



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**  
**Oekusi District Court**  
**14 March 2021**

**Case of Topu Honis: JSMP requests for all parties to show respect and have confidence in the courts to carry out their role independently and impartially**

On 23 February 2021 the Oekusi District Court conducted a hearing in a case involving the sexual abuse of a minor and child pornography involving the defendant DR who is a former priest who allegedly committed the crimes against victims in Oecusse. This case has been widely debated by the public because the defendant is a religious leader and therefore there are those who are for or against the independence and impartiality of the courts in this case.

“JSMP urges all parties to show respect, be patient and place their trust in the courts to perform their duty. JSMP also believes that the courts will guarantee their independence and impartiality in this case in accordance with the law, as the courts have already shown this when handling previous cases where concerns were raised about the intervention of a range of parties, however the courts demonstrated their independence and impartiality,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

JSMP truly appreciates the independence and impartiality of the courts in previous cases because they have performed their role as set out in the Timor-Leste Constitution (Article 119 and 121.2 of the Constitution on the independence of the courts and judges)<sup>1</sup>.

In addition, JSMP also urges all parties to respect the rights of victims and ensure confidentiality in this case. Also, regarding the rights of the defendant, even though the law allows citizens to exercise their right to freely express their opinion, JSMP urges all parties to uphold the fundamental principle regarding “the presumption of innocence” because when talking about formal justice, the court has the competence to consider and decide according to the law and only when a final decision has been imposed can the guilt or innocence of the

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<sup>1</sup> Article 119 of the Timor-Leste Constitution on independence states that Courts are independent and subject only to the Constitution and the law. Article 121.2 of the Timor-Leste Constitution on judges states that in performing their functions, judges are independent and owe obedience only to the Constitution, the law and to their own conscience.

defendant be established. Therefore, JSMP requests for the entire community to trust the courts to do their job and process this case in accordance with the law.

Also, JSMP is concerned with the application of coercive measures regarding the defendant's Proof of Identity and Residence because these measures may not be adequate because the defendant is a foreigner and there is a high likelihood that he can abscond. Therefore, JSMP urges the prosecutors or judges to reconsider these coercive measures to avoid what happened in previous cases, namely defendants (Valentim Lavio, Emilia Pires and Tiago-Tammy Guerra)<sup>2</sup> did not cooperate with justice in Timor-Leste and absconded from Timor-Leste after a decision was imposed by the court of first instance.

Based on JSMP's court monitoring, many children are victims of crimes characterized as rape and sexual abuse including incest. Therefore, to ensure that children are free from violence, JSMP urges all parties, namely the Government, society and the family, to collaborate in order to combat these crimes.

In this case the prosecutor alleged that the defendant violated Article 177 of the Penal Code (PC) on the sexual abuse of a minor that carries a penalty of 5-15 years in prison as well as Article 176 of the Penal Code (PC) on child pornography which carries a sentence of 3-10 years in prison.

This case was registered by the court as Case No. 0022/19.PGGCC that was presided over a panel of judges: The public prosecution service was represented by Matias Soares and Ambrosio Rangel Freitas. The victim was also accompanied from JU,S (Juridico Social): Olivio Barros and Hildegardis Wondeng. The defendant was represented by private lawyers and a public defender. The private lawyers were Pedro Aparicio, Miguel Acasio Faria, Joao Dunn and Eusebio Soares, and the Public Defender was Marcelino Marques Coro.

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<sup>2</sup> Case of Tiago Luis de Vilhena Teixeira Guerra and Chang Fong-Fong Guerra a.k.a "Tammy Guerra" [https://jsmp.tl/wp-content/uploads/2017/03/SumarikuKazuTribunalDILI\\_Tetum.pdf](https://jsmp.tl/wp-content/uploads/2017/03/SumarikuKazuTribunalDILI_Tetum.pdf) and the case of Valentim Lávio : <https://jsmp.tl/wp-content/uploads/2012/06/Aktualizasaun-Justisa-Valentim-Lavio-Novembru-2011.pdf>