



## **Komunikadu Imprensa** **14 Jullu 2017**

### **JSMP Lansa Relatóriu kona-ba Pontu Kontaktu Entre Rezolusaun Komunitária no Prosesu Justisa Formál**

Iha loron 14 Jullu 2017, JSMP liu hosi USAID nia projetu Mai Munisípiu ne'ebé uluk hanaran Ba Distrito lansa relatóriu temátika hosi peskiza ne'ebé JSMP halo kona-ba oinsá tribunál (justisa formál) konsidera rezolusaun ba disputa iha comunidade (justisa naun-formál).

Relatóriu ho títulu **“Tribunál no Rezolusaun Disputa Alternativu”** ne'e konsege prodúz tanba hetan apoiu Jenerozu husi Povu Amerikanu liu husi Ajénsia Estados Unidos ba Dezenvolvimentu Internasionál nu'udar parte husi JSMP nia parseria ho projetu Mai Munisípiu ne'ebé implementa husi Counterpart Internasionál no Tetra Tech DPK.

Relatóriu ne'e hakerek bazeia ba monitorizasaun no peskiza iha Tribunál Baucau, Covalima, Dili, no Oecusse durante fulan-lima nia laran (Janeiru to'o Maiu 2017). Durante períodu ne'ebé refere, JSMP halo monitorizasaun no avaliasaun ba total kazu 108 no entre kazu 108 ne'e iha kazu 26 mak parte sira decide hodi resolve tuir família/komunidade hafoin lori ba tribunál ka molok lori ba tribunál no kazu 82 mak Tribunál rasik mak halo tentativa konsiliaasaun. Objetivu relatóriu ne'e atu haree oinsá tribunál nu'udar órgaun independente ida ne'ebé administra justisa formál konsidera rezolusaun ne'ebé akontese iha nivel komunitária durante prosesu julgamentu no halo desizaun ba kazu sira. Fó ninia observaasaun ba relatóriu ne'e, Diretor Ezekutivu JSMP, Sr. Luis Oliveira Sampaio, hatete “Peskiza ne'e mós deskobre katak konsiliaasaun ne'ebé halo iha Tribunál nu'udar instrumentu importante ida atu redús pezu/todan iha tribunál.”

Relatóriu ne'e konklui katak maske rezolusaun komunitária iha aspetu pozitivu balun-porezemplu bele hakmaan todan husi tribunál liu-liu ba ofensa ki'ik sira (krime semi públiku), tribunál ninia konsiderasaun ba rezolusaun sira ne'e tenke haktuir saida mak lei permite. “Tuir loloos Ministériu Públiku mós iha kompeténsia atu deziste keixa ba kazu semi públiku sira durante prosesu inkéritu, ne'ebé rezulta iha terminasaun prosesu sira ba kazu hirak ne'e, maibe ida-ne'e lakontese durante ne'e,” Sr. Sampaio hatutan.

Presidente Tribunál Rekursu Honorável Juis Dr. Deolindo Dos Santos ne'ebé mós fó ninia intervensaun durante lansamentu relatóriu ne'e hatete, “Konstituisaun Timor-Leste rekoñese norma prátika kostumáriu hirak ne'e no pratika uzu kostumáriu ne'e eziste tiha ona antes justisa formál estadu nian ka tribunál sira eziste. Pratika hirak ne'e lao iha Timor laran tomak ho ninia maneira rasik hodi fó solusaun ba comunidade sira nia problema.”

Marka mós prezensa iha eventu lansamentu ne'e Dr. Jorge Graça nu'udar Presidente Komisaun Reforma Lejizlativa no Sektor justisa. Komisaun ne'e ninia objetivu mak atu halo estudu, analiza, no halo rekomendasaun sira ba governu Timor-Leste kona-ba reforma lejizlativa no sektor justisa ne'ebé karik presiza atu haforsa liu-tan sistema justisa iha Timor-



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Leste. Iha ninia intervensaun, Presidente KRL hato'o "Rezolusaun disputa komunitáriu iha natureza sosial no meius sira ne'e iha ninia lejitimidade sosial rasik, iha forsa espirituál ne'ebé mai hosi konviksaun istóriu no ida-ne'e mak ita nia comunidade aplika no ninia valor desizoins sira bazeiadu ba vontade kolektivu hosi sira ne'ebé involve hodi kria paz no harmonia sosial, no konstituisaun permite pratika ida-ne'e."

