



Press Release
13 May 2020

The Public Prosecution Service and the courts need to consider cases of gender-based violence as urgent cases during the State of Emergency

JSMP and ALFeLa request for the Public Prosecution Service and the courts to give priority to prosecuting and trying cases characterized as gender-based violence (GBV), especially rape, the sexual abuse of a minor or the sexual exploitation of women and children together with other types of urgent cases¹ that the courts need to attend to during this State of Emergency.

“The Public Prosecution Service and the courts need to give priority towards preparing and trying cases involving gender-based violence, especially cases characterized as rape, the sexual abuse of a minor or sexual exploitation of women and children during this State of Emergency, because these cases are urgent in nature, and involve women and children who are vulnerable and need special treatment and protection, especially victims who are minors, both in relation to the psychological pressure they face and also to ensure that there is evidence and to prevent the recurrence of crimes against victims,” said Ms. Ana Paula Marçal, the Executive Director of JSMP.

According to data that JSMP obtained from the PNTL through the VPUs (Vulnerable Persons Units) in the municipalities of Aileu, Same, Baucau and Oekusi, between January and April 2020 the VPUs registered many cases involving GBV, including sexual violence against women and children. Some of these cases were registered with the Public Prosecution Service but some have not been reported to the Public Prosecution Service because of the State of Emergency, due to efforts to prevent the COVID-19 pandemic.

The following table lists the total number of cases. This data was obtained by JSMP in meetings with the VPUs in the municipalities.

Case Type	Aileu (Jan-April 20)	Manufahi (Jan-April 20)	Baucau (Jan-May 20)	Oekusi (Jan-April 20)	Total
Domestic Violence	15	5	14	27	63
Rape	3	-	2	1	6
Sexual abuse of a minor	-	-	1	-	1
Sexual exploitation	1	-	-	-	1
Sexual acts with an	-	-	1	-	1

¹ Urgent cases include summary proceedings, first hearing (judicial questioning), cases where the defendant is in prison/detention and cases that need to be decided.

adolescent					
Child pornography	-	-	-	1	1
Mistreatment of a spouse	-	-	1	8	9
Mistreatment of a minor	-	-	-	1	1
Total	19	5	19	38	81

JSMP obtained data from the VPUs in Aileu and Same when JSMP was carrying out charitable activities and COVID-19 prevention activities in these two districts² on 5-6 May 2020, to distribute basic goods, masks and hand sanitizer to vulnerable persons, including widows and orphans, persons with disabilities and also victims including women and children, persons with disabilities and members of the LGBTI community.

Meanwhile ALFeLa informed that legal aid was provided to women and children in 47 cases of rape, the sexual abuse of a minor, domestic violence or gender-based violence during the State of Emergency. Some of these cases were registered with the Public Prosecution Service and some were processed at the VPU level to gather evidence, but at the VPU in Aileu there were 10 cases involving the sexual abuse of a minor, rape and domestic violence that have not been registered with the Public Prosecution Service because of the State of Emergency.

In addition, ALFeLa informed that some women and children who suffered gender-based violence during the State of Emergency have had to stay in Shelters when perpetrators posed a risk to them whilst awaiting for their cases to be processed through the formal justice system.

The table below shows the total number of cases where ALFeLa provided legal aid during the State of Emergency in 9 municipalities, including the Special Administrative Region of Oekusi-Ambeno.

Month	Baucau	Covalima	Dili	Ermera	Liquica	Manatuto	Manuahi	Oecusse	Viqueque	Total
April	3	2	11	1	3	1	1	7	2	31
May	4	1	5	-	1	-	4	1	-	16
Total	7	3	16	1	4	1	5	8	2	47

The data from JSMP and ALFeLa is different, because ALFeLa not only provided data about some cases from the VPU, but also in some cases the victims made a complaint directly to ALFeLa and also there were referrals from partners in the 9 municipalities. Meanwhile data from JSMP was obtained directly from the VPUs in the four municipalities mentioned above.

² Aileu Municipality: sub-villages of Besilau, Malerek, Montane and in Same Municipality: sub-villages of Nuu-laran, Betano and Holarua

Based on this data, JSMP and ALFeLa request for the Public Prosecution Service and the courts to consider and prioritise cases of gender-based violence together with other urgent cases during the State of Emergency.

JSMP and ALFeLa believe that it is also necessary to have a secure and appropriate system to facilitate these processes. As stated in a JSMP press release issued on 15 April 2020³ JSMP recommends for the courts to coordinate with the relevant institutions such as the Police, the Public Prosecution Service, the Office of the Public Defender and the Prisons to discuss and establish a secure system to facilitate these processes. Therefore, cases characterized as rape, the sexual abuse of a minor and domestic violence can continue to be tried and evidence can be secured, and fair decisions can be issued, and this will also reduce the number of pending cases.

In addition, JSMP and ALFeLa also recommend for the Public Prosecution Service and the courts to start thinking about appropriate mechanisms for the long term when the courts continue the trial of urgent cases including cases that should be tried such as GBV cases, especially cases characterized as rape, the sexual abuse of a minor or sexual exploitation of women and children, whilst continuing to uphold standards of prevention regarding the COVID 19 outbreak from WHO and the Ministry of Health, so that they can work safely.

In addition to reporting on the total number of cases registered, the VPUs also informed that nearly all of the VPUs in the municipalities have faced problems relating to a lack of transport and fuel which has made it difficult for them to attend to cases quickly.

During meetings with these VPUs, JSMP also presented its program about providing assistance to women and children and how to establish working relations with between JSMP and the VPUs in the future with the collaboration of ALFeLa.

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³ Press release entitled: "The courts continue to try urgent cases during the State of Emergency. JSMP recommends the use of appropriate and safe measures and the establishment of necessary conditions" http://jsmp.tl/wp-content/uploads/PrTribunalKontinuaJulgaKazuUrgensiaihEE_Tetum.pdf