

Press Release Baucau District Court
2 December 2014

Parliamentary and Government Resolution continues to affect productivity and normal functioning at the Baucau District Court

On 27 November 2014 the Baucau District Court had to adjourn the trial of an aggravated rape case (incest) involving the defendant JX who allegedly committed the crime against his daughter. This case occurred on 12 May 2014 in Tiriloka Village, Baucau Sub-District, Baucau District.

The trial was adjourned because the court had not allocated this case to a new judge so that the trial could commence, in order to replace the international judge who was previously handling this case. Unfortunately the judge had to leave this case as a consequence of the Parliamentary and Government Resolutions on 24 and 30 October 2014.

Previously, on 4 and 5 November 2014, JSMP issued press releases in relation to the consequences of the Parliamentary and Government resolutions that were issued for the purpose of auditing the justice sector and immediately discontinuing the contracts of the international legal actors at the courts, the Public Prosecution Service, and advisors to the Anti-Corruption Commission (KAK).

“JSMP believes that this resolution will continue to impact on the progress of trials at all of the courts because no appropriate solution is apparent to deal with the consequences of this resolution”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

Specifically in this case, JSMP believes that a sexual crime involving a family member (incest) is a serious crime and can cause great harm to the integrity of the victim as a human being. In this case, in addition to being victimized by a person who is supposed to protect her, the victim also has to accept the consequences of political decisions that do not reflect the reality in the courts.

This trial has been delayed without just cause for a prolonged period of time and this will impact on the quality of the outcome in this case. There are numerous reasons for this, for example, the victim can lose faith in a process that is moving slowly without clear reason, material evidence can be lost or contaminated, the victim can forget important facts about the case and in the end the victim can lose faith in this uncertain legal process.

In this case the victim and witnesses have lost time and paid for transport and food in order to respond to the summons issued by the by the court. However, this trial had to be adjourned without notification from the court about the reason for the delay.

In addition, the defendant who was being held in temporary detention was taken by staff members of the Becora Corrections Facilities in Dili to Baucau Court, but the trial had to be adjourned.

JSMP recommends that the competent institutions give serious attention to this issue, to ensure that the trial process can continue as normal so that the public can continue to have confidence in the formal justice system.

This delay was announced by Judge Hugo da Cruz Pui. The public prosecution service was represented by Luis Hernanio Rangel da Cruz. The Office of the Public Defender was represented by Juvinal Yanes.

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