



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**

**Suai-Covalima**

**27 November 2019**

**In twenty years since independence this is the first time residents of Fatululik Village have received training on Democracy and Access to Justice**

On 21 November 2019 JSMP held training about democracy, 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 Fatululik Village, Fatululik Administrative Post, Suai-Covalima Municipality.

The participants in this training included members of the village administrative structure and community members from the three Sub-Villages of Aitoun, Beidasi and Beco, with a total of 30 participants comprising 15 women and 15 men.

“JSMP continues to disseminate information to members of village councils and communities in remote areas to help provide relevant information, especially in relation to their rights, roles and competencies to resolve problems faced by communities in accordance with the existing system”, said Acting Director of JSMP, Casimiro dos Santos.

This training included a session on democracy and political issues, and the participants raised issues relating to the system of democracy and their freedoms, because in reality people use their rights and freedoms in a democracy to disrespect, ignore and violate the rights of others. The participants raised an issue regarding current political developments, especially in relation to the President of the Republic choosing not to swear in some members of Government and the National Parliament not allowing the President of the Republic to represent the people and State of Timor-Leste overseas.

Also, participants raised the issue of dual nationality in relation to members of the Government involved in crimes of corruption who have absconded overseas and how can they be arrested and prosecuted because they have another nationality.

In response to these questions, JSMP said that these problems have occurred because of democracy, because citizens don't have a good understanding about democracy, rights and freedoms. Values of democracy are freedom, equality, rights and obligations, including mutual respect. An individual's rights and freedoms end when another person's rights and freedoms begin, and therefore when an individual oversteps these limits, another person's rights and freedoms are violated.

In response to questions regarding the swearing in of some members of Government, and the National Parliament not allowing the President of the Republic to travel overseas, JSMP

responded that these issues are political in nature and caused by failures that occurred at the outset when the President of the Republic received a list from the Public Prosecution Service naming individuals who were being investigated, so a decision could be made. In fact the Public Prosecution Service should not have released the list because it falls under judicial confidentiality and can only be released when definitive charges have been presented to the courts. This situation spread to the National Parliament where the AMP coalition exercised political revenge by rejecting a proposed visit by the President of the Republic overseas.

The issue of dual nationality and the prosecution of members of Government who commit corruption and abscond overseas, JSMP said that the issue of nationality does not impede the prosecution of an individual. Even though a person is a foreigner, if he or she has committed a crime in Timor-Leste, then the judicial process will still apply. There is a need for political communication between the States where the person has dual citizenship in order to bring that person back to Timor-Leste for prosecution. Therefore, East Timorese citizens who have dual nationality and commit crimes, will continue to be prosecuted, even if they have citizenship in another country.

In the session about Access to Justice, the participants raised issues relating to the crime of rape involving perpetrators and underage victims and asked about criminal penalties for the crime of rape committed by an adult against a minor, rape that occurs within the family (father committing an offence against his own child), and a child committing physical violence against his/her mother.

In response to this issue, JSMP explained that in cases involving minors aged less than 16, they are not responsible for their criminal actions, because they are not considered to have the capacity to understand their own actions.

When an adult commits a crime against a minor, the law criminalises this action under the category of sexual abuse. Rape committed within the family is also criminalised because such crimes occur due to an abuse of power, confidence or status within the family.

Also, physical violence that occurs within the home, for example when a child hits his/her mother, is criminalised and there is a specific law that deals with crimes that occur within the home, namely: the Law Against Domestic Violence categorises these crimes as public crimes that prohibit authorities, such as the village chief and judicial institutions, from closing such cases.

During the opening and closing sessions, Mr. Carlos Mendonça, the Village Chief of Fatululik, requested for the participants to utilise this time to listen carefully to the important information provided by JSMP, because for almost twenty years since independence JSMP has been the only organization that has visited their village because of the poor condition of the roads, therefore no individuals or organizations have had the desire to visit their village. Finally, the village chief spoke on behalf of the communities in these three sub-villages to express deep gratitude to JSMP

and also to request for the members of village administrative structure and community members who participated in this training to pass on this information to other community members, families and parents who were unable to participate in this training.

At the end of this training JSMP provided one of its publications to the Village Chief, namely its opinion on the 2020 State Budget allocations for the Justice Sector.

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