



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

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Members of parliament raised concerns about seizures and pre-trial detentions that have exceeded time limits as well as the issue of abstract review when discussing the 2018 Annual Report of the Ombudsman for Human Rights and Justice

On Tuesday 2 July 2019 the National Parliament conducted a plenary meeting to discuss the 2018 Annual Report of the Ombudsman for Human Rights and Justice.

During her presentation the ombudswoman Mrs Jesuina Maria Ferreira Gomes focused on work related activities and programs that have been carried out to date in relation to the functioning of the Office of the Ombudsman for Human Rights and Justice (PDHJ) and the challenges they have faced in implementing programs despite a lack of funds each year to support the programs of the PDHJ based on its budget plan.

Meanwhile, during this discussion the members of parliament expressed their appreciation for the work carried out to date by the PDHJ and they raised concerns about State agents seizing cars, passports and other goods for indefinite periods of time and cases that have not moved forward and have seriously undermined the ability of individuals to conduct their activities, and this poses a threat to foreigners who wish to invest in Timor-Leste. Other concerns related to pre-trial detentions as well as abstract reviews of constitutionality because to date the PDHJ has never exercised its mandate in this regard, even though many cases have occurred and the assistance of the PDHJ is greatly needed to process these matters.

“JSMP believes that the concerns presented by members of parliament are very important because the Constitution and the law grant wide ranging competence to examine and deal with issues that not only include human rights violations and good governance, but also issues of constitutionality and also issues linked to the legislative process to ensure that the legal framework does not contradict human rights principles enshrined in international conventions and the Timor-Leste Constitution itself,” said the Acting Director of JSMP, Casimiro dos Santos.

In response to these concerns, the ombudswoman and her deputies said that they appreciated all of the concerns of the members of parliament and in relation to seizures they acknowledge that they lack human resources to carry out this work, however they already have a plan to work with international human rights networks to build the capacity of staff in this area so they can conduct monitoring of cases like this.

In relation to the issue of pre-trial detentions exceeding the prescribed time limit, the ombudswoman said that they have made recommendations to the relevant institutions to also include the “Habeas Corpus” process for those who have been kept in detention or pre-trial detention illegally because the time limit has expired.

In relation to the abstract review of constitutionality provided in Article 150 of the Timor-Leste Constitution, the ombudswoman said that this has never been carried out to date because the PDHJ did not have any legal staff but now they have someone to help the PDHJ in this regard.

The PDHJ received 203 complaints in 2018, comprising 81 cases relating to human rights violations and 122 cases relating to issues of good governance. From this total, proceedings were initiated in 44 cases comprising 23 cases relating to human rights and 21 cases relating to good governance. Meanwhile, the human rights violations recorded included 3 violations of the right to life, 18 violations of freedom, integrity and security, 1 violation of the right to access justice and 1 and violation against women.

In relation to the functioning of the plenary meeting, JSMP observed that it started late and did not follow the Parliamentary Rules of Procedure and many members of parliament raised questions and then left the plenary without hearing the responses of the PDHJ. JSMP has recommended many times to improve such practices to ensure the effective functioning of the National Parliament as a sovereign body representing the entire community.

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