutions. This is a lesson for everyone with an important role in this country to avoid such behavior in the future,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The public prosecutor alleged that on 20 October 2012 the defendant, who was the PNTL Investigations Commander, arrested 4 Indonesian citizens and 1 African at the Hotel Central. Those individuals were suspected of bringing 6.5 kilograms of drugs into Timor-Leste, however only 3.5 kilograms reached the Office of the Public Prosecutor. After arresting the five suspects, the defendant did not immediately report the matter to the Public Prosecution Service for investigation, but rather the defendant allowed the suspects to freely enter and exit the hotel.

Then, on 23 October 2012 the defendant took the 5 suspects to Nicolau Lobato airport so they could return to Indonesia.

In relation to these acts, the public prosecutor charged the defendant with violating Article 297 of the Penal Code for abuse of power as well as Article 286 of the Penal Code for failure to report a crime.

During the hearing to examine evidence, the court amended the charge from Article 297 for abuse of power to Article 160 for kidnapping. Based on the facts established during the trial, the court found that the actions of the defendant fulfilled the elements of the crimes of kidnapping and failure to report a crime.

After evaluating the facts and testimony of the defendant, the court found the defendant guilty of being involved in 6 different crimes. Regarding the charge relating to the failure to report a crime, the defendant was sentenced to 4 years in prison, and regarding separate charges for kidnapping the 5 individuals, the court convicted each crime with 3 years in prison. The court then accumulated the 6 crimes, sentenced the defendant to 9 years in prison and ordered him to pay court costs of US\$ 40.

This prison sentence of 9 years was based on the aggravating circumstances such as the fact that the defendant was the Commander of Police Criminal Investigations and should have known that drug crimes are serious crimes. Nevertheless, the court also considered one of the mitigating circumstances, namely that the defendant was ordered by the PNTL General Commander to release the 5 suspects.

During the hearing to examine evidence the defendant testified that he was given an order by the PNTL General Commander to return the 5 suspects to Indonesia. Therefore, through his lawyer he requested to the court to present the PNTL General Commander to provide testimony before the court. However, the court ignored this request.

JSMP agrees that any person found guilty of committing a crime must receive a penalty proportional to the seriousness of the case, however JSMP encourages the courts to allow defendants to defend themselves properly and present relevant witnesses as provided for in Article 60 (h) of the Criminal Procedure Code that states that the defendant may provide evidence and request any action deemed necessary for his or her defence.

JSMP believes that it is important to ensure that each trial reflects the principle of a “fair trial” as a universal principle that is valid in all democratic countries based on the rule of law.

After the court read out its decision, the prosecutor requested the court to immediately apply pre-trial detention pursuant to Article 194 of the Criminal Procedure Code to ensure that the defendant does not abscond from Timor-Leste.

In relation to this request, the public defender raised an objection because he felt that the defendant had demonstrated a good level of cooperation with the court to date. The public defender guaranteed that his client would not flee from his responsibilities and would wait until the appeal of the decision of first instance.

The court applied restrictive measures regarding proof of identity and residence as set out in Article 186 of the Criminal Procedure Code and confiscated the passport of the defendant to prevent him from absconding from Timor Leste.

This case was registered as Case No. 364/2014.TDDIL. Judge Julio Gantes read out the court's decision on behalf of the panel of judges. The public prosecution service was represented by Gloria Alves, and Angelina Saldanha. The defendant was represented by Sergio Paulo Dias Quintas and Marçal Mascarenhas from the Office of the Public Defender.

VETERANOS E COMBATENTES DA LIBERTAÇÃO NACIONAL

República Democrática de Timor-Leste

Declaração Política

JUÍZ IHA TRIBUNÁL DISTRITÁL DILI HALO TRISAUN BÁ POVU no TAU EMKAUZA INTERESE NASIONÁL TIMOR-LESTE

Introdusaun

Ami, Veteranos e Combatentes da Libertação Nacional husi Estrutura Resisténsia nian hanesan: Frente Armada, Frente Klandestina, Frente Esterna, Organizasaun Resisténsia Juventude, Organizasaun Feto – husi Rejiaun 1, Rejiaun 2, Rejiaun 3, Rejiaun 4 no Rejiaun Autónomo-Dili, ne'ebé halo funu durante tinan ruanulu resin hat (24) ba Libertação Nasionál,

Deklara :

Ami RESPEITA no tau a'as Orgaun Soberano hanesan, Presidente da República, Parlamento Nasionál, TRIBUNÁL no Governo nudar ai-riin fundamental iha Estado Direito Demokrátiku.

