



JSMP PRESS RELEASE

22 August 2006

DEPARTURE OF INTERNATIONAL JUDGES AND PROSECUTORS CAUSES PROBLEMS IN TIMOR-LESTE JUDICIAL SYSTEM

Since the beginning of August all of Timor's district courts have experienced difficulties in the provision of justice. The courts have been unable to function properly in terms of the number of hearings conducted. This is due to the loss international judges and prosecutors whose contracts have expired.

This has led to a number of problems relating to the justice system:

- a. It has not been possible to conduct first judicial questionings of arrested suspects as required by the Criminal Procedure Code articles 60(a) and 63. Rather than being held within seventy-two hours of an arrest as required by law, these questionings have been postponed indefinitely. A number of such cases have occurred in the districts. For example, a suspect has been held in the police station in Oecusse since 8 August in relation to a brawl between two groups and likewise no hearing has been held to review his detention. This clearly detention violate the rights of the suspect as set out in article 33 of the RDTL Constitution and Article 60(c) of the Criminal Procedure Code. In other cases police have released suspects who might otherwise have been held in pre-trial detention because they are unable to bring the suspect before a judge within 72 hours.
- b. In addition, police face difficulties in following correct procedures for arrests. Article 220 of the Criminal Procedure Code requires that in most cases a judicial arrest warrant is required before an arrest may be made. JSMP has been informed that for this reason police in the districts are having difficulties making lawful arrests.
- c. Suspects and members of the community face continuing uncertainty in their search for justice in existing cases. During the month of August no trial hearings have been scheduled for either criminal and civil cases. This has contributed to delays in existing cases and it is unclear when these cases will be resolved. Even when new international prosecutors and judges have taken up placements in Timor-Leste, JSMP is concerned at the lack of a handover period which would ensure that lawyers and judges can transfer their knowledge of the Timorese legal system and particular cases to those who replace them

JSMP believes that the government, judges, prosecutors and other authorities, including in particular the UNDP which currently oversees the management of international judges and prosecutors, need to attend to the problems faced by the courts. Efforts are required to promptly replace those court actors whose contracts have expired so that the court can start functioning properly and provide justice in upholding the law. In addition, better planning is required in the future to ensure that

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numerous contracts do not expire within a short period, and that handover periods are provided for.

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