



Press Release
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JSMP disseminates information about Access to Formal Justice to the Sub-Village Administrative Structure and Community Members in Tulaika Sub-Village, Lifau Village, Oecusse

On 21 February 2024 JSMP disseminated information about access to formal justice to the Sub-Village administrative structure and also community members in Tulaika Sub-Village, Lifau Village, Pante-makasar Administrative Sub-Region, Special Administrative Region of Oecusse-Ambeno (RAEOA), for the Community Security Support Program (PASK).

The aim of disseminating this information was to increase the knowledge of the sub-village administrative structure and community members about how to access formal justice and to ensure that disputes and other cases are resolved in the sub-village based on the formal laws that are applicable.

The training materials covered definitions about the law, definitions of crimes, types of crimes, the nature of crimes, and sentences, and also procedures in criminal and civil cases that are processed through the formal justice system. Also an explanation was provided about the role of the administrative structure in a Sub-Village when disputes occur in a Sub-Village. Finally the JSMP team also spoke about the work of the referral network that provides legal aid to women and children who are victims.

“JSMP is happy to provide this training to local authorities at the sub-village level and to community members in Tulaika Sub-Village, which can increase the knowledge of community members about the formal justice process. This activity is a part of a Memorandum of Understanding (MoU) between Lifau Village and JSMP based on the Community Security Support Program (PASK) to respond to concerns raised by the Sub-Village Chief and community members when collaborating with JSMP for the last year,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

After hearing JSMP’s presentation, the community members expressed their concerns about the implementation of the Law Against Domestic Violence (LADV) which allows another person to make a complaint when there is a fight between a wife and husband, even though this is considered normal in a household, or hitting a child with the aim of educating the child. In response, JSMP said that after the approval of the LADV, any crimes involving a wife and a husband, an ex-wife and an ex-husband or another person living together in the same household, when there is economic dependency, or parents hitting a child, is considered to be a public crime, therefore any person who has



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knowledge about or hears such an incident can make a complaint to the police or the Public Prosecution Service and the matter can only be resolved at the court.

The participants also asked about why young children who like each other have their parents' blessing to form a household, but in the end they have one or two children, and then the male decides to abandon the female and the children. Does the law state that he has an obligation to go back to his wife and children or does the law state that he can marry another woman if he wants to? In response to these concerns, JSMP explained that when a man and a woman start a family, if either the husband or wife does not feel happy while they are living together because of reasons that can be justified according to the Penal Code and the Civil Code and he or she can't continue to live as a family, then either of them can decide to stop their relationship as husband and wife. However, according to the law the two of them are obliged to take responsibility for their children.

Another concern was raised about what happens in cases of assault that have reached the court and then the suspect seeks out the victim to make an amicable agreement and they manage to achieve a peaceful solution, and a written amicable agreement from the Sub-Village or Village is provided to withdraw this process. Can this happen or not? In response, JSMP explained that in all semi-public cases where the two parties have an amicable agreement in writing, they can present it to the court to withdraw the case. This is because when semi-public cases reach the court, the judge will attempt to reconcile the parties, and if they want to reconcile then the matter will be dismissed and the request to withdraw the complaint will be endorsed, however if the victim or the defendant does not accept the amicable agreement then the case will proceed to trial.

The Sub-Village Chief and community members who participated in this training stated that this dissemination of information is important and positive for the sub-village administrative structure and community members, so they can gain knowledge, because activities like this to disseminate information often don't reach the Sub-Village, and therefore it is difficult for the administrative structure of the Sub-Village to resolve matters in accordance with the formal law, and therefore they stated that this information can help them understand how to resolve their cases through community justice and how to take cases to the formal justice system.

This activity to disseminate information was attended by 19 participants, namely 7 women and 12 men. The participants comprised the Lifau Village Chief, a Village Police Officer (OPS), the Tulaika Sub-Village Chief, 1 customary elder from the Sub-Village, 1 customary elder from the sacred house, 1 youth leader from Tulaika, 2 delegates, 1 person from the LGTBIQ+ community, 2 persons with disabilities and also some community members.



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