Bazeia ba Constituição da RDTL Artigo 11, no Lei No.9/2009 Artigo 34 – a) fo kontribuisaun ba dezvoltamentu nasionál no estabilidade sosial maka, Relasiona ho desizaun TRIBUNÁL DISTRITÁL Dili konaba kazu imposto ne'ebé Estadu Timor-Leste hasoru ho Kompañia estranjeiru sira maka hala'o esplorasau mina no gas iha Tasi-Timor, hamutuk kazu lima nulu resin ida (51), no Estadu Timor-Leste lakon tiha ona kazu sanulu resin nen (16). Ho desizaun ne'e Estadu Timor-Leste lakon mos osan Dollar Amerikanu besik Millaun Hat Nulu (\$ 40.000.000,-).

Haree ba faktu, hatudu momos katak ita nia sistema judisiáriu mukit liu, ne'e sei lakon kredibilidade no estabilidade iha instituisaun justisa nudar ai-rin fundamentál ida iha Estado Direito Demokrátiku.

1. Desizaun 'COPY/PASTE:

Juíz nain tolu (3) ne'e maka hanesan : Dr. Paulo Teixeira, nasionalidade Portugés, no Juíz Timor-oan nain rua (2) HATUN DESIZAUN ba kazu tolu (3) ne'ebé ke la hanesan. Maibe, dokumentu kona-ba DESIZAUN ba kazu tolu (3) ne'e nian hanesan de'it. Desizaun 'COPY/PASTE: Liafuan ida de'it, gramátika sala mós hanesan de'it no virgula rua (2) mós hanesan.

Desizaun 'COPY/PASTE, komprova katak Juíz nain tolu (3) ne'e halo KONKALIKON hodi kondena Estadu.

Ami KONDNA no la SIMU atitude hirak ne'e. Juíz ida-idak tenki hala'o nia kna'ar ho independensia – la'os COPY/PASTE fali.

Desizaun COPY/PASTE husi Juíz sira hatudu katak, la PROFESIONAL no Juíz na'in tolu (3) ne'e halo ona KRIME hasoru Nasaun RDTL. Ami lamenta mos, tanbasá Ministériu Públiku hala'o kna'ar atu defende Estadu iha TRIBUNÁL, bainhira apresenta 'kontestasaun', maibe, Ministériu Públiku kahur fali dokumentu sira husi kazu projetu ida nian, ba fali kazu projetu seluk nian, ne'ebé halo ita deskonfia no hatudu katak sira laiha responsabilidade no la profesional.

Porezemplu:

- Iha kazu lima (5) ne'ebé kompañia balu hasoru Estadu konaba taxa/imposto, Ministériu Públiku hatama dokumentu ho pájina liu atus hat (400). Maibé, alende hatama dokumentu rungu-ranga de'it (la organiza halo didiak), Ministériu Públiku hatama dokumentu sala. Dokumentasaun hatama kazu kompañia ida, nia konteúdu argumentu kazu seluk nian.

Ami rezeita hahalok ida ne'e no ami konsidera hanesan traisaun bo'ot ida mak Ministériu Públiku no TRIBUNÁL halo hasoru Estadu. Hahalok ne'e hatudo katak Prokurador no Juíz sira

la hala'o servisu ho honestidade, maibe ho intensaun atu hetan benefisiu balun ba sira nia interese liu husi kazu hirak ne'e.

Ami labele konsidera hanesan faillansu, maibe ne'e hahalok ida estrukuradu no sistematizadu tanba iha Asesor Internasionál iha Ministériu Públiku no ho Juíz iha TRIBUNÁL, ne'ebé iha dever atu haree no estuda didiak molok foti desizaun. Asesor Internasionál sira labele Tau Emkauza, ami nia INTERESE Nasionál.

Haree ba hahalok autor judisiáriu iha Timor-Leste hanesan ne'e maka, ami Veteranos no Combatentes da Libertação Nacional hakarak fo hanoin katak, durante tinan 24 (rua nulu resin ha'at) ami LUTA ba Lia-Los. Durante tinan 24 (rua nulu resin ha'at) ami buka JUSTISA tuir padraun internasionál. Durante 24 (rua nulu resin ha'at) ami fakar-ran, ami terus, ami susar, no ami nia maluk funu nain sira ruin naklekar iha Territóriu tomak – hodi HARI'Í NASAUN.

TANBA NE'E, ami LA PERMITE - se se deit maka iha intensaun hakarak HANEHAN FALI AMI, nudar NASAUN SOBERANU NO AMI PRONTU HODI DALA IDA TAN DEFENDE SOBERANIA NO INTEGRIDADE NASIONÁL.

