



Press Release
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The Community of Beloi Village, Atauro Administrative Post, for the first time received training on democracy, the role of sovereign organs and access to formal justice

The Community of Beloi Village, Atauro Administrative Post, for the first time received training on democracy, the role of sovereign organs and access to formal justice which was organised by JSMP on 19 May 2018. Most of the participants in this training were youths, comprising 15 women and 15 men.

This training was part of an ongoing activity for members of village councils and members of the LGBT community aimed at increasing the knowledge of community leaders and the LGBT community on the functioning of democracy and the role of State organs in terms of law making and access to the formal justice system in Timor-Leste.

"Community authorities play an important role and carry out a variety of important and complex functions with minimum resources in their community, and therefore they need support and relevant information to increase their knowledge about the role of sovereign organs and the formal justice system", said the Executive Director of JSMP, Luis de Oliveira Sampaio.

During his opening speech the Beloi Village Chief, Mr. Adão da Costa Nunes, stated that this was the first time during his mandate that the community of Beloi Village has received training on democracy, the role of sovereign organs and access to formal justice from JSMP, and therefore he asked participants to participate actively so they could understand this information and pass it on to other communities not participating in the training.

During this training the participants conveyed their concerns about formal justice in Timor-Leste in relation to criminal and civil cases including crimes involving foreigners and proceedings. In addition the participants also asked about women's rights to inheritance and about citizens occupying State land, and if foreigners married to East Timorese women have land and inheritance rights in Timor-Leste.

In response to the concerns raised by participants, the JSMP team responded that the courts conduct different proceedings for civil cases and criminal cases. Criminal cases are directly linked to the public interest, meaning that if a crime occurs the State through the relevant authorities or institutions has the competency to immediately take action and intervene and process the matter. For example if a person commits an offence against the physical integrity of another person or kills another person, the police authorities have the competency to take immediate action after receiving information about this crime.

Meanwhile civil cases are linked to personal interests and the parties lodge their complaint and present their defence so that the matter can be heard, or otherwise the matter will not be dealt with. Often proceedings in civil cases take a long time or are delayed. In civil cases lawyers/public defenders can conduct mediation or conciliation but if they do not reach a solution, the matter can be tried in the court in accordance with the procedures set out in the law.

Meanwhile for crimes committed by foreigners against citizens of Timor-Leste in the national territory of Timor-Leste, according to Article 7 of our Penal Code on Principle of territorial applicability: "Except as otherwise provided in international treaties and conventions, and regardless of the nationality of the perpetrator, Timorese criminal law is applicable to crimes committed in the territory of Timor-Leste and aboard vessels and aircraft with Timorese registration or under Timorese flag". This means that when any person commits a crime in the territory of Timor-Leste the Timor-Leste penal law will be applied unless there is an international treaty or convention that contains different provisions or rules on this matter, for example in relation to members of diplomatic corps who are carrying out a diplomatic mission in Timor-Leste.

In relation to the issue of women's rights to inheritance from their parents, JSMP explained that Articles 16 and 17 of the Timor-Leste Constitution state that everyone, both men and women, are equal before the law, and have the same rights and responsibilities. In addition, these rights are reinforced in Article 2000 of the Civil Code on classes of person entitled to inherit, namely spouse and descendants (children). This article does not specify sons or daughters, but states that children have equal rights to their parent's wealth.

Meanwhile foreigners who have married an East Timorese citizen have the right to inherit from his/her spouse (wife or husband) who has passed away. JSMP responded that if a wife or husband (spouse) has obtained East Timorese citizenship, this spouse has the right to the assets of his or her deceased spouse because these people are considered to be East Timorese.

JSMP observed that this training activity went well and the participants also actively asked questions and shared their experiences on access to formal justice in the courts.

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