



Press Release
Dili Court of First Instance
04 October 2024

Judicial Authorities need to guarantee adequate protection for victims and witnesses during court proceedings

Judicial Authorities need to guarantee adequate protection for victims and witnesses during all court proceedings. JSMP acknowledges that until now the infrastructure in all of the courts in Timor-Leste is unable to adequately provide protection in accordance with the law to victims and witnesses, however JSMP encourages the courts to explore practical approaches to ensure that victims or witnesses can be free from pressure and any types of threats that can make victims or witnesses feel afraid to act freely. Any type of pressure can prevent a victim from feeling safe or free, and this will impede or upset the capacity of the victim and witness to provide a statement properly during any stage of proceedings.

Chapter 2 of Law No.2/2009 on **Witness Protection** provides measures designed to protect the interests, identity and security of witnesses. These measures include the use of facilities or a teleconference when they are making a statement when there is a risk of a threat to the physical or psychological security of a victim or witness. Also, there are other measures to distort or hide the voice of the witness or victim, to hide their image; and to record the statement of a witness or victim in a safe place.

To ensure that these measures can function, the judge is obliged to exercise control to ensure that witness statements are secure, and to guarantee the authenticity of these mechanisms.

“The judicial authorities, both judges or prosecutors in charge of a case, need to engage in efforts required to ensure that a victim or witness receives relevant information about their rights, especially the right to receive adequate protection for their security in accordance with the law”, said Mr. Casimiro dos Santos, Acting Executive Director of JSMP.

In one case observed by JSMP at the Dili Court of First Instance, on 3 October 2024, JSMP observed that the victim in a case of human trafficking being tried by the Dili Court felt unsafe because the victim was subjected to psychological pressure and threats from the family of the female defendant who took part in proceedings at the court.

JSMP understands that this trial was closed to the public at the request of the victim, however JSMP found out that the victim was under pressure and afraid because before the trial had started the victim was sitting together in the waiting room with family members from the two parties participating in this trial. Therefore, when the trial was over the victim spoke with members of the families and appeared afraid because

the family members of the female defendant surrounded the victim and were indicating that they were making threats, were looking at her disapprovingly, and were angry at the female victim.

Independently from the shortcomings and gaps that the courts are facing, JSMP encourages the judicial authorities to evaluate each case, before the trial starts, so that relevant measures can be implemented to intervene in accordance with the law. These measures are intended to ensure that all proceedings can take place with conditions that are in place for the parties, especially those required by the law, and to guarantee special protection for them, based on the circumstances and needs of each case.

The Law on Witness Protection defines any measure aimed at providing security to a person who feels threatened during the trial process, including hiding details about their private life, and also the protection provided by the police, when necessary. This includes special security measures when a victim needs support over a long period of time, such as a new identity, relocation overseas, the provision of an allowance, and when necessary, a medical operation or other work that is intended to hide the identity of the victim.

In particular, Article 10 of the Law Preventing and Combatting Human Trafficking guarantees the protection of victims and witnesses. This article states that: (1) *in procedural acts, the competent judicial authorities need to ensure that there are necessary measures to prevent victims and defendants in crimes of human trafficking from having contact with each other, for example through technological means;* (2). *Witnesses and victims of human trafficking shall benefit from special measures and programs that are set out in the law on witness protection.*

JSMP believes that the judicial authorities are familiar with the relevant legal frameworks that guarantee and protect complex cases to ensure that the vulnerable parties can receive treatment and protection in accordance with the law and guarantee that victims receive fair justice in their cases and have complete faith in the formal justice system and judicial authorities.

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