

REPUBLICA DEMOCRATICA DE TIMOR LESTE

DISTRICT COURT OF DILI

Before the Special Panel for Serious Crimes

Case No 10 / 2003

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

V

MATEUS LAO aka ENA POTO

DEFENCE MOTION FOR FURTHER INVESTIGATION

For the Office of the Prosecutor :
Charles Nsabimana

For the Defence Lawyers Unit:
Sebastian Appenah

Handed in from
SAR during
PROCEEDINGS
11/11/2003 EN

TO THE SPECIAL PANEL FOR SERIOUS CRIMES AND THE PROSECUTOR :

Pursuant to the provisions of Section 27, 2 of the TRCP , as amended , the defence moves for an order as prayed for hereunder.

Introduction

A report entitled Report on Human rights Violations During 1999 Oecussi District has, by a decision of this Court dated 9 November 1999 been admitted into evidence in the instant case.

Submissions

1. Section 6. 3 (g) of the TRCP in dealing with the Rights of the Suspect and Accused provides that " (A) At every stage of the proceedings the suspect and the accused shall be informedthat he... has the following rights :

...

(e) the right to request the Public Prosecutor or Investigating Judge to order or conduct specific investigations in order to establish his or her innocence.

2. At Annexure B , Victims of Killings in Oecussi in 1999, page 2 of the said report , item 43 , the victim is named as Jose Maknaun, aged 40, from Queibiselo, Oesilo sub-district. The date and place of death are given as 10 September 1999, Nainaban. The suspect is listed as a certain Tolo F Gama and the person listed as a witness who provided this information is Tolo Bonat.
3. The defence has reason to believe , based on the details as to name of victim, and place and date of death , that the reference in this report pertains to the subject matter of this case.
4. The defence submits that the fair and proper administration of justice ~~of justice~~ requires that this information be investigated to order to ascertain the truth of this allegation . It clearly points to the possibility that another person may have killed Mr Maknaun , and , as such should , ~~in the interests of justice~~ , be investigated. ~~of~~ .

Order Sought

Wherefore, the defence requests an order directing that a specific investigation be carried out regarding this information .

Dated this 11th day of November 2004



Sebastian Appenah
Counsel for Mateus Lao aka Ena Poto

ORAL DECISION 11/11/04
MOTION DENIED FOR THE
FOLLOWING REASONS:
(1) SEC. 6.3 NOT APPLICABLE
AT THIS STAGE OF THE
PROCEEDINGS
(2) REFERS TO INVESTIGATIVE
STAGE AND PRE-TRIAL STAGE
(3) THIS STAGE HAS PASSED.