



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

Mota Ulun Village, Liquica

21 March 2019

Mota Ulun Village Chief believes that the materials provided by JSMP can help members of the village administration to resolve problems in the community

On 13 March 2019 JSMP held training about the role of sovereign organs, public participation in the law making process and access to formal justice for members of the village council and community members in Mota Ulun Village, Bazartete Administrative Post, Liquica Municipality.

30 participants attended this training, comprising 23 men and 7 women. In addition to members of the village council, a Village Police Officer (OPS) also attended.

The aim of this training was to increase the knowledge of members of the village council and community members about democracy, the role of the sovereign bodies, and how the public can participate in the law making process and gain access to formal justice.

“This training is a means to help members of the village council deepen their knowledge about relevant issues, particularly relating to their duties and competencies in resolving problems in the community, so that they can deal with and act on problems that emerge using the correct and appropriate mechanisms”, said the Executive Director of JSMP , Luis de Oliveira Sampaio.

During the training the participants raised some issues relating to political matters and justice. One issue related to the immunity of members of parliament and members of government. Community members were concerned about why important people have immunity when they commit crimes and common people don't have immunity. The participants said that practices like this show that the law only applies to common people, and not to important people. In addition, the village chief also asked if this immunity applies to the Village Chief and members of the Village Council.

In response to these issues, JSMP explained that immunity is a mechanism provided in the Constitution to guarantee the functions of the members of the National Parliament and members of Government and also to ensure that members from these two organs perform their duties freely without fear or concern about criminal or civil proceedings being initiated against them when they criticise or make statements in accordance with the law and the Constitution. In other words, because members of parliament are the people's representatives in the national parliament, they perform a unique role and it is important that they are not subject to criminal charges or civil responsibility when they make statements or convey their opinion or votes in the national parliament.

This means that members of parliament and members of government have no immunity for crimes, but they have immunity in relation to performing their functions. When they commit a crime they are still held criminally responsible for the crime and they are prosecuted based on the seriousness of the crime or the applicable penalty. If the crime is minor a member of government or member of parliament will only be prosecuted and held responsible for the offence when his or her mandate is finished. But when a serious penalty is applicable the National Parliament has the power to remove the immunity so that judicial proceedings can take place.

The village chief and members of the village council do not have immunity because it is not provided for in the Constitution or any other law and all people are equal in the eyes of the law and are treated equally.

The participants also raised other issues. For example if a woman stays at home and suddenly gets pregnant, is this a crime or not? In response to this issue JSMP explained that the investigative process will determine if a crime has been committed or not. The result of the investigation will inform us if a deliberate or harmful act has been committed that resulted in the pregnancy. Was the act carried out consciously and with consent? When a woman is an adult in accordance with the law, and has sexual intercourse with a man consciously and gives her full consent, then this is not a crime. But when the sexual intercourse takes place without consent or the defendant uses force or makes some threats, then this is a crime. However, only the court can make a decision based on evidence produced during a trial.

In the closing session of this training Mr. Francisco Soares, who is the village chief, asked JSMP to continue providing trainings similar to this one every 6 or 12 months to increase their basic knowledge so they can use this knowledge in their day to day work.

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