



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

Press Release

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JSMP launches two reports concerning observations of the justice sector and the legislative practices of the National Parliament during 2011

On 30 March 2012 the Judicial Sector Monitoring Program (JSMP) will launch two significant reports concerning observations of the justice sector and the legislative practices of the National Parliament during 2011. The launch will take place at the JSMP Office in Setubal Street, Colmera, Dili. The two reports will be available on JSMP's website: www.jsmp.minihub.org in three languages: Tetum, English and Indonesian.

The first report, *Overview of the Justice Sector 2011*, provides an overarching analysis of the justice sector and the second report describes the legislative activities of the National Parliament in 2011 and is entitled, *Building Together a Strong Democracy for the Future*.

These two reports are both interesting and productive as they reveal in detail facts relating to the justice sector and the legislative sector together with progress achieved and challenges faced by each sector. Each report also contains concrete recommendations on the specific issue faced by these two sectors to help them improve in the future.

According to JSMP Executive Director Luis de Oliveira Sampaio:

The launch of reports like this is a JSMP tradition to continue providing the public with factual references on achievements and challenges faced by the justice sector and the legislative sector, as JSMP believes that when these two sectors engage in strong and effective practices it will have a significant impact on the dynamics of national development currently being pursued.

The *Overview of the Justice Sector 2011* discusses developments achieved as well as revealing facts about the challenges faced by the courts in 2011. For example, in 2011 JSMP observed that the courts managed to rule on cases concerning corruption involving state authorities, domestic violence, and access to data and information from the district courts and the Court of Appeal. Also, JSMP has observed that the mobile court has increased their volume of trials and there has been effective cooperation and coordination between court actors and civil society as well as appropriate sharing of information between judicial actors and the Department of Legislation and Awareness Raising within the Ministry of Justice. JSMP observes that the most progressive achievements in 2011 included the intervention of the Court of Appeal regarding the interpretation of Article 125 of the Criminal Procedure Code.

However, JSMP also uncovered a number of challenges for the sector, which have continued from previous years. For example, there remain issues with:

- the infrastructure of the Dili District Court and other district courts
- limitations associated with human resources
- problems concerning language and interpreters
- residences for judicial actors in the districts
- conflicting interpretations of the technical provisions contained in the Criminal Procedure Code inappropriate application of restrictive measures in cases of domestic violence and serious crimes.
- court hearings being delayed or postponed due to difficulties finding judges able to make a panel in cases of serious crimes and lack of coordination between the courts and prosecutors concerning appropriate penalties.

One concrete and serious example concerns the sentencing decision of the District Dili Court regarding a crime against humanity that involved militia member Valentim Lávio which could not be executed because of the failings or negligence of these two legal institutions.

The report *Building Together a Strong Democracy for the Future* reveals progress in the production of legislation. For example, the National Parliament, especially Parliamentary Committee A, had an important role in producing the following legislation: the *Civil Code*, the *2012 State Budget*, the *Organic Law on the High Administration on Tax and Audit*, the *Law on Private Investment* and the *Labor Law*, as well as other legislation. JSMP notes that there has been strong communication between Parliamentary Commission A and civil society.

However, the National Parliament has also faced a range of challenges in 2011. For example, a number of MPs during the previous year and in 2011 continued to violate the required hours of work. MPs were not very active during the law making process; did not undertake adequate consultations concerning draft laws; the Portuguese language still constitutes a major obstacle for MPs; and the parliament does not yet have a clear awareness-raising program to enable the community to understand their system of democracy.

JSMP hopes that these two reports will provide useful references for the public of Timor-Leste in general and specifically for relevant institutions to inform improvements in these two sectors in the future. In particular, these two reports aim to encourage the Timor-Leste public to keep working hard to collectively build these two sectors for the future.

JSMP wholeheartedly expresses its deepest appreciation to all parties who have shown their commitment and dedication and given their energy to strengthen these two sectors. In particular, JSMP wishes to convey its appreciation to the judicial authorities and all of the parties who have endeavored to continue working together to achieve the objectives of the State and guarantee the fundamental rights of each citizen through the judicial sector and legislative policies of the National Parliament.

We would also like to use this opportunity to express the same appreciation to JSMP's donors who have been supporting JSMP and our programs to date. These donor institutions include: USAID, The Asia Foundation, the Government of Australia through AUSAID and the Justice Facility, NOREM, Misereor and UNFPA and UN Women through the MDG fund program. Finally we would like to thank those individuals who have worked with JSMP for their moral support.

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