



PRESS RELEASE

Baucau Regional Seminar

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JSMP held a regional seminar for community members and members of village councils as well as members of the LGBT community in Baucau District

On 14 June 2017 JSMP held a regional seminar on democracy, the role of sovereign organs, public participation in the law making process and access to formal justice. This seminar took place in the printing room of the Baucau Diocese, Baucau District.

This seminar was aimed at facilitating contact and direct interaction between members of the village councils, as well as community members including those from minority groups such as the Lesbian, Gay, Bisexual & Transgender (LGBT) community, with judicial actors to increase their knowledge about issues that this group has faced through training that JSMP previously provided to them.

"This outreach activity is very important for members of village councils, and especially for members of the LGBT community, as it can further deepen and strengthen their knowledge about the role of judicial actors and how to obtain justice in their cases before the courts, because they have the opportunity to meet directly with judicial authorities", said the Executive Director of JSMP, Luis de Oliveira Sampaio.

Speakers at this seminar included judicial actors such as the Judge Administrator of the Baucau District Court, Afonso Carmona, who explained about the role of the courts in administering justice. The Baucau District Prosecutor, Gustavo Moreira, spoke about the role of the Public Prosecution Service and the Head of the Office of the Public Defender, Grigorio de Lima, spoke about the role of public defenders in providing legal aid to vulnerable persons.

The participants raised issues in this seminar regarding proceedings for public crimes and semi-public crimes, high interest for loans, divorce cases and the alimony process for minors, crimes of domestic violence, the quality of public defenders and private lawyers, the police sending back those suspected of being involved between fights amongst youths, how to make a

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complaint, land cases and discrimination against members of the LGBT community in applying for job vacancies (they are being prevented from signing contracts after being told they are not appropriate for a position).

In relation to these issues Judge Carmona explained that if a person has a land problem and considers that the land belongs to them, they can submit a preventative petition to stop construction or to have a construction taken down on the land in dispute.

The prosecutor Gustavo Moreira explained that semi-public crimes can be resolved by local authorities or in accordance with East Timorese culture. The Public Prosecution Service has no competence to handle a matter if the victim wants to close the case or does not want to continue with proceedings. For example semi-public crimes are minor assault (simple offences), damaging or stealing a person's belonging that is of little value.

However for public crimes, local authorities have no competency to resolve or close such cases. They need to be processed by the courts and even if the matter has been settled in accordance with East Timorese custom this will only be considered as a mitigating circumstance for the perpetrator. Therefore local authorities and the police need to communicate with the public prosecution service. Those cases categorised as public crimes include murder, rape, sexual abuse of a minor, domestic violence, the theft of goods that are high value. He emphasised that in cases of domestic violence or public crimes both the local authorities or the police have to take steps to have the matter dealt with. If the authorities or the police close the case, they will have committed the crime of failing to report a crime.

Regarding divorce, he explained that in divorce cases the State will consider the best interests of the child. This means that the Public Prosecution Service will consider the child's future, including shared responsibility between the parents to continue caring for and protecting the children until they are adults in terms of their health, education, wellbeing etc. If they don't pay alimony, the parents commit a crime of failing to provide food assistance. Regarding members of the LGBT community who have faced discrimination when applying for vacancies, he explained that the Timor-Leste Constitution does not discriminate against any person, so he asked any victims to make a claim and present evidence to have their matter dealt with. Therefore he proposed for the Public Prosecution Service to have a section that deals with contracts.

The Coordinator of the Baucau District Office of the Public Defender, Grigorio de Lima, in his speech said that both private lawyers or public defender provide good quality services, because they have participated in training at the Judicial and Legal Training Centre. However there is a difference between the role of private lawyers and public defenders. According to its own statute the Office of the Public Defender was established to provide free legal aid to vulnerable members of the community because the State pays their salary, whereas private lawyers must be

paid by the defendant because they make a living by providing legal assistance. Grigorio explained that the Baucau Office of the Public Defender has performed its role in providing assistance to vulnerable persons only. Mr. de Lima also told the participants that if any person knows or has proof that a public defender has asked for money then they should make a complaint. Meanwhile in regards to land cases, Mr. de Lima said that there must be sufficient evidence when claiming to own land. Meanwhile regarding land cases that have not been resolved to date, he asked those with a land dispute to take the matter to the Office of the Public Defender because it runs a legal clinic and its staff can go down to the grassroots level to examine such cases.

The seminar was opened by a Representative of the Baucau Municipality Administrator, Mr. Francisco Xavier Guterres, who expressed his deep appreciation for this activity and thanked JSMP for holding this seminar for these communities. He also asked the participants to take advantage of this training because village chiefs and sub-village chiefs have responsibility over civilians at the grassroots level, because many civil cases and crimes continue to occur in rural areas.

The seminar was attended by village chiefs, female delegates, members of village councils and traditional elders comprising representatives from Lakawa Village, Luro Administrative Post, Lautem Municipality and Bubulai Village as well as the Ossu Administrative Post, Viqueque Municipality. This seminar was also attended by members of the LGBT community from Baucau-Vila Municipality.

This activity was made possible due to the support of the Australian Government through the Australian Embassy in Timor-Leste

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