Atu hetan informasaun kompletu kona-ba relatóriu ida ne'e, favor kontaktu

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**USAID** servisu hamutuk hanesan parseira ho governu Timor- Leste atu fó apoiu ba desenvolvimentu ne'ebé efetivu no baze alargada. Dezde 2001, USAID fornese ona asisténsia desenvolvimentu liuhusi milliaun \$318 ba Timor-Leste. USAID fó apoiu Timor-Leste liuhusi ninia esforsu atu harii liu tan nasaun ne'ebé prósperu, saudavel no demokrátiku liuhusi programa sira ne'ebé enkoraja kreximentu ekonomia ne'ebé sustentável especialmente iha setór agrikultura; hodi hadi'a ema Timor-oan sira nia saúde, partikularmente fetu no labarik sira; no reforsa fundasaun boa governasaun- área tomak ne'ebé identifika ona iha Planu Desenvolvimentu Estratéjia Timor-Leste ba 2011-2030.

**Counterpart Internacional** maka organizaun desenvolvimentu global ne'ebé haforsa ema no comunidade atu implementa solusaun ne'ebé inovativu no di'ak ba dezafiu sosial, ekonomia no ambiente. Liu tinan 50 ona, Counterpart halo parseiru ho comunidade hodi rezolve nesesidade ba problema ne'ebé kompleksu relaciona ho desenvolvimentu ekonomiku, seguransa ai han no nutrisaun, no hari governasaun no instituisaun ne'ebé efetivu. Ho prezensa Counterpart iha nasaun hamutuk 25, lora-lora Counterpart serbisu hamutuk ho ema iha mundu tomak atu estabelese solusaun ne'ebé sustantavel atu fahe dezafiu ne'ebé iha. Ba informasaun liu tan vizita ami nia website: [www.counterpart.org](http://www.counterpart.org)

**Tetra Tech DPK (Tt DPK)** mak lider no inovadór ida iha fornese servisu konsultóriu nian atu promove estadu direitu no governasaun di'ak. Tt DPK serbisu iha mundu raiklaran atu ajuda estabelese no fortifika relasaun sira produtiva entre estadu no sociedade no dezenvolve governasaun sustentável no sistema justisa ne'ebé mak responsivu, transparente, justu, no efisiente. Hodi hasa'e asesu ba justisa, especialmente ba grupu sira ne'ebé desfavoresidu, mak sai nu'udar área ida prinsipál hosi área servisu estadu direitu nian. Atu hetan tan informasaun vizita [www.tetratedpk.com](http://www.tetratedpk.com)

**Judicial System Monitoring Programme (JSMP)** estabelese iha 28 Abril 2001 ho objetivu atu halo monitorizaun kona-ba prosesu julgamentu iha Tribunál Ad Hoc Indonézia nian relaciona ho violasaun direitu umanu no Painél Espesial ba Krime Grave iha Timór Léste. Agora JSMP maka ONG prinsipál iha Timor-Leste ne'ebé monitória sistema justisa no halo advokasia ba legalidade, transparénsia, akuntabilidade no haforte estadu de dereitu. JSMP nia



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justisa no direitu umanu liu husi monitorizasaun, edukasaun legál no advokasia. Ba  
informasaun detallu liu, visita [www.jsmp.tl](http://www.jsmp.tl)



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**Press Release**  
**14 July 2017**

## **JSMP launches its Report on Contact Points Between Community Dispute Resolution and the Formal Justice System**

On 14 July 2017, JSMP, with technical support from USAID Mai Munisípiu project (formerly Ba Distrito) launched its thematic research report on how the courts (*formal justice*) consider community resolutions of disputes (*non-formal justice*).

