

**Joint Declaration in response to the recommendations of the report of the UN
Independent Special Commission of Inquiry on the conflict of April and May 2006
in Timor-Leste**

**From the Provedor for Human Rights and Justice (PDHJ) and the NGO Human
Rights Monitoring Network (RMDH)**

Introduction

The Independent Commission of Inquiry delivered its report to Parliament on 17 October 2006. The Commission encouraged the Office of the Provedor for Human Rights and Justice and NGOs to continue monitoring of the progress of cases linked to the events of April and May 2006. Through this declaration we would like to state that some parts of the process have been going well and also to offer our observations and recommendations.

Recommendations for compensation for the victims:

- We very much support Government Resolution No. 9/2006 of 13 December to provide social assistance to the victims of the crisis, including members of the national police (PNTL), military (F-FDTL) and the general population who died, were wounded, or lost their houses or small businesses.
- We appreciate that the Ministry of Labor and Community Reinsertion (MTRC) has drafted a Decree Law to be sent to the Council of Ministers which will set up a special pension for families of members of PNTL and F-FDTL who lost their lives while carrying out their work. We think that the Government should allocate a specific budget for this. We urgently we ask the Parliament to consider the budget proposal, as it is essential to address the needs of the victims quickly.
- We would like to stress that assistance to widows should be a package which also includes assistance to orphans who lost one or both of their parents during the crisis. We suggest that MTRC prepares a special assistance package for orphans.
- We know that the government, through MTRC and the Ministry of Public Works, is providing social assistance (construction material) to people who chose to return to their birthplaces in the districts. We ask the government to verify carefully the information those people give, and we ask the people to give the government accurate information about what they lost during the crisis.

Recommendations for disciplinary and administrative sanctions for actors in the crisis:

- About the PNTL screening process, we recommend to UNMIT and the Ministry of the Interior that they conduct only one process to avoid confusing the public and PNTL members. We also recommend they give information to the public about the current status of that process.
- We recommend the implementation of a re-evaluation process for the institution of F-FDTL. Both institutions, PNTL and F-FDTL, were involved in the crisis. A

re-evaluation of the F-FDTL institution would be an important step toward restoring public confidence in this historic institution. It would also show that there is no discrimination in the treatment of the two institutions. We also insist that the Parliament and the Government publish as soon as possible the results of the investigation of the Notables Commission, so that the public can know whether there was discrimination within F-FDTL. This would be an important step toward building public trust in the work of all recently-established commissions.

- We ask the government to take legal measures toward public officials who were involved in the crisis.

Recommendations for the judicial process:

- The trial of the former Minister of Interior, Rogerio Lobato, and other accused persons is going well, and this can help the judicial institutions regain credibility. However, we have observed some witnesses inside the court room before they gave their testimony. This needs attention from the judiciary so that it doesn't recur in the future. We also observed that the judge sometimes loses patience with witnesses during this trial. This can reduce the willingness of witnesses to testify in court, especially witnesses from rural areas who have not yet experienced a judicial process. Our position is that everyone should tell the truth in court, freely, with good intentions and without fear.
- We recognize that each party has the right to bring many witnesses to the trial to defend their position, but we suggest that all parties call only witnesses whose testimony is productive and truly relevant to the case. This is important to make the court process efficient.
- We recognize that the conducting judicial processes for all cases which took place during the crisis is difficult. We suggest that the international community, the United Nations and the RDTL Government give maximum administrative and human resources support to the public prosecution to help ensure that the process is quick and fair. We also recommend that UNPOL provide maximum support to the public prosecution in the area of investigation, so that the process can go ahead expeditiously. We understand the judge's decision to give conditional release to the suspect Maun Kiak because the investigation might not go ahead. However we suggest that the investigation process be improved to guarantee the right of suspects to a speedy and fair trial.
- We agree that other cases should be investigated such as Abilio Mausoko, Alfredo Reinado as well as the case of the shooting of the 8 PNTL on May 25. For this particular case and other cases of the crisis, we recommend that the investigation process go quickly to bring all the authors of the crisis to court. Our observation is that the court doesn't have sufficient resources to finish all the cases, especially the judge and the prosecutor. We recommend that the Government, the UN and the International Community pay attention to this matter, especially to increase

the number of judges and prosecutors, including asking the international Deputy Prosecutor-General to oversee cases from this crisis.

Recommendations on security:

- Our observation is that security for the witnesses, defendants, complainants, court and prisons is inadequate. Some key witnesses who alleged the distribution of weapons to civil population claim that they have been received threats and been shot at. We recommend that UNPOL and the Ministry of Interior provide maximum security support for the whole judicial process, as well as for the witnesses and the judicial actors. We suggest that the Ministry of Justice lead the process of creating a law on witness protection and we from the civil society are ready to collaborate in this process.

NGO Forum, 5th of February 2007.

Representative of Provedor of Human Rights and Justice

NGO Forum and its members:

Representative Judicial System Monitoring Programme

Representative Forum Tau Matan (Watch Forum)

Representative Alola Foundation

Representative Rede Monitoring Direitos Humanos (Human Rights Monitoring Network)