



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
Oecusse District Court
08 February 2019

The Public Prosecution Service needs to take immediate and appropriate protection measures regarding the alleged crime of sexual abuse against children in Oecusse Municipality

JSMP requests for the Public Prosecution Service to immediately take appropriate protection measures regarding allegations involving persons suspected of committing the crime of sexual abuse against orphan children in Oecusse Municipality.

During the last few weeks there has been news in the Tempo Timor newspaper published on 01 February 2019 <http://www.tempotimor.com/justisa/212-hasai-padre-tanba-abuzu-seksual-ba-labarik-sira-iha-oecusse>, about “a church person who is responsible for these orphans is suspected of being involved in acts against the children who are staying at the Shelter/Orphanage.” In addition, the ETAN mailing list also published information about the same case on the same day and there was a strong reaction from the international media.

Based on information provided, this case was discovered in mid-2018, however until now the Public Prosecution Service has not yet conducted any investigations to apply protective measures to protect children and the community.

“JSMP requests for the Public Prosecution Service to take appropriate protective measures to protect potential victims, such as preventing the suspect from contacting or continuing to have access to this orphanage or shelter, to seize relevant documents such as a passport to prevent the suspect from absconding, as well as applying appropriate coercive measures in this case”, said Luis de Oliveira Sampaio, Executive Director of JSMP.

It is suspected that this case involved a figure who has traditionally been held in great respect by the community. These types of situations often encourage community members and victims to stay quiet and not to talk about incidents that have impacted on their rights. Therefore, JSMP recommends for the Prosecutor General to appoint a prosecutor from Dili or another jurisdiction to provide investigative support in this case.

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Timor-Leste is based on the rule of law which guarantees that all people are the same before the law. To guarantee that this case is processed in accordance with legal procedures and to prevent the suspect from absconding from justice or continuing to influence the victims, JSMP recommends for the Public Prosecution Service to give serious consideration to the application of coercive measures against the suspect in accordance with the law. In addition JSMP also recommends for the judicial actors to provide a sensitive treatment to minor victims by asking question, which can ensure that victims feel free and comfortable giving testimony during trial. JSMP also recommends that during trial judicial actors should remove their robes, which can provide comfortable to victims to freely give testimony.

JSMP also believes that the investigative process needs to proceed in accordance with legal procedures and fundamental principles and norms such as the principle of “presumption of innocence,” the right to legal representation and a defence and other basic principles. However, to guarantee that victims are given adequate protection the Public Prosecution Service needs to carry out its role effectively and ensure that the suspect adheres to this fair process and is free from any coercion. Therefore, JSMP requests for the entire community to trust the courts to do their job, and process this case in accordance with the law.

In Timor-Leste there are various referral network organisations such as ALFeLa (Legal Aid for female and minor victims), PRADET (Medical Assistance and Counselling) and PNTL-VPU that are ready at all times to respond cases like this. JSMP encourages victims or the family of victims to use referral network services to obtain necessary help the assistance.

For more information, please contact:

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