



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

**JSMP: INAUGURATION OF NEW COURT ACTORS PROVIDES HOPE
FOR THE FUTURE OF THE JUSTICE SYSTEM IN
TIMOR LESTE**

For two and a half years the court actors of Timor-Leste have been progressing through a number of processes. They have faced a number of challenges. For two and a half years people have been saying that the court actors of Timor Leste are unable to manage the justice system in our beloved country. They have said that our court actors do not yet have the capacity. Many people feel pessimistic and only sit back at a comfortable distance and judge the judicial system which has been in operation for just 5 years in our beloved homeland, after we obtained our independence on 20 May 2002.

On Thursday 21 June 2007 at 16.00 the aforementioned Timorese court actors were officially inaugurated by the sovereign organs of the state as permanent court actors of Timor-Leste, as they have completed their probationary requirements.

The inauguration ceremony for these court actors was attended by all of the sovereign organs of the state. The judges were sworn in by the President of the Republic Dr. Jose Ramos Horta and the President of the Court of Appeal Dr. Claudio de Jesus Ximenes. The prosecutors were sworn in by the Prime Minister of East Timor Ir. Estanislau da Silva and the Prosecutor General Longuinhos Monteiro, S.H. The public defenders were sworn in by the Special Representative of the Secretary General in Timor Leste, Dr. Athul Khare and the Minister of Justice Domingos Maria Sarmiento, S.H. 27 court actors were sworn in, namely: 11 judges, 9 prosecutors and 7 public defenders.

As part of the inauguration ceremony a representative of the graduates, Sergio de Jesus Hornai, S.H. from the Public Defenders Unit gave a speech and stated that the function of public defenders in Timor Leste is not to provide advocacy but rather to provide free legal assistance to those who cannot afford to take their cases to court. Sergio, as the head of the public defenders unit, emphasized that judges, prosecutors and lawyers are the three pillars of the judicial system.

On the same occasion, the President of the Court of Appeal, Dr. Claudio de Jesus Ximenes, emphasized that judges need to be able to excuse those who have reasons to be excused and punish those who need to be punished according to the law. This means that judges must be ready to tackle a lot of challenges. Claudio stated that the court actors have the responsibility for determining if the judicial system in Timor Leste moves forward or backward. The granting of a certificate is not the end of the process, but rather an initial step forward. It has been an important task to provide training and preparation to these judges, prosecutors and public defenders, so that they will be able to

support the judicial system into the future. In his speech, the President of the Republic Dr. Jose Ramos Horta stated that to ensure the supremacy of law, the judges must work independently and fairly in deciding cases that come before them. As judges, they must obey the Constitution and other legislation, as well as their own conscience. In his speech the Minister of Justice Domingos Maria Sarmento, S.H raised an important point, namely that subsequent training will be provided to advocates (private lawyers).

As an independent organization that monitors the judicial system in Timor Leste, and endeavors to support justice for all people in Timor Leste and the world in general, JSMP is proud to have these new court actors here in Timor Leste. *Judicial System Monitoring Program (JSMP)* believes that the inauguration of these court actors is an impressive step forward for the judicial system of Timor Leste.

JSMP hopes that the appointment of these new court actors will alter the negative perceptions held by many people who have been saying that the judicial system of Timor Leste is dependent solely on international actors. With their appointment, it is inevitable that these new court actors will each shoulder the burden of guiding the judicial system of Timor Leste into the future. The Constitution states that judges, prosecutors and lawyers may only be removed from office in accordance with the law.

Finally, the Director of JSMP and his fellow staff wish to congratulate their good friends who were sworn in as judges, prosecutors and lawyers on 21 June 2007. JSMP hopes that the new court actors will place justice above everything else. In order to achieve this objective, the judges in particular will have to act independently, fairly and objectively to establish and maintain the supremacy of law in Timor Leste.

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