

JU,S nia Deklarasaun kona-ba Konkluziun Audiénsia Kazu Abuzu Seksuál hasoru Labarik iha Tribunál Distritál Oecusse

6 Dezembru 2021

[tradusaun ba Inglés iha kraik]

Iha loron-26 fulan-Novembru tinan-2021, audiénsia sira relasiona ba kazu krime seksuál hasoru labarik, iha forma violénsia doméstika no pornografia hasoru eis-padre hetan konkluziun. Tribunál Distritu Oecusse halo ona órariu ba loron 21-fulan-dezembru hodi divulga desizaun kona-ba kazu kriminál.

JU,S Jurídico Social representa maioria vítima iha kazu refere.

Hakat sira atu asegura katak Padre ida sei tuir prosesu ne'ebé identifika nia nu'udar suspeitu abuzu seksuál hasoru labarik vulnerável ne'ebé nia tau-matan iha orfanatu/mahon iha Oecusse hahú kedas iha tinan 2018.

Hanesan hakat dahuluk hodi asegura responsabilidade ba violasaun direitu labarik, arguidu iha kazu kriminál iha Tribunál Distritál Oecusse hetan demisaun hosi klériku bazeia ba Kongregasaun Doutrina Fé nian prosesu administrativu-penál. Prosesu refere hala'ó bazeia ba regra sira aplika iha Igreja Katólíka nia leet hodi halakon abuzu seksuál ne'ebé komete husi membru kleru nian.

Prosesu judisiál ba iha Timor-Leste, ne'ebé hahú iha finál tinan 2018, hasoru dezafiu oin-oin, ne'ebé hatudu rezisténsia atu promove responsabilizasaun ba alegadu krime ho natureza seksuál hosi ema sira-ne'ebé iha pozisaun influénsia. Estado Direitu no igualdade iha lei nia oin sai sujeitu ba teste iha prosesu ida-ne'e.

Hanesan representante legál hosi vítima sira iha kazu krime ne'e, JU,S Jurídico Social hasoru dezafiu oin-oin. Dezafiu hirak ne'e inklui sai alvu ba mensajen nakonu ho ódiu no xenofóbia, insitamentu violénsia iha média sosiál no comunidade lokál no hetan ameasa oho hosi arguidu rasik hasoru sósiu JU,S. Aleinde sira-ne'e, iha mós akuzasaun falsu hasoru JU,S no publikasaun informasaun enganoza ba leitór sira kona-ba kazu krime ida-ne'e, hodi uza plataforma irresponsavel ne'ebé oferese hosi média online balun. Ameasa no intimidasaun sira sai sériu liu depois julgamentu hahú tiha ona iha fulan Fevereiro 2021.

Intervensaun JU,S nian iha kazu ida-ne'e sempre tuir dalan no enkuadramentu legál ne'ebé iha no hodi fó-hatán ba interese JU,S nia kliente sira no sira-nia família. JU,S foti asaun no submete petisaun oin-oin ba Tribunal rasik no mós autoridade sira seluk, no uza mekanizmu legál ne'ebé iha hodi buka satisfasaun ba violasaun hasoru JU,S nia kliente sira-nia direitu.

Dalan ne'ebé lori to'ó konkluziun audiénsia julgamentu iha kazu krime ida-ne'e mós hatudu parte-sorin balun hosi sociedade sei pronto atu apoiu ezijénsia igualdade iha lei nia oin. Iha luta hasoru igualdade jéneru, direitu labarik, igualdade iha lei nia oin no asesu ba justisa, importante duni atu sociedade labele nonook.

Prosesu krime ida-ne'e sai hanesan testamentu hodi hatudu sai katak estereotipu jéneru sei buras iha sociedade Timor-Leste nian. Estereotipu jéneru bazeia ba norma diskriminatóriu hakanek fetu no labarik fetu no lori impaktu negativu ba dezvoltamentu Estado nian. Estereotipu balun ne'ebé fó-sai iha kazu ida-ne'e mak inklui persepsaun katak valór hosi fetu

nian sei sukat liuhosi ninia virgindade no bainhira iha suspeita katak fetu ida sai vítima krime seksuál ne'e hatún fetu-nia dignidade, ideia katak bainhira vítima abuzu seksuál la informa kedas kona-ba abuzu ne'e signífika alegasaun ne'e falsu, atu bele prova katak krime seksuál akontese duni tenke iha testemuña direta tanba liafuan hosi fetu ida nunca bele nato'on hodi hatudu mane ida komete krime, no ikus katak atu sosiedade bele fiar duni deklarasaun vítima violénsia bazeia ba jéneru laiha dalan seluk duké tenke fó-sai ninia identidade.

Hosi vizaun luan liu, ezisténsia estereotipu sira-ne'e sei kontinua reprezenta dezafiu hodi promove direitu hanesan entre fetu no mane iha setór hotu-hotu sosiedade Timor nian. Esforsu adisionál tenke halo hosi ema hotu-hotu hodi halakon norma jéneru diskriminatóriu nian ne'ebé impede implementasaun tomak ba direitu fetu.

Prosesu iha Tribunál la' o ho limitasaun oin-oin, maibé konsidera nu'udar susesu boot katak akuzasaun ne'ebé forte submete hosi Ministériu Públiku ba Tribunál no julgamentu la' o iha situasaun ho orden no permite ba parte rua – prokuradór no defeza – apresenta evidénsia ba iha Tribunál.

JU,S rekoñese no apresia ba kooperasaun pozitivu ne'ebé hetan hosi Ministériu Públiku. Partisipasaun autoridade públiku no forneseidór servisu hosi rede referál violénsia bazeia ba jéneru mós sai nu'udar fatór-xave hodi asegura asesu efetivu ba Tribunál.

