



**Press Release**  
**07 August 2023**

**JSMP disseminates information on access to formal justice in sub-villages in a pilot village for the Community Security Support Program (PASK) project in Baucau and Ermera Municipalities**

On 28 July 2023 JSMP held training on how to process cases via the formal justice system in two (2) sub-village communities in target villages for the Community Security Support Program (PASK) namely Osogigi Sub-Village in Uma-Ana-Ulu Village, Venilale Administrative Post, Baucau Municipality and Aiurlala Sub-Village, Samalete Village, Railaku Administrative Post, Ermera Municipality.

The materials for this training included definitions about the law, definitions about crimes, types of crimes and how to process crimes characterized as public crimes and semi-public crimes and what the sub-village administrative structures can do to help community members resolve their disputes including types of sentences and the work of the referral network in providing legal assistance to victims of gender based violence.

29 people participated in the training in Osogigi Sub-Village, comprising 21 men and 8 women, including once person with a sight impairment. Meanwhile 23 people participated in training in Aiurlala Sub-Village, comprising 7 women and 16 men, including one person with a psychological disability. The participants included the sub-village chief, sub-village customary elders, customary elders from the sacred house and others that the community members entrust with resolving disputes such as *makleha* and *maksawar*<sup>1</sup>, veterans, school representatives and church representatives such as catechists and also communities members who have experience in cases, in relation to both the formal justice process and also with community justice.

*“JSMP has intensified training about the formal justice process at the sub-village level because after JSMP has worked with target villages, JSMP discovered that the process to resolve disputes via community justice at the village level already has a structure in place and the dispute resolution process needs to start with the sacred house and if there is no*

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<sup>1</sup> A person entrusted by the community and customary elders of the sacred house in each sub-village and or village to monitor the implementation of customary prohibition (*tara bandu*).

*agreement then it will go to the sub-village level and continue to the village level if there is still no agreement between the parties. From this collaboration, JSMP has noted that those involved in the processes at the sub-village level and sacred house really lack knowledge<sup>2</sup> of these processes because they have not had an opportunity to participate in the dissemination of this type of information,” said Ms. Ana Paula Marçal, Executive Director of JSMP.*

As part of this training JSMP also gave priority to the communities that have experiences in processing cases through formal justice and also community justice, because based on the results of interviews and monitoring conducted by JSMP about disputes, it was discovered that these parties really don't have any knowledge about how to take their cases to the formal justice system when they are not satisfied with the dispute resolution processes via community justice and some people have managed to take their cases to the police, but they don't know how to be updated about their cases, and they don't understand decisions taken in their cases.

In this training the Sub-Village Chief from Osogigi Sub-Village and the Samalete Village Chief were very grateful to JSMP for visiting them to disseminate information about the rights of community members to access formal justice and the competencies of the local authorities to resolve criminal and civil cases in accordance with the law. As a community that has some experience with cases, they were very grateful because even though they have attended a number of trainings they only now understand properly how to take cases to the formal justice system.

During the training the participants actively conveyed their concerns and recommendations about the formal justice system in relation to the process to resolve cases at the local level (village, sub-village and customary practices) especially the resolution of cases involving land disputes, parents neglecting their children, how police respond to crimes occurring in the community and cases of spouses assaulting each other.

In response to these aforementioned concerns, JSMP explained that for civil cases, the law allows for local authorities to facilitate mediation when the parties involved agree to resolve the matter at the village or sub-village levels. In relation to the issue of parents neglecting children, the law does not prevent village chiefs and sub-village chiefs from attempting mediation so that parents can continue to provide food support for their children, however if there is no agreement, the village chief and sub-village chief can take the matter directly to a prosecutor or firstly to a member of the referral network such as JSMP or ALFeLa to provide assistance to refer the matter to a prosecutor to be processed in accordance with the formal law.

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<sup>2</sup> Based on interviews conducted by JSMP for the PASK program between May and July 2023

In relation to the issue of police officers taking action and hitting suspects and causing disabilities, JSMP explained that according to the Criminal Procedure Code, the police can impede crimes that are taking place and can guarantee the collection of evidence, however it doesn't mean that they can hit people when they are in the process of arresting or detaining a person. If a police officer hits a suspect during the detention process, families can present a complaint to the prosecution so that the police officers are held responsible for their actions. Meanwhile in cases involving spouses who assault each other, JSMP explained the concept of domestic violence, the nature of crimes of domestic violence as public crimes and the definition of family in accordance with the aforementioned law. JSMP also explained that the courts have competence to resolve such cases however a village chief or sub-village chief can only conduct conciliation to pacify the parties and if possible such an amicable agreement could be seen as a mitigating circumstance for the defendant.

This training activity was conducted by JSMP through the Community Security Support Program (PASK), through collaboration with The Asia Foundation (TAF), and was financed by the Embassy of New Zealand.

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