The report titled “**Court and Alternative Dispute Resolution**” is made possible by the generous support of the American people through the United State Agency for International Development, as part of JSMP’s partnership with Mai Munisípiu project implemented by Counterpart International and Tetra Tech DPK.

The report is produced based on research and monitoring JSMP conducted in Baucau, Covalima, Dili, and Oecusse District Courts during a five month period (*January to May 2017*). Throughout the period, JSMP observed analyzed a total of 108 cases from which 26 were resolved within families/communities before brought to the court while 82 cases were conciliated before and by the courts. The objective of the report is to have a better understanding of how the courts, which administer the formal justice system, take into consideration resolutions of disputes which occurred at the community level in their decision-making process. In giving his observation to the report, the Executive Director of JSMP Mr. Luis Oliveira Sampaio said “the research also found that conciliation that occurred before the court was an important instrument to reduce court caseload.”

The report concludes that although community resolutions have positive aspects that are beneficial to the formal justice system-i.e. minimizing the court workload by solving some of the minor crimes (*semi public crimes*), the courts’ consideration of the resolutions should follow the existing laws. “Basically the Office of Prosecution Services also has the competence to withdraw cases constituting semipublic crimes during the questioning which can lead to terminate the process, but this does not happen so far” - Mr. Sampaio continued.

The President of the Court of Appeal Hon. Judge Deolindo dos Santos who gave his remarks at the launch event said “The Timorese Constitution recognizes customary norms and practices which have existed long before the courts. This practice, which varies from one place to another, is quite widespread throughout Timor-Leste attempts to provide solutions to problems or disputes in the communities”

Also present at the launch event was Dr. Jorge Graca- the President of Legislative Reform and Justice Sector Commission (CRL). The Commission is established to undertake research studies and make recommendations to the Government of Timor-Leste (GoTL) about legislative reform necessary to strengthen the justice system. In his remarks, the president of CRL stated that “community dispute resolutions are have their own social legitimacy and spiritual power which originated from historical convictions and this is what our communities



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practice. Value of community dispute resolutions are underpinned by a collective will of those involved in committing offence to create peace and social harmony, and it's allowed by our Constitution”.

For detailed information about the report, please contact

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The U.S. Government, through **USAID**, works in partnership with the government of Timor-Leste to support broad-based and effective development. Since 2001, USAID has provided over \$318 million in development assistance to Timor-Leste. USAID supports Timor-Leste in its efforts to build a more prosperous, healthy, and democratic country through programs that foster inclusive and sustainable economic growth, especially in the agriculture sector; improve the health of the Timorese people, particularly women and children; and strengthen the foundations of good governance—all areas which are highlighted in Timor-Leste’s Strategic Development Plan 2013-2030.

**Counterpart International** is a global development organization that empowers people and communities to implement innovative and enduring solutions to social, economic, and environmental challenges. For more than 50 years, counterpart has been forging partnerships with communities in need to address complex problems related to economic development, food security and nutrition, and building effective governance and institutions. For more information visit [www.counterpart.org](http://www.counterpart.org)

**Tetra Tech DPK (Tt DPK)** is a leader and innovator in providing consulting services to further the rule of law and good governance. Tt DPK works around the world to help establish and strengthen productive relationships between state and society and develop sustainable government and justice systems that are responsive, transparent, accountable, fair, and efficient. Enhancing access to justice, especially for disadvantaged groups, is one of its core rule of law service areas. For more information visit [www.ttratech.com](http://www.ttratech.com)

The **Judicial System Monitoring Programme (JSMP)** was established on 28 April 2001 for the purpose of monitoring the trial and judgement process of the Indonesian Ad Hoc Court in relation to the violation of human rights and the Special Panel for Serious Crimes in Timor-Leste. Today, JSMP is the principal NGO in Timor-Leste that monitors the justice system and advocates for legality, transparency, accountability, and strengthening the state of law. JSMP’s vision: democratic society which guarantees justice and human rights for all people.



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JSMP's mission: to work in the spirit of collaboration to promote and protect democracy, law, justice and human rights through monitoring, legal outreach, and advocacy. For more information visit [www.jsmp.tl](http://www.jsmp.tl)