La haree ba desizaun finál ba kazu krime ida-ne'e hosi Tribunál, prosesu ne'e rasik lori ona rezultadu pozitivu: agora klaru liu kompara ho uluk katak laiha ema ida iha Timor-Leste mak boot liu lei. Hanesan akontese ho krime ekonómiku, inklui krime korrupsaun, sistema judisiál Timor-Leste nian prontu hodi ezije responsabilizasaun hosi ema hotu-hotu, la haree ba ninia pozisaun sosiál.

Importante mós atu rekoñese katak vítima no ninia família sira, no mós sosiedade tomak, aguenta ho terus no hetan sofrimentu hosi asaun sira ne'ebé diriye ba iha kazu ne'e. JU,S husu ba públiku hodi sukat liafuan iha deklarasaun públiku no la fó-sai liafuan ho objetivu atu hatún, intimida ka hata'uk ita-nia alin sira tanba de'it sira hili dalan legál ne'ebé iha hodi ezije sira-nia direitu.

JU,S Jurídico Social hakarak repete filafali katak JU,S iha konfiansa tomak katak autoridade judisiáriu sira sei aplika lei tuir dalan ne'ebé loos, no sei tetu evidénsia hotu-hotu bazeia ba regra sira ne'ebé hatuur iha lei.

JU,S Declaration on the Conclusion of the Hearings on Child Sexual Abuse before the Oecusse District Court

6 December 2021

On the 26 November 2021, the hearings in the case of sexual offences against children, in the form of domestic violence and child pornography against an ex-priest came to a conclusion. The Oecusse District Court has scheduled the 21 December as the date to reveal its decision on this criminal case.

JU,S Jurídico Social represents the majority of the victims in the case.

The steps to bring a serving priest alleged of committing sexual abuse of vulnerable children under his care in a shelter/orphanage in Timor-Leste before relevant accountability processes started in 2018.

As a first step in securing accountability for actions violating the rights of children, the current accused in the case before the Oecusse District Court was dismissed from his position as a priest by the Congregation of the Doctrine of the Faith, following an administrative penal process based on rules applicable within the Catholic Church, and Vatican's strong commitment to stamp out child sexual abuse by members of the clergy.

The criminal procedure in Timor-Leste, starting in the end of 2018, faced a number of challenges, evidencing the resistance to secure recourse to accountability measures for alleged sexual crimes in relation to those in a position of power or influence. The rule of law and the equality before the law were put to a test.

For its work in representing the victims in the case, JU,S Juridico Social faced a number of serious challenges. These included messages of hatred and xenophobic nature, incitements of violence on social media and within the local community against JU,S staff, and a direct threat by the accused to kill one of the partners of the firm. In addition, false accusations against JU,S and misleading information concerning the case were frequent, being publicized through the platform conveniently provided by certain local online news outlets. The threats and harassment were intensified with the start of the hearings in February 2021.

JU,S intervention in this case has always been oriented by the legal framework in place and the interests its clients and their families. JU,S took action to submit a number of petitions to the Courts and other authorities, making use of the available legal mechanisms to demand its clients rights and to address their grievances.

The path leading to the conclusion of the hearings in the criminal case also revealed that there was a significant sector of the society which chose to voice their support to demand equality before the law. In the fight for gender equality, children rights, equality before the law and access to justice, it is important for the society not to be silent.

The process also was testament to the reality that gender stereotypes are still prevalent in the Timorese society. Gender stereotypes based on discriminatory gender norms harm women and girls and the development of one's society. A number of stereotypes exposed through this case included the perception that the value of a woman is measured by her virginity and the mere suspicion of having been subjected to sexual abuse diminishes her dignity as a human being, the idea that if there is a delay in reporting sexual violence, the allegations must be

false, that for such crime as sexual abuse to be proven it must require direct witnesses as the words of a woman against a man can never be sufficient to show a man's criminal actions and finally for a victim of gender based violence to be believed she has no other choice but to reveal her identity.

On a bigger picture, the existence of these stereotypes will continue to pose challenges to the efforts to secure equal rights between women and men in all sectors of our society. Additional efforts by all need to be made to stamp out discriminatory gender norms which impede the full realization of women's rights.

The process before the Courts was not void of shortcomings, but it is an overwhelming success that strong accusations were submitted to the Court by the public prosecution and that the trial happened with general order allowing both sides – the prosecution and the defence – to present their evidence before the Court.

This process has also shown that with adequate support victims of sexual violence can build the strength and the courage to speak out, stand strong against harassment and intimidation and can take part in the process to seek justice and to contribute to the delivery of justice.

JU,S acknowledges and appreciates the positive cooperation it gained from the Office of the Public Prosecution and the participation of public authorities and service providers within the referral network of gender based violence as key to ensure effective access to the Courts.

Regardless of the final ruling of the Court, the process in itself has brought a positive result: it is now clearer than before that no one in Timor-Leste should be above the law. As it happens with economic crimes, such as the crime of corruption, Timor-Leste's judicial system is ready to demand accountability from everyone, irrespective of their social status.

It is also important to recognize that the victims and their families, and the society as a whole, have endured immense pain and suffering as a consequence of the acts that led to this case. JU,S urges the public to use restraint in publishing statements which are aimed at demeaning, intimidating and harassing our sisters for solely choosing to use the available legal procedure to demand redress for their rights.

JU,S Jurídico Social reiterates once again that it has full confidence that the judicial authorities will apply the law correctly and will weigh the evidence as per rules provided in law.
