

# Political interventions undermine the rule of law and the fight against abuse

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Source: <https://gmntv.tl/en/sosiedade/2021/01/xanana-vizita-eis-padre-daschbach-hodi-selebra-ninia-aniwersariu/>

In 2018, former residents of the Topu Honis shelter in Oecussi began to accuse Richard Daschbach, an American Catholic priest living in Oecussi since the early 1970s, of systematic child **sexual abuse** (<http://www.fundasaunmahein.org/2014/02/04/sexual-violence-continues-to-rise-amidst-government-inaction-2/>). Daschbach has admitted on several occasions that he abused dozens of girls living at the shelter over a period of decades. Following his confession to Vatican investigators, he was defrocked by Pope Francis and expelled from the Divine World Missionaries. The Archdiocese of Dili has stated that it fully supports the legal process against the priest, while numerous civil society groups have condemned the abuses and called for justice for the victims. In addition to these horrific crimes committed in Timor-Leste, Interpol has issued an international arrest warrant for Daschbach relating to financial fraud charges dating back to the 1970s while he was still in the United States.

In January, Xanana Gusmão visited Daschbach under house arrest to celebrate his birthday. Xanana fed the priest cake and champagne, and was photographed hugging and laughing with the priest. Media reports failed to mention the priest's crimes, focusing instead on his past actions during the Indonesian occupation. It has been reported that Xanana will appear as a defence witness in the trial, and supporters of Xanana have defended both his actions and the priest. Since Xanana's public intervention, many people have spoken in support of Daschbach, and a fierce debate has raged on social media between supporters of Xanana and the priest, and those calling for justice for the victims. Xanana's sons have also written publicly of their dismay and anger regarding their father's actions, and expressed support and solidarity with the victims.

Fundasaun Mahein is deeply concerned about Xanana's intervention in the case, as it has politicised the debate in a way that is deeply harmful for the victims of this priest's crimes and other victims of sexual abuse. In addition to disregarding the feelings of the priest's victims, Xanana's intervention has encouraged other parties to compete for voter sympathy by taking positions on this issue. While these positions may be based partly on principle, this is also a form of political opportunism around a serious and sensitive issue, which risks adding further insult to the victims.

Fundasaun Mahein also believes that Xanana's public support for the priest and decision to become a defence witness undermines the **rule of law** (<http://www.fundasaunmahein.org/2014/03/07/rule-of-law-or-rule-of-the-deal-in-timor-leste/>) in Timor-Leste and inflames social and political divisions, as the weight of his personality and faith of the public in his judgement is such that many will believe that the priest is innocent, and that the victims of the priest must be lying or exaggerating. This can already be seen playing out across social media, as Xanana's die-hard supporters question the credibility and motives of the priest's victims and attack those calling for justice. We also worry that Xanana's presence in the courtroom will influence the judge's decisions and limit the ability of prosecution witnesses of give their testimony.

It is disappointing that journalists covering Xanana's visit failed to question his motives, while failing to discuss the serious and credible accusations against the priest, instead uncritically repeating the information shared in the press release prepared by Xanana's office about the priest's contributions to Timor-Leste's independence struggle. This has contributed to a lack of understanding among the public and potentially prejudiced the case to the point where he may be acquitted of the charges, despite his multiple confessions and shocking lack of remorse.

As well as undermining the legal process and potentially allowing this criminal priest to evade justice, Xanana's actions reveal the double standard of how the law is applied and discourage other victims of sexual abuse to come forward, by showing that powerful politicians can intervene on the side of the abuser, especially when the abuser is someone in a position of power. Rates of sexual abuse, harassment and gender-based violence in Timor-Leste are unacceptably high and are a constant source of distress and pain for many of our citizens, especially women and girls. Xanana's actions will make it even more difficult to combat these social ills.

Xanana's actions are also threatening national security by exacerbating social divisions and undermining the legitimacy of state justice processes. Xanana must have known that his intervention in this case would cause controversy and conflict between supporters on all sides. His actions are therefore not only an insult to victims of sexual abuse, they are deeply irresponsible and hypocritical coming from a major political figure who claims to strive for the unity and stability of the nation.

Xanana is not the only major political figure to have involved himself in the priest's case. In 2018, Prime Minister Taur Matan Ruak also visited Daschbach, after he had already confessed his crimes. According to media reports, Taur asked for the priest to be allowed to return to Oecussi due to his old age. However, he later clarified that he did not want to give the priest an "immunity card." We hope that the PM will give strong public support to the prosecution of this case to ensure that applicable laws are followed and justice is served.

In February, a heavy police presence at the court succeeded in preventing around one hundred supporters of the priest from entering the courtroom. Fundasaun Mahein congratulates PNTL for its decisive action, and we hope that the police will continue to perform their essential role both in investigating and prosecuting criminals, as well as protecting victims of abuse and ensuring that the legal process goes ahead without disruption.

In conclusion, Xanana's intervention threatens the rule of law, legitimacy of the state and social stability in Timor-Leste, while causing further hurt to victims of sexual abuse and damaging efforts to combat abuse and violence. This case represents a major test for our legal system, as it will determine whether the rule of law really exists in Timor-Leste, or if the justice process can simply be hijacked for political purposes by powerful leaders.

Therefore, Fundasaun Mahein urges the judges in the case to ignore the political interference which is attempting to influence their decision, and instead review the evidence objectively, including by noting the fact that the priest has already confessed to these crimes on numerous occasions and has been defrocked by the Vatican as a result. It is vital that the rule of law is applied equally and consistently in our country, which will not only protect citizens from criminal acts and ensure that criminals are punished according to the law, but also guarantee the legitimacy of the state and ensure national stability. A fair and transparent legal process will also demonstrate the no one is above the law, which will hopefully encourage other victims of abuse to come forward and thereby tackle this serious social problem which threatens the security and safety of all our people.