EZIJENSIA ba Tempo Badak :

1. Bazeia ba faktu sira ne'e hotu maka ami ezije ba Estado atu halo reforma IMEDIAMENTE iha área Seitór Justisa
2. Foti medida LALAI ba Juíz hirak ne'ebé maka halo desizaun ne'ebé LALOS hasoru Estado.
3. Estado halo investigasaun INDEPENDENTE atu hatene tanbasá maka Estado Timor-Leste lakon iha kazu sanulu resin nen (16).
4. Suspende no investiga Juíz sira ne'ebé involve iha prosesu judisiáriu ba kazu refere

Ba Estado Português

Ami tau a'as Nasaun Portugal no Povo Português, ne'ebé iha tinan 24 akompaña ami nia terus no susar atu hola medida relevante hasoru Juíz Internasionál Dr. Paulo Teixeira ne'ebé involve iha desizaun ba kazu imposto hasoru Estado Timor-Leste iha TRIBUNÁL DISTRITÁL Dili.

Ba Governo Timor-Leste

Ami eziji ba Governo hodi halo briefing ka fahe informasaun ba Combatentes da Libertação Nacional konaba asuntu Certain Maritime Agreement Timor-Sea (CMATS) ka asuntu hirak ne'ebé nudar – INTERESE NASIONÁL.

Ami fó hanoin ba TRIBUNÁL no Instituisaun seluk katak, LABEL HALUHA, POVO TIMOR-LESTE MATE LIU rihun atus rua resin (± 200) TANBA DE'IT ukun rasik a'an.

Bainhira TRIBUNÁL bele halo ona injustisa bá Estadu – oinsá tan ho Povo ki'ik ne'ebé laiha kibi'it atu defende a'an?

Apelo ba Timor-oan

Veteranos e Combatentes da Libertação Nacional apela ba Timor-oan hotu-hotu tenki NEON NAI'IN, MATAN MORIS, hodi haree tuir nafatin ba lala'ok individu balu iha Instituisaun Estadu hanesan TRIBUNÁL DISTRITÁL Dili, ne'ebé hala'o servisu la ho imparcialidade, la honestu, inkapasidade no la profesional.

Tanba ne'e dunik:

MAI ITA HAMUTUK HODI DEFENDE ITA NIA RIKU-SOIN TANBA NE'E MAK FUTURU BA ITA NIA-OAN NO BEI-OAN SIRA.

ITA HAMUTUK HODI DEFENDE LIA-LOS, FUNU HASORU NA'OK-TEN NO BOBARDOR SIRA, TANBA UKUN-A'AN NE'E ita HETAN HODI RAN NO RUIN MAK NASAUN NE'E LIVRE NO INDEPENDENTE.

MAI ITA HAMUTUK HO LIAN IDA DEIT KATAK :

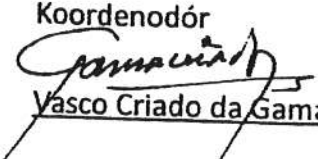
O HAKAT LIU AMI NIA MATE MAK – O HASAI AMI NIA RIKU NO SOI.

A Luta Continua!

Dili, 29 Outubru 2014,

Veteranos e Combatentes da Libertação Nacional

Koordenodór


Vasco Criado da Gama

Vise Kordenadór


Gil Oan Soro Monteiro

Sekretáriu


Jorge Wé Moris Alves

Rejiaun I :	Rejiaun II :	Rejiaun III :
Renan Selak	Marito Reis	Tuloda Alves
Larxi	Lintil	Cornelio Gama L7
Rejiaun IV :	Rejiaun Autónoma Dili :	OPMT/OMT :
Riak Lema	Oxi	Fiar Dame
Berek	Midar	Megawati

Organizasaun Juventude :

OJECHIL	OPILATIL	FITIL	Sagrada Família
RENITIL	HABURAS	DSMTT	

Hato'o bá :

1. Parlamento Nacional da República Democrática de Timor-Leste
2. Presidente do Tribunál de Recurso da RDTL
3. Primeiro Ministro da República Democrática de Timor-Leste
4. Ex-Presidente do Parlamento Nacional da RDTL, DR. Francisco Guterres Lu Olo
5. Ex-Presidente da RDTL, DR. José Manuel Ramos Horta
6. Ex- Primeiro Ministro da RDTL, DR. Mari Alkatiri
7. Major General da FALINTIL-FDTL, Lere Anan Timur
8. Comissário da Polícia Nacional de Timor-Leste, DR. Longuinhos Monteiro
9. Reverendo Bispo de Diocese de Dili, Dom Alberto Ricardo
10. Rev. Bispo de Diocese de Baucau, Dom Basilio do Nascimento
11. Rev. Bispo de Diocese de Maliana, Dom Norberto de Araújo
12. Rev. Presidente de Associação Igreja Protestante de Timor-Leste
13. Rev. Presidente de Associação Islâmico de Timor-Leste
14. REITOR da UNTL
15. REITOR da UNITAL
16. REITOR da UNDIL
17. REITOR da UNPAZ
18. REITOR da IOB
19. REITOR da DIT
20. REITOR de Fundação Cristal
21. Director de Forum ONG de Timor-Leste
22. Arquivo