



# PARTIDO UNIDADE NACIONAL

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7 September 2009

## **PRESS RELEASE - PUN PARLIAMENTARY GROUP**

### **FRIENDSHIP GONE TOO FAR**

On 30 August 2009, the former leader of the Suai town Lasaur militia Maternus Bere, was released from preventative prison upon the order of the Prime Minister, via the Minister for Justice. His release is believed to be due to pressure placed on the Timorese leaders by the Indonesian government. As one of the commanders of the Suai militia, Maternus Bere was responsible for ordering the deaths, torture, sexual violation and forced displacement of numerous Timorese civilians in 1999. This act of intervention in the Timorese judicial system violates the Timorese constitution, the Timorese criminal procedure code and represents a crime under the new Timorese penal code. Maternus Bere's release is an example of 'friendship gone too far'. Our government is willing to circumvent Timorese law and perpetrate a grave injustice upon the victims of the 1999 violence throughout Cova Lima in order to pander to our neighbour Indonesia's political interests. The Timorese people fought for independence in order that they can live in a country where the law is applied transparently and equally to all, regardless of political opinion. The actions of the government represent a great step backwards in terms of the Timorese struggle to establish an independent nation governed by the rule of law.

In 2003, Maternus Bere was indicted by the Office of the Prosecutor General, along with 13 other militia members, for the crimes against humanity of; murder, extermination, enforced disappearance, torture, inhumane acts, rape, deportation and persecution. This indictment is an order for Maternus Bere's arrest. It has not been possible to bring Maternus Bere and his fellow militia members to justice because the majority remain at large in Indonesia.

In early August, Maternus Bere returned to Timor-Leste from Timor Barat, where he has been working as an Indonesian public servant. He was arrested in accordance with the indictment issued by the Timorese General Prosecutor and the Suai district court ordered that Maternus Bere be kept in pre-trial detention. According to the Timorese penal code, the only person who can order that a suspect be placed in pre-trial detention or released from jail, is a judge.

Several days ago, Maternus Bere was released from jail upon the verbal order of the Minister for Justice, at the urging of the Prime Minister. This is against Timorese criminal law. A person can only be released from pre-trial detention by a judge and only in certain circumstances.

Article 69 of the Constitution of Timor-Leste provides that the organs of sovereignty will respect the separation of powers. In practice, this means that neither the government, parliament nor the president can interfere in the administration of justice by the courts. Article 7 and 8 of the Timorese criminal procedure code clearly state that the courts are subject only to the rule of law and that public authorities, including the government, have an obligation to cooperate with the courts in the administration of criminal justice. In forcing the release of Maternus Bere from custody, the government is not complying with this obligation but is instead interfering in the administration of justice. Under the new Timorese Penal Code, article 245 (1) it is a crime for any person “who, by unlawful means, releases or, by any means, aids in the escape of a person, lawfully deprived of liberty” and “is punishable with 2 to 6 years imprisonment”. This is effectively what the Prime Minister and Minister for Justice has done by facilitating Bere’s release.

Section 160 of the Constitution also stipulates that international crimes such as; crimes against humanity, genocide and war crimes, which occurred between 25th of April 1974 and the 31st of December 1999, are liable to criminal proceedings in a national or international court. By freeing Maternus Bere, the Timorese government has prevented a suspected perpetrator of crimes against humanity from ever being brought to justice.

This is friendship gone too far. While reconciliation with Indonesia should be seen as a national priority, are we willing to subvert everything – our sovereignty, our rule of law, our legal system, the dignity of Timorese victims – to ingratiate ourselves to Indonesia? If we were truly friends, Indonesia would respect Timorese law and allow the courts to prosecute Maternus Bere and others who committed atrocities in Timor-Leste, in accordance with Timorese law.

We condemn this action by the government and demand that Maternus Bere, and any other serious crimes suspects illegally released, be returned to pre-trial detention.

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