



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
Regional Seminar–Suai Covalima
2 June 2017

JSMP held a regional seminar on the role of the National Parliament and Judicial Actors within the Timor-Leste Formal Justice System

On 30 May JSMP held a regional seminar in Covalima on "*The Role of the National Parliament and Judicial Actors within the Timor-Leste Formal Justice System.*" The regional seminar was opened by the Administrator of Suai-Covalima Municipality, Mr. Afonso Nugeira Nahak. In his speech Mr. Nahak, expressed his appreciation and acknowledged the importance of this activity because it brought together local authorities to meet with the judicial authorities.

The participants included village chiefs, female delegates, member of councils and traditional leaders. The participants included representatives from 10 villages from Hata-Udu Administrative Post, Ainaro Municipality and Suai-Vila Administrative Post, Covalima Municipality. There were 24 participants, comprising 15 girls and 19 boys.

The guest speakers in the seminar were representatives from the Suai District Court and civil society. One of the speakers, the Judge Administrator of the Suai District Court, the Honorable Alvaro Maria Freitas, spoke about the role of the court in the Timor-Leste formal justice system and another speaker, a representative from the Public Prosecution Service, the Honorable Matias Soares, spoke about the Public Prosecution Service and challenges. Meanwhile, civil society was represented by the Executive Director of JSMP, Luis de Oliveira Sampaio, who spoke about the results of JSMP monitoring at the Parliament and the courts.

"This activity is really important because it provided us with an opportunity to present JSMP's findings from monitoring activities at the National Parliament and the courts, and can raise knowledge about the roles of these sovereign institutions, and this was also a chance for participants to raise their concerns directly with the authorities", said the Executive Director of JSMP, Luis de Oliveira Sampaio.

This seminar was aimed at organizing and facilitating direct contact between the communities who have received training on democracy, the role of sovereign organs, public participation in the law making process and access to formal justice with representatives from the sovereign organs, particularly the National Parliament and the courts. This seminar raised the knowledge of the local authorities and they were also able to express their thoughts, criticisms, doubts and

Rua Beco Lakateu, Aldeia Manu fuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77295795

www.jsmp.tl

luis@jsmp.minihub.org

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

concerns relating to the role of the sovereign organs. Unfortunately, the representative from the National Parliament was unable to attend because there was another important matter to attend.

The participants raised the issue of procedures relating to the arrest of defendants in criminal cases, complaint procedures for criminal and civil cases and the application of coercive measures including penalties for defendants and convicted persons.

The participants also asked about the legality of using customary rules that the village councils are currently using to resolve problems at the village level.

In regard to people occupying other people's land, and claiming the land for themselves and they also asked who has the right to land according to the formal law. Another issue raised was the process of amending the Law on Lifelong Monthly Pensions and the implications of doing so, that was viewed as unfavorable to the State in terms of improving the lives of the people.

The participants also asked which bodies have the competence to impose sanctions on members of the National Parliament who are undisciplined in performing their duties in accordance with their mandate.

In addition, the participants also raised the issue of revoking Law No.9/2016 from Law No. 3/2009 on Community Leaders and their Election which is not advantageous to the members of the village administrative structure, which implies that villages are unhappy that delegates receive no salary and they only get paid for attending meetings.

In relation to these issues, the speaker from the court explained that in semi-public crimes, the responsibility is with the victim to make a complaint. However, for public crimes, any person can make a complaint. In relation to coercive measures, this depends on each court, based on all of the circumstances to ensure the defendant's attendance during the trial. However, penalties are a separate issue, the court needs to examine and carefully consider all of the facts before making a decision.

The application of customary rules can be used to resolve cases characterized as semi-public when the two parties reach an agreement. Importantly, in cases requiring compensation, the amount of compensation must be calculated based on the loss incurred. The court will examine and consider the agreement, and the court will consider such an agreement in its decision if the case proceeds to court.

On the issue of lifelong pensions, JSMP stated that the law was amended by the National Parliament and promulgated by the President. JSMP also expressed its regret over some provisions in this law because it maintained the "established rights that protect the right to a lifelong monthly pension and reintegration subsidy for holders of positions within the sovereign organs and current members of Parliament and the Government." However this is a political decision from the members of the National Parliament, and therefore JSMP encourages members of the community to participate actively in the process of building the State and hopes that the next legislature can further amend this law based on the real conditions that exist in Timor-Leste.

The Land Law was approved by the National Parliament and sent to the President, and the President sent it to the Court of Appeal during the time of the former President Taur Matan Ruak. If the President does not promulgate it, then a new law will be initiated by the new legislature. A commitment was made that before their mandate is over they will finalize these important laws.

Meanwhile in relation to members of parliament who commit irregularities, Committee G of the National Parliament on Ethical Issues has the competence to examine such matters. However, to date the Ethical Issues Committee has not functioned very well.

JSMP appreciated the participation of participants and speakers in this regional seminar, particularly the representatives from the court. Judge Alvaro Maria Freitas, during his speech, emphasized the importance of JSMP's presence in the courts and said that JSMP publications are highly credible because they reflect the results of independent research and monitoring.

Meanwhile, the participants recommended for similar programs to be conducted in other locations, especially communities that have limited access to information.

JSMP hopes that such forums will provide useful and practical references for the honorable representatives so that the Timor-Leste formal justice process, which is still being developed, can incorporate the needs of the community and reflect the real circumstances that currently exist. To close this seminar JSMP handed over its 2016 Overview of the Justice Sector to the Judge Administrator of the Suai District Court and the Head of the Suai District Prosecution Service.

This program was made possible with the financial support of the Government of Australia for the period 2016-2017. A similar program is scheduled for 15 June 2017 in Dili and will bring together participants from the municipalities of Liquica, Ermera, Aileu and Dili.

For more information, please contact:

Luis de Oliveira Sampaio
Executive Director of JSMP
E-mail: luis@jsmp.tl