



Press Release
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The issue of persons with a disability not having access to electoral cards was raised in a Regional Seminar organised by JSMP in the Autonomous Region of Oecusse

On 16 February 2022 JSMP held a regional seminar on democracy, role of the sovereign organs, public participation in the law-making process and access to formal justice in the Autonomous Region of Oecusse.

The aim of this seminar was to enable members of the public, namely village chiefs, members of village councils and community members who previously attended training facilitated by JSMP and some new participants in this seminar, to meet with judicial actors such as judges, prosecutors and public defenders to convey their thoughts, concerns, criticism and recommendations to these judicial actors.

“Through this regional seminar, village chiefs, member of village councils and community members were able to hear explanations from judicial actors about their role and at the same time the participants also had the opportunity to directly convey their concerns, comments and recommendations about the work of the justice sector,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

The guest speakers who participated in this seminar were the Honorable Judge Administrator of the Oecusse District Court, Hugo da Cruz Pui, who spoke about the role of the courts/judges in the administration of justice in accordance with the Constitution and the law and also about success, progress and challenges. The Honourable Chief Prosecutor from Oecusse District, Mateus Nesi, who spoke about the role of the Public Prosecution Service/prosecutors when representing female and child victims in accordance with the Constitution and the law, as well as success, progress and challenges. His Excellency, the Coordinator of the Office of the Public Defender in Oecusse District, Calisto Tout, who spoke about the role of the Office of the Public Defender in providing legal aid to the vulnerable in accordance with the Constitution and the law as well as success, progress and challenges and Ms. Ana Paula Marçal, the Executive Director of JSMP, who spoke about progress and challenges faced by the Parliament and the Courts based on JSMP monitoring.

Some issues raised by the participants included a case involving a buffalo that entered into a plantation and was killed by the plantation owner, surnames for children who have been abandoned by their father, electoral cards for persons with a disability, and

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foreign citizens who have resided for a long time in Timor-Leste but find it difficult to obtain citizenship.

In response to the issue of a buffalo entering a plantation and being killed by the plantation owner, the Honorable Judge, Hugo da Cruz Pui, explained that actually the buffalo should not have been killed, but rather the owner of the buffalo should have been asked to pay for damage/loss suffered by the plantation owner. By killing the buffalo the plantation owner committed a crime of property damage because he killed a person's buffalo. The buffalo owner has civil responsibility to pay for the damage suffered by the plantation owner.

In response to the issue of surnames for children who have been abandoned by their father, the honourable guest speaker said that according to culture if a father does not look after his children, the mother has the right to use her surname for her children however in accordance with the law, all biological parents have the right to use their surname for their children. Therefore, when a father abandons his children, a complaint has to be made to a prosecutor so that the court can examine the matter and force the parents to look after and provide alimony for their children.

Regarding the issue of foreign citizens residing for a long time in Timor-Leste, who are not yet entitled to citizenship, the honourable judge said that according to the law on citizenship, foreigners who are married to an East Timorese person, or foreigners who wish to leave their own country and request to become an East Timorese citizen, must meet the requirements set out in the law on citizenship, for example they have to live permanently in Timor-Leste for five years, understand an official language of Timor-Leste and must sit a citizenship exam and if they pass they can become an East Timorese citizen.

Regarding the issue of disabled persons who don't yet have an electoral card, the Honourable Chief of the Prosecution Service Mateus said that the village chief together with the village council need to identify or find out which communities have this problem, and how many disabled persons do not yet have an electoral card. The Village Chief and members of the village council have the obligation to help community members obtain an electoral card, and this issue should not be ignored.

Regarding the issue of fathers abandoning their children, village chiefs and members of the village council can assist children when a complaint has been made to the Public Prosecution Service so that the Public Prosecution Service can submit a case to the court to oblige parents to look after and provide alimony to their children.

His Excellency the Coordinator of the Office of the Public Defender, Calisto Tout, said that in relation to a buffalo entering a plantation of another person, the buffalo should not be killed. If the buffalo has destroyed some crops, then the plantation owner can make a complaint to the Office of the Public Defender so that a Public Defender can conduct mediation between the plantation owner and the owner of the buffalo. If damage has occurred, then the owner of the buffalo can pay for the damage suffered

by the plantation owner. If the mediation process does not resolve the matter, the Office of the Public Defender will represent the plantation owner and make a petition to be sent to the court for deliberation and to oblige the owner of the buffalo to pay for the damage suffered by the plantation owner.

This seminar was attended by village chiefs, delegates, members of the village council from Lalisuc Village and Naimeko Village, Pante Makasar Administrative Post, Autonomous Region of Oecusse.

The seminar concluded with the participants visiting the court and during this visit they were given an explanation by the judge administrator, Hugo Pui, about the hearing room and sections of the court.

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