



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
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The Suai District Court has suffered serious problems relating to fuel for operational transport since January 2019 which has undermined the regular functioning of this court

Since the beginning of January 2019 the Suai District Court has suffered serious problems with fuel for operational vehicles that has had a serious impact on the number of cases tried during the last few months because the court could not provide notifications to the parties and many cases have been delayed for a considerable amount of time. For example, in March 2019 the court was unable to provide notifications in approximately 200 cases.

JSMP notes that this situation has had a negative effect on trials, because the number of cases heard this year has dropped dramatically in comparison with 2018 and previous years. JSMP monitoring of cases that reached a final decision in 2018 and 2019 show a massive difference. In January 2018 the Suai District Court decided 28 cases. In February 2018 there were 7 cases and in March 2018 there were 11 cases. However, based on JSMP monitoring of cases characterized as gender based violence that reached final decision, there were just 2 cases in January, 1 case in February and 3 cases in March 2019.

The Judge Administrator of the Suai District Court Alvaro Maria Freitas¹ stated that this situation has occurred because they had no funds to purchase fuel for operational vehicles to provide notifications to the parties in 2017 and 2018. This situation had deteriorated further from early January 2019 until now. Therefore, the Suai District Court, which

¹ Interview with the Judge Administrator of the Suai District Court in March 2019.

covers the districts of Covalima, Same-Manufahi, Bobonaro and Ainaro has only been able to conduct a limited number of trials during the last few months.

“This problem is serious because it undermines the day to day work and regular functioning of the court which has almost come to a standstill. The relevant and competent institutions, particularly the Court of Appeal, need to urgently and appropriately address these problems to guarantee that the court can function normally and to ensure those fundamental rights regarding a speedy and affordable trial without unnecessary delay,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

During this period JSMP has observed the court continuously allocating a long period of time for ongoing trials, even though some of the cases are very simple, because there is no certainty about obtaining fuel. There is evidence to show that the court notifies the parties via unofficial channels, for example, notifying the parties through the village chief, or another person attending the court – and even in some cases notifying victims or families of the parties in a way that does not guarantee that the written notification will actually reach its intended target.

These circumstances have resulted in many cases being delayed because the parties have not been notified and/or some have been notified but they do not attend and the court cannot issue a warrant of arrest for the parties because the notification was not made through the appropriate and legitimate channel, namely through a judicial officer.

In addition to problems with fuel, the Suai District Court also only has one operational car that is used to provide notifications, letters rogatory, release orders, taking requests and appeals to the Court of Appeal, as well as transporting judicial officers to mobile trials when the mobile court is conducted in the districts.

JSMP also found that the area surrounding the Suai District Court is a health hazard and is unhygienic because there has been no water for the bathrooms from 2015 until now. This has disadvantaged the court actors, judicial officers, administration staff and the public in general in regards to using the bathroom.

During this period the court has had to request assistance from the fire brigade to provide them with water or just use rain water during the rainy season. However, during the dry season judicial actors need to go back and forth to their residence and judicial officers need to find another way to use toilets in the community.

This situation has been prejudicial to victims of sexual violence or sexual abuse and minors who need to use the bathroom. JSMP believes that in such circumstances victims

have to wait until they get home because they felt unsafe and uncomfortable to ask to use another person's bathroom.

The 2018 State Budget included a massive reduction in the money proposed for the justice sector/courts, and some items were completely removed. The budget at the institution level for all of the courts (the Court of Appeal, the district courts and the Superior Council of Judicial Magistrates) for the Goods and Services category in 2017 was US\$ 1,899,000, which was reduced to US\$ 892,000 in 2018. In fact, these funds were allocated to cover the cost of local trips, fuel for operational vehicles, maintenance of vehicles, office supplies, maintenance of equipment and buildings as well as operational costs. Meanwhile, the district courts were allocated funding of US\$ 48,000 in 2017² that was reduced to zero, or in other words removed in 2018³. In the end these funds were allocated to cover the cost of fuel for cars and motorcycles for the district courts to provide notifications and for other essential operational services.

The Director of Finance at the Court of Appeal Jaime Freitas⁴ clarified that the Court of Appeal is unable to respond to these shortcomings, because in 2017 and 2018 the Court of Appeal only used the duodecimal budget as a result of the political impasse. However, the Court of Appeal will endeavour to include these funds as a priority in the proposed budget for the Court of Appeal for 2019 and if this is approved all of these circumstances can be addressed.

JSMP understands that in 2017 and 2018 all State institutions faced the same challenges that were faced by the courts. However, now the budget has returned to normal and the total budget for the courts in 2019 is US\$ 7,541,000 or an increase of US\$ 2,974,000 from 2018 and the goods and services category has been increased to US\$ 3,101,000 from US\$ 892,000 which covers the costs mentioned above, for example local trips, fuel for operational vehicles, maintenance of vehicles, office supplies, maintenance of equipment and buildings as well as operational expenses⁵. The item of fuel for operational vehicles for the district courts which was zero in 2018 was increased to US\$ 32,000 in 2019.

JSMP recommends for the Court of Appeal to take immediate and urgent measures to respond to these challenges and shortcomings to ensure the courts can function normally and comply with their obligations to ensure justice for all in accordance with the law.

For more information please contact:

² Page 623 Book 4B, 2017 State Budget

³ Page 509 Book 4B, 2018 State Budget

⁴ Interview with JSMP in February 2019

⁵ Page 564 Book 4 B, 2019 State Budget

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