



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL**

**Press Release
Baucau Municipality Regional Seminar
2 August 2021**

**JSMP held a regional seminar in Baucau Municipality:
Judicial actors and a representative from the National Parliament explained their
functioning during the local area confinement for public health reasons in relation
to Covid-19**

On 23 July 2021 JSMP held a regional seminar in Baucau Municipality on how to ensure Government accountability for Covid-19, and how to improve access and freedom of information in Timor-Leste, namely “The Role of Sovereign Organs, Public Participation in the law making process and Access to Formal Justice in Timor-Leste.”

This regional seminar was opened by a representative of the Baucau Municipality Authority President, Mr. Hermengildo R. Fraga. During the opening ceremony the representative of the Authority President expressed his gratitude for this activity and thanked JSMP for providing this seminar to the local authorities and women’s groups, and he asked the participants to make use of this opportunity to convey any problems that they have encountered to date in the performance of their functions and if they have any concerns and doubts, then they can ask directly to the speakers.

The participants included village chiefs, sub-village chiefs and women’s groups and community members from four villages, namely Uma Ana Iku, Buruma, Trilolo and Buibau with a total of 39 participants.

The speakers in this seminar included a representative of the National Parliament MP Elvina Soares de Carvalho, Judge of the Baucau District Court Florença Maria Freitas, Head of the Baucau Prosecution Unit Remizia de Fátima da Silva, Coordinator of the Baucau District Office of the Public Defender Grigoria de Lima and Ms. Ana Paula Marçal, Executive Director of JSMP.

“JSMP expresses deep gratitude to the speakers for allocating their time to share their experiences and to explain the functioning of the National Parliament and the judicial system during the Covid-19 situation and to respond directly to the concerns of the participants regarding any doubts that they have,” said Ana Paula Marçal, Executive Director of JSMP.

During the presentation session, MP Elvina explained that during local area confinement for public health reasons the National Parliament has continued to maintain its functioning even though with a reduction of some activities such as meeting with voters and oversight. The MP also explained about the rights of citizens to submit a petition when

they encounter a problem and the members of parliament have the duty to respond to their concerns.

Regarding the justice sector, Her Excellency Judge Florença spoke about the role of the courts as they have full competence to consider any cases brought before them and to date the courts have continued to give priority to urgent cases even during local area confinement for public health reasons, especially cases involving the first questioning, and when defendants have been detained and urgent civil cases such as those relating to an interlocutory injunction. She also said that the Baucau District Court has undergone some significant changes, and now there is a specific judge for civil cases so that the other judges can focus on criminal cases to process matters quickly. The aforementioned judge also spoke about the interdependence of the sovereign organs, because they are interdependent but they cannot influence each other.

During her presentation on the public prosecution service Remizia de Fátima da Silva said that during local area confinement for public health reasons they continued to conduct their work and managed to attend to 200 or more cases, even though this is slightly lower than their target because many of them could not attend because public transport was not functioning. However, for urgent cases such as those involving persons in detention and the first questioning, sometimes the public prosecution service organised transport to collect the parties so they could attend questioning. During this presentation the head of the Baucau District Prosecution Service emphasized the role of the Public Prosecution Service in strengthening the defence given to minors, the vulnerable, and the incapacitated. In addition, she also told the participants that prosecutors are ready to provide services 24 hours a day.

The speaker from the office of the public defender, Grigorio de Lima, said that the office of the public defender carries out its role to provide assistance to defendants just like lawyers do, however the difference is that public defenders provide services free of charge because the State pays for this service. The office of the public defender provides assistance in all cases including holding mediation in civil cases such as divorce, the regulation of parental authority and others. During the local area confinement for public health reasons the office of the public defender continued to provide assistance in all cases, but the number of cases was much less because of the confinement. Also, the coordinator of the Baucau Office of the Public Defender spoke about equipment for administrative support that was extremely lacking during the State of Emergency which made it very difficult to work.

Also, Ana Paula Marçal, the Executive Director of JSMP, said that JSMP works to monitor the courts and the national parliament and found that significant progress has been achieved, for example: the National Parliament continued to hold plenary sessions and promoted public participation (considering views or recommendations). Meanwhile the courts now have a specific judge to handle civil cases. However, a number of challenges still exist, for example in the national parliament many MPs arrive late to work, and some MPs don't demonstrate good will when engaging in discussion and until now the National

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Parliament does not yet have a national legislative plan. In relation to the judiciary, the office of the public defender in particular has faced challenges such as a lack of facilities and administrative support (lack of transport, printing equipment, and others). Also, during the State of Emergency and local area confinement for public health reasons the number of cases was reduced dramatically.

During the discussion the participants raised the issue of State owned property that some local authorities have used for private purposes and some of them have abandoned their duties in the villages. In relation to judicial issues, the participants raised doubts about the issue of neglected children if the parties do not meet their obligations to provide food and solutions to cases involving land disputes that use two certificates, namely certificates from Indonesia and Timor-Leste that are presented to the courts.

In response to these issues MP Elvina de Carvalho said that the issue of land being privatized by local authorities is clearly dealt with in the law, namely State owned land continues to belong to the State and any use requires a contract with the State, and in relation to local authorities abandoning their duties, she said that the local authorities or community members need to inform the municipal administrator who is the superior of the local authorities. Judge Florença further explained that State owned land includes land from Portuguese and Indonesian times that reverted back to the State of Timor-Leste, however the problem is that sometimes there are certain people who consider that they own State land and they provide contracts to others. She also told the participants that if there is a land dispute they can make a complaint to the courts.

In relation to cases of child neglect, Remizia de Fátima said that these cases need to be taken to the police to be passed on to the public prosecution service or they can take the case directly to the public prosecution service to initiate the process via a civil action to regulate parental authority and if a party fails to comply then he/she can be charged in accordance with the Penal Code on failure to provide food support.

After the materials were presented and responses were given to the concerns raised by the participants, the JSMP team went with some participants to the court and the Public Prosecution Service. The participants were very grateful for the opportunity to directly participate and hear the explanations about the work performed by these institutions and their mechanisms for service provision.

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