

PRESS RELEASE
COURT OF APPEAL RECOMMENCES IN EAST TIMOR
JSMP : 02 July 2003

After eighteen months delay the Court of Appeal in East Timor recommenced operation this week. Until Monday of this week no appeals from the Special Panels for Serious Crimes or the nations' four district courts have been heard , resulting in a backlog of approximately 80 cases.

The Court has been reconstituted by the swearing in of Judge Claudio Ximenes (Portuguese/Timorese) as President of the Court in May, and by the swearing in of Judge Jose Maria Calvario Antunes (Portugal) in June of this year.They will join Judge Jacinta Correia da Costa (East Timor).

"The reestablishment of the Court of Appeal is a critically important development for East Timor. The absence of such a means of review has denied many accused the right to a fair trial as established by the International Covenant on Civil and Political Rights (ICCPR), to which East Timor is a signatory. " said JSMP

"Additionally, the existence of a mechanism for review of judicial decisions is important not only for criminal law but also for civil and commercial cases. The future of commercial investment in East Timor is likely to hinge largely on whether East Timor can deliver a mature, developed and properly-functioning legal system able to provide commercial certainty for investors. " JSMP continued.

JSMP understands that priority will be given to dealing with criminal cases, and particularly, clearing the backlog of appeals from accused being held in pre-trial detention.

In its first day of sitting, yesterday, the panel heard two matters: an appeal from the Criminal Division of the Dili District Court concerning the detention of Frederico Soares Lemos, and an appeal filed by prosecutors from the Serious Crimes Unit against inadequacy of sentence imposed upon Armando dos Santos for human rights offences committed in 1999. The first case was adjourned after a brief hearing due to procedural problems, whilst a decision on the appeal against leniency of sentences is expected to be delivered on Monday, 7 July.

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