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JSMP Press Release

DECREASE IN THE VOLUME OF CASES HEARD BY THE DISTRICT COURTS

Since the announcement of the results of the evaluation of national judges on 25 January there has been a noticeable decrease in the volume of cases heard by the District Courts.

Before the evaluation of the national judges, the Dili District Court would often conduct four to six sessions per day. These included 72 hour hearings, trial hearings, the reading out of indictments and the delivery of verdicts. However since the results from the evaluation of the national judges were announced, only one or two court sessions have been conducted per day and sometimes none at all. A similar situation has occurred in Baucau District Court which has only been held one day a week in 2005. Suai District Court has only heard one case in 2005 and Oecussi District Court is yet to sit in 2005.

In regard to 72 hour hearings, JSMP is aware of a number of hearings where the accused was held beyond the 72 hour limit, or the police had to release and re-arrest the accused, because of the unavailability of the investigating judge within the 72 hour period.

Following the announcement of the results of the evaluation all the cases being handled by national judges were handed over to the four international judges. This handover includes all ongoing cases from previous years as well as cases awaiting a final decision.

There are now only four international judges hearing cases in the four district courts and they are not only busy dealing with the huge volume of cases in the courts (there is a backlog of over 1000) but now must also give training in the Judicial Training Centre.

JSMP hopes that the decrease in the number of court sessions is temporary and that the President of the Court of Appeal is considering how to remedy the problem.

In JSMP's view a distinction should be made between a judge's core and auxiliary functions. The primary and most important function of a judge is to settle legal problems in the court. Judges may of course have auxiliary functions, including as trainers, during which they can impart to trainee judges valuable knowledge and skills. However, in JSMP's view, this performance of auxiliary functions should not jeopardise the performance of the judge's primary function as a judge in a court of law. The judge's performance of this primary function is made even more pressing in a country such as Timor Leste, which now has no judicial resources of its own, but a continuing growing number of cases requiring the attention of a judge.

JSMP therefore urges the President of the Court of Appeal to allow the four international judges to fulfil their primary role as judges in the district courts of Timor Leste. JSMP further requests the Judicial Training Centre to find other people to replace the international judges as trainers in the important court actor training program at the JTC.