



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**  
**Regional Seminar RAEOA**  
**4 July 2018**

**Representatives from villages and the LGBT community conveyed their concerns about how criminal and civil cases are processed through the formal justice system during a Regional Seminar in the Special Administrative Region Oecusse-Ambeno**

On 20 June 2018 JSMP held a regional seminar in the jurisdiction of the Oecusse District Court within the Special Administrative Region of Oecusse-Ambeno on the role of the sovereign organs, public participation in the law making process and access to formal justice.

The aim of this seminar was to facilitate direct contact between representatives of the justice sector and village representatives, community members and the LGBT community who have received training on democracy, the role of the sovereign organs, public participation in the law making process and access to formal justice. This seminar allowed local authorities and members of the LGBT community to increase their knowledge as well as convey their thoughts and concerns relating to the role of the sovereign organs.

This seminar was attended by village chiefs, sub-village chiefs and members of village councils from Bobometo Village, Oesilo Administrative Post, Abani Village, Passabe Administrative Post and Beneufe Village, Nitibe Administrative Post and included members of the LGBT (lesbian, gay, bisexual and transgender) community. There were 25 participants in total.

“JSMP considers this to be a very important activity and a way to enable village representatives and members of the LGTB community to present their concerns regarding formal justice in Timor-Leste especially in cases encountered in the village so that judicial actors can respond directly and allay their concerns regarding their experiences as the grass roots level”, said Executive Director of JSMP, Luis de Oliveira Sampaio.

The speakers were judicial actors from the jurisdiction of the Oecusse District Court in the Special Administrative Region of Oecusse-Ambeno. The Court was represented by Judge Administrator of the Special Administrative Region of Oecusse-Ambeno Court, His Excellency Judge João Ribeiro, who spoke about the role of the courts in the Timor-Leste formal justice system, and the Public Prosecution Service was represented by His Excellency Prosecutor, Mateus Nesi, who spoke about the role of the Public Prosecution Service and challenges, and the Office of the Public Defender was represented by Calisto Tout, who spoke about the role of the Office of the Public Defender in providing legal aid to vulnerable persons in accordance with the Constitution and the law. During their speeches they stated that challenges faced by judicial actors in the jurisdiction of the Oecusse District Court included a lack of facilities and human

resources that have affected the services provided by court actors to the community in terms of access to formal justice.

The participants conveyed their concerns about how criminal and civil cases are processed, the competency of village authorities to resolve cases in accordance with customary norms and also how domestic violence cases are resolved at the village level. Also they raised the issue of family neglect, those who father a child and then do not take responsibility.

The Judge Administrator of the Special Administrative Region of Oecusse-Ambeno Court stated that civil cases and criminal cases are handled differently by the courts. Criminal crimes are directly linked to the public interest, because if a crime occurs the Public Prosecution Service is the institution that represents the State in penal actions and has the competence to immediately intervene and prosecute such cases.

Meanwhile civil cases are linked to personal interests where the parties involved present their claim and seek a legal representative to represent their interests when the matter is brought to court. He also emphasised that civil cases can be resolved at the village level if the two parties agree to have the matter resolved with the involvement of the local authorities.

Villages can resolve semi-public criminal cases and civil cases when the parties agree to resolve the matter at the village level, but in cases of domestic violence the matter can be dealt with at the village level but criminal proceedings continue in court because domestic violence is a public crime and therefore the matter will be prosecuted until the court hands down a decision.

Cases involving family neglect can be criminal or civil in nature, and can be resolved through civil proceedings if the defendant complies with his responsibilities to provide alimony to the victim, however if he fails to do so then family neglect can be processed in accordance with the penal code. In relation to fathering a child, the judge stated that most importantly evidence must be presented that a man is the father of the child whereby from the outset the name of the child's father must be included in the baptism certificate so the court can prove paternity of the child and can order the defendant to uphold his responsibilities in accordance with the law.

JSMP hopes that forums like this can provide useful references for court actors in the jurisdiction of the Oecusse District Court that they can apply in practice and consider the needs of the community who use the Timor-Leste formal justice process, which is still being developed and consolidated.

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