



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**  
**Ermera Municipality**  
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**JSMP conducts training for the village chief and members of the Village Council in Liho Village, Railaco Administrative Post, Ermera Municipality**

On 11 April 2018 JSMP conducted training in Liho Village, Railaco Administrative Post, Ermera Municipality. The participants included the village chief, member of the village council and other members of the community. There were 30 participants, comprising 9 women and 21 men.

“This training is part of an activity to disseminate information to public with the aim of increasing the knowledge of community leaders and community members on the functioning of the political system as well as the formal justice system in Timor-Leste”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

“This activity is important because it can promote the participation of all elements of society in politics and also to promote access to formal justice, by increasing their knowledge about relevant laws so that they can deal with cases that occur in their village based on appropriate and correct mechanisms”, he added.

The materials for this training were split into two sessions. The first session focused on democracy, the role of sovereign organs and public participation in the law making process. The second session focused on the functioning of the formal justice system in Timor-Leste.

In the second session the participants looked at issues relating to the formation of the VII Constitutional Government, the dissolution of the National Parliament and early election. The participants asked why an early election is necessary if the government has already been formed and if this was legal or not. The participants also asked about the existence of the government after the dissolution of the National Parliament.

In response to these issues JSMP explained that all decisions made by the State must adhere to the Constitution and the law, because Timor-Leste is a nation based on the rule of law (a State that adheres to the law). The VII Constitutional Government could not go on because when the KHUNTO Party withdrew from the coalition on 13 September 2017, the political force of the coalition led by Fretilin became a minority in the National Parliament so there was no stability of

governance and the program presented to the National Parliament was rejected by the Parliamentary Majority Coalition Party.

The President had strong reasons and two constitutional provisions to dissolve the National Parliament and declare an early election. The first reason was that more than 60 days had passed and the National Parliament had not yet approved the 2018 State Budget, which pursuant to Article 86 f) of the Timor-Leste Constitution means that there was a serious institutional crisis. The second was that more than six months had elapsed from the date of announcing the results of the parliamentary elections and the date of dissolving Parliament, which pursuant to Article 100 1) of the Timor-Leste Constitution makes it possible to dissolve the Parliament.

Meanwhile in relation to the issue of the existence of the Government after the election, JSMP explained that based on the Constitution the Government has two functions. One function is as a political organ and the other is as an administrative organ as set out in Article 103 of the Timor-Leste Constitution. The Government as an administrative organ cannot stop its work, because when it does, the entire State cannot function and this can further undermine the existence of the entire State and can lead to another even bigger crisis.

In the second session some of the issues taken up by the participants related to why the village chief and the village administration cannot make decisions about guilt and innocence when a problem occurs in the village. In response to this issue JSMP explained that the village chief and the village administration can resolve some problems based on traditional mechanisms, especially civil cases, where there are various options such as mediation. But when cases are criminal in nature and there is a complaint the matter must move forward even if it has been resolved through traditional mechanisms at the village level. When a case is being investigated or taken to court there is still the possibility for the case to be withdrawn and settled through conciliation if it constitutes a semi-public crime, based on the victim's own desire to do so.

Article 23 x) of Law No. 9/2016 on Community Leaders also sets out the role of local authorities in raising awareness and mobilising community members in the village to eradicate the crime of domestic violence. The law attributes responsibility for preventing and eradicating this crime, not to resolve cases involving this crime.

The participants were happy that JSMP came and distributed these materials. The participants requested for training like this to be more than one day. During the closing session the village chief of Liho, recommended that in the future if JSMP organises similar training, it could be conducted at the level of Administrative Post and all of the village chiefs in the Railaco Administrative Post could be invited to participate. The village chief viewed these materials as very important and relevant to the daily work performed by the village administration in the village. This important information can help the village chief and the village administration to conduct their work in the correct manner based on the law. The village chief also recommended

for the sub-village chief and delegates to organise a meeting in their sub-village to pass on this information to members of other communities.

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