



Press Release
Dili Regional Workshop
Dili, 18 June 2018

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

On 8 June 2018 JSMP held a regional workshop in Dili on "The Role of the National Parliament and Judicial Actors within the Timor-Leste Formal Justice System." This workshop started with a JSMP presentation on its findings regarding the National Parliament and the functioning of the justice sector during 2017. JSMP appreciated the participation of representatives of the National Parliament and judicial actors who were present to hear JSMP's observations and findings.

"These sessions are important because they can facilitate interaction and contact between community representatives and members of parliament and judicial actors who can convey their concerns and expectations directly to the competent authorities who make State policy, as well as the judicial actors who administer justice", said the Executive Director of JSMP, Luis de Oliveira Sampaio.

This forum was the appropriate and relevant space for sub-village chiefs, village chiefs, and members of village administration and minority groups in society because they were able to convey their difficulties, social problems and challenges and hear from the authorities about considerations in formulating State policies", he added.

The participants raised issues such as procedures for the adoption of children, people occupying land without complying with court decisions and not wanting to move off the land even though a court decision had been handed down, the announcement of court decisions that were not attended by the parties, also case management at the Public Prosecution Service performed by court clerks who are supposed to keep the parties updated, and the difference between the role of public defenders and private lawyers in terms of providing legal aid to the community.

Also the participants asked MP Arão, as the Coordinator of AMP, about a lack of facilities at the village level, incentives paid to delegates and leaders, which are unfair according to the labour code, the role of oversight performed by the National Parliament regarding projects, access of the LGBT community to education and health, as they often experience discrimination and also a request to create a specific law to deal with the rights of the LGBT community in the future.

In relation to these questions MP Arao Noe explained that there was a plan to increase incentives given to village delegates, but the 2017 elections turned out differently, so the AMP Government is tasked with solving this issue. MP Arão Noe also stated that they will continue to provide oversight because it is the role of members of parliament to supervise road projects based on the AMP plan which will continue to focus on administrative posts during the 5 year reign of AMP.

Also in relation to the LGBT community, member of parliament expressed regret towards discrimination in service provision, and requested for officials from State institutions to be sanctioned if they practice discrimination in service provision to members of the LGBT community. He also said that there is a possibility in the future to consider the creation of a specific law for the LGBT community, but he emphasised that the Constitution guarantees that all citizens have the same rights to access any opportunity within State institutions.

The Judge Administrator of the Dili District Court explained that in semi-public cases the victim has more legitimacy to initiate proceedings or to make complaints to police authorities or the Public Prosecution Service. In relation to decisions issued by judges in land disputes that have the full force of the law, the parties are obliged to accept these decisions. When the courts have handed down a definite decision and the parties do not accept it, the police will use legitimate force to execute the decision. Also regarding rights of an adopted child and a biological child the judge stated that they have the same rights when granted legitimacy by the court.

On the issue of case management at the Public Prosecution Service, the Chief Prosecutor of Dili District explained that when a case has been archived it doesn't mean that it has been shut. There are two ways to archive a case, one is where it is completely archived and the other is partial. Completely archiving a case means that there are insufficient indications of a crime; if the perpetrator is unknown; and if law does not allow for criminal proceedings. Meanwhile partially archiving a case means that there is a possibility to process the case if new evidence is found to reinforce the position. Therefore he asked the parties to seek a clear explanation in such cases from court clerks at the Public Prosecution Service. Also, he said that previously to adopt a child a person must go through the courts to gain legitimacy so that all circumstances can be considered to decide if the person performing the adoption is suitable and if no problems will arise after the adoption.

In relation to the different roles performed by public defenders and private lawyers the Coordinator of the Office of the Public Defender stated that the main role of the public defender is to provide legal aid to the vulnerable without receiving money from any person whilst providing advocacy because their salary is provided by the State. This is not the same with private lawyers who have the same role of providing legal aid in accordance with the law, because they receive money from their clients because they perform their work using their own money.

The participants included village chiefs, sub-village chiefs and members of some village councils from villages where JSMP previously organized workshop activities including members of the LGBT (*Lesbian, Gay, Bisexual no Transgender*) community in Dili. These representatives comprised 15 individuals from Lihu Village, Railaco Administrative Post, Ermera Municipality, Beloi Village, Atauro Administrative Post, Dili Municipality, Hatukesi Village Liquica Administrative Post, Liquica Municipality, as well as 5 representatives from the LGBT community in Dili. There were 20 participants in total.

The speakers at this workshop included representatives of the National Parliament and court actors from the Dili District Court, namely MP Arão Noe de Jesus Amaral, Judge Administrator of the Dili District Court, Jose Maria de Araújo, who spoke about the role of the court in the

Timor-Leste formal justice system and the Public Prosecution Service was represented by Alfonso Lopez who spoke about the role of the public prosecution service and challenges. Meanwhile the Office of the Public Defender was represented by Sergio Hornai, who spoke about the role of this office in providing legal aid to the vulnerable in accordance with the Constitution and the law.

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