



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

**Press Release**

**March 2009**

**Poor health of judge results in the cancellation of 11 hearings and two decisions**

The Oecusse District Court had previously scheduled 11 hearings to be conducted during the 10<sup>th</sup> and 12 March 2009, as well as the announcement of two decisions in respective cases of sexual assault and theft. The schedule was set three weeks prior but had to be cancelled because the single judge appointed to the aforementioned court was suffering from poor health.

Based on the observations of JSMP, the defendants, victims and witnesses travelled to Oecusse District Court to attend the scheduled hearings; however they were provided with an explanation by the court clerk on duty and asked to return home. A public prosecutor, a public defender and a private lawyer were also present at the court to attend the scheduled hearings. The Oecusse District Court administration, which was led by a court clerk, provided a written declaration to all parties concerned about the cancellation of hearings. JSMP tried to obtain a copy of the aforementioned document; however the court clerk on duty said that a written request would have to be made to the judge, even though the assigned judge was not present. When the court clerk was queried about when the cases would be heard he said that no clear date had been set as it would depend on the health of the judge.

JSMP understands that there are only a limited amount of judges to service all of the district courts, however in future it is necessary to provide a substitute judge in the

event that a judge falls ill or is otherwise unable to work. In this way the substitute judge will be able to ensure that the court functions as normal.

JSMP is concerned that two of the aforementioned cases need to be decided in a timely manner, recalling Article 279.3 of the Criminal Procedure Code which states that a decision must be read out and clarified by a judge in a hearing within 15 days of its date of issue.

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