



Press Release

Dili Municipality Regional Seminar

5 November 2021

Village leaders and members of the village administrative structure conveyed their concerns to court actors during a Regional Seminar in Dili Municipality

On 22 October 2021 JSMP held a regional seminar in Dili Municipality for village leaders and members of the village administrative structure on democracy, role of the sovereign organs, public participation in the law-making process and access to formal justice. The participants came from Talimoro Village in Ermera Municipality and the villages of Bairu Pite, Colmera, Bidau, Vila-Verde and Becora in Dili Municipality. There were 43 participants (18 women and 25 men).

The guest speakers in this seminar were the Honorable Duarte Tilman Soares who is a Judge Counsellor at the Court of Appeal, His Excellency Jacinto Babo Soares who is the Chief of the Dili District Prosecution Unit, Her Excellency Olga Nunes who is the Deputy Chief of the Office of the Public Defender and Ms. Ana Paula Marçal, who is the Executive Director of JSMP.

During the opening session the participants enthusiastically listened to the explanations provided by the speakers and conveyed their concerns and asked many questions in relation to issue of justice which have occurred in their respective villages. Some of the questions related to prosecuting crimes of domestic violence (if village leaders can resolve these cases in accordance with East Timorese custom), the process of providing alimony for children abandoned by their father, disputes over State owned land and cases of people accusing each other of black magic.

“This seminar provided an opportunity to members of the public, especially village chiefs, member of village councils and community members, to hear directly from court actors about their role, as well as providing the participants with an opportunity to convey their thoughts, comments and concerns linked with justice issues directly to the speakers,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

The Honorable Judge Counsellor of the Court of Appeal, Duarte Tilman Soares, presented information about the role of the courts in administering justice in accordance with the Constitution and the law. During his presentation the judge counsellor said that Timor-Leste is a State based on the rule of law, which means that

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that all acts need to adhere to the Constitution of the Democratic Republic of Timor-Leste and the courts exercise their functions in accordance with the applicable law in Timor-Leste. In the performance of their role the courts do not consider a person's status and must make decisions to punish a person only based on his/her culpability and the evidence. Therefore, the honorable judge told the participants that if they are the victim in a case they need to promptly make a complaint to the Police or the Public Prosecution Service and suspects need to seek the assistance of the Office of the Public Defender or a private lawyer to defend their rights. Also, the honorable judge told the local authorities such as the village chiefs to be careful when trying to resolve any cases or disputes, because they have to consider if these cases fall within the competence of the village chief or if these cases need to be processed in accordance with formal justice.

Also the Chief of the Dili District Prosecution Unit, Jacinto Babo Soares, said that the role of the Public Prosecution Service is set out in Article 132.1 of the Timor-Leste Constitution which states that Public Prosecutors have the responsibility for representing the State, prosecuting, ensuring the defence of the underage, absentees and the disabled, defending the democratic legality, and promoting the enforcement of the law. The work of the Public Prosecution Service needs to adhere to the legal framework applicable in Timor-Leste.

The chief of the prosecution service emphasized that people often hear the word prosecutor but they don't know the meaning of the Public Prosecution Service. The Public Prosecution Service is the only institution that can prosecute cases in Timor-Leste.

Then the Deputy Chief of the Office of the Public Defender, Olga Barreto Nunes, in her presentation said that the role of public defenders is to provide legal aid to the vulnerable in accordance with the Constitution and the law. She added that the Office of the Public Defender is an essential institution as enshrined in the Timor-Leste Constitution (Article 135.2) with the primary role of contributing to the good administration of justice and the safeguard of the rights and legitimate interests of the citizens and also in accordance with Article 26 of the Constitution that states that everyone has the right to access the courts for the defence of their legally protected rights and interests and justice shall not be denied to any person for insufficient economic means.

Therefore, she added that the main role of the Office of the Public Defender is to provide legal and judicial support to vulnerable citizens and also to provide assistance in specific cases, especially cases of neglect where a husband has left his wife and remarried and does not provide for his children. Therefore, she encouraged women who have been abandoned by their husbands who do not want to provide alimony to children, to make a complaint to the Office of the Public Defender.

Also, Ana Paula Marçal, who is the Executive Director of JSMP, made a presentation about the core work of JSMP, and also spoke about progress and challenges facing

the justice sector and the National Parliament. Some of the main points relating to the National Parliament were the discussion of crucial laws and public consultations. However, there are challenges with public consultations because draft laws are still written in Portuguese which makes it difficult for participants to contribute more effectively to these draft laws. Another challenge facing the National Parliament is the lack of a national legislative program for each legislature to enable the parliament to prioritise certain issues.

In relation to the courts, there has been some progress, namely the judicial actors place importance on and give priority to cases of gender based violence and cases of corruption. Based on monitoring conducted by JSMP at the district courts in 2020, there were 710 criminal cases and 23 civil cases. From these cases, most related to gender based violence (532) and most of the victims were women.

A challenge that has emerged due to COVID-19 in Timor-Leste is that many cases of gender based violence have not been processed. Also, there is an ongoing challenge for the Office of the Public Defender which is the lack of facilities such as transport and administrative support.

In response to the question about village chiefs resolving cases of domestic violence, Prosecutor Jacinto Babo Soares said that domestic violence is a public crime, therefore village chiefs do not have the competency to resolve such cases, and if they are dealt with in accordance with custom then this is a mitigating circumstance when the case is tried by the court. However, if village chiefs resolve a case and close it, the victim or another person who knows about the case can make a complaint to the Public Prosecution Service and the village chief can be prosecuted for failing to report the matter, which is a criminal charge.

In relation to cases involving minors, the Prosecutor said that the Public Prosecution Service has a specific unit to deal with issues affecting minors, therefore when a case occurs that involves a minor, for example an issue of alimony, the Public Prosecution Service will refer the case to the court and the court will decide on the amount of alimony that must be provided. If a father does not want to comply, then he can be charged with the crime of failure to provide food assistance.

Also, in response to the question on disputes over State owned land (where a person is occupying a piece of land which is sold by another person), Duarte Tilman Soares said that the village chiefs need to carefully consider the status of the land, and if it is State owned land then the Directorate of Land and Property, Ministry of Justice must be informed, however if somebody sells State owned land then this is considered to be a crime.

In relation to cases of people accusing each other of black magic the Deputy Chief of the Office of the Public Defender, Olga Barreto Nunes, said that Timor-Leste does not yet have a specific law about black magic because it is difficult to prove if a person is a practitioner of black magic or not, however if a person has been accused of black

magic and feels that his/her good name has been harmed, then he/she can initiate a civil case of defamation and injury.

The seminar concluded with a visit to the Dili District Court, and some of the participants joined in the visit, together with the team from JSMP. The participants were very grateful to JSMP because through this seminar they had the opportunity to hear explanations about the work of the courts and the mechanisms for services provided by the courts, as well as the visit to the Dili court.

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