

Courts Cannot Function Due To Budget Bungle

The Dili, Baucau and Suai District Courts have been unable to function properly for the past week, since Thursday 29 April 2004, as their funds for May have not yet been provided. They cannot pay telephone bills or buy fuel for court vehicles and therefore cannot deliver court documents or telephone parties regarding court arrangements. It is unacceptable that the cases cannot proceed because there are no funds for basic administration.

In addition, judges from Baucau have been unable to return to Baucau in their court vehicle due to an inability to buy fuel. Already delayed cases have been further because the District Courts do not have funds for its basic daily needs.

JSMP has previously noted that there are often difficulties for the courts to access necessary funds. This current problem appears to have arisen because of a change in the administration of the funds for the Court. JSMP understands that last month the Council of Ministers made a decision that the administration of funds for the Court should be maintained by the Court of Appeal and not the Ministry of Justice, which was the previous practice. JSMP commends the decision of the Council of Ministers as it assists to establish and preserve the independence of the judiciary.

However to date it appears that the Court of Appeal has been unable to administer the fund which has resulted in an unacceptable situation that the courts can not secure basic services such as phone and transportation which are essential for the operation of the courts. It is essential that the Ministries of Finance and Justice and the Court of Appeal work together to ensure that the transfer of the duties related to the administration of funds for the courts occurs as a matter of urgency.

JSMP stated that “ if this problem is not rectified in the upcoming days, delays in cases will continue to be postponed and the backlog of cases will continue to rise. Such practical difficulties for the court staff also result in a lowering of moral and a feeling that they are not supported which will cause long term problems.”

“ It is essential that the Minister of Justice, the President of the Court of Appeal and the Minister for Finance develop an interim solution and an ability for the courts to access funds as a matter of urgency. In addition, the required arrangements should be made to ensure that the Court of Appeal can carry out its new function in accordance with the decision of the Council of Ministers. Personnel should be recruited and or trained immediately to administer the funds for the court.”

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