

JSMP reviews justice in Dili District Court

Judges and lawyers in Dili District Court are failing to follow East Timor's law-undermining the rights and interests of all people using the court system- according to a report released today by East Timor's Judicial System Monitoring Programme (JSMP).

The report highlights a number of problems including failure to follow correct procedures on pre-trial detention, conditional release, guilty plea and evidence rules, and even the use of Indonesian procedures that no longer apply in East Timor.

"The District Court is the core of East Timor's justice system - the court most responsible for delivering justice to ordinary people. For the court to have laws but not follow them means you have arbitrary action, not the rule of law," said JSMP.

JSMP also found that prosecutors have adopted a mediation role outside the law- particularly unsuited to gender based violence and civil matters; and investigating judges are effectively handing out punishment, contrary to the role set out for them by law.

Among 35 specific recommendations made in its report, JSMP recommends the urgent need for mediation facilities to which the Public Prosecution Service can refer people, that Investigating Judges should not use restrictive measures as ad hoc punishment without suspects undergoing trial and that greater care must be taken by all court actors to familiarise themselves with the applicable law.

Finding that over half the cases scheduled for November last year did not proceed because judges, lawyers or other court participants were unavailable or unprepared, JSMP has also recommended reforms in areas such as timetabling and granting of adjournments.

During the month of November JSMP tracked and observed all cases-civil and criminal-held or scheduled in the Dili District Court. The next phase of JSMP's monitoring project will also include the Baucau, Suai and Oecussi Districts' Courts.

"We hope that on the eve of the first anniversary of independence that the report will be received as a constructive contribution to the vital work of building a new justice system," said JSMP.

"We hope it can assist to direct further training and adequate resources to the Court, improving efficiency and practices and promoting greater accountability amongst court actor and the judicial sector. We are very pleased to have been able to discuss our findings with the Judge Administrator and Head Public Defender of the Dili District Court yesterday."

JSMP is an East Timorese NGO that for the last two years has monitored the development of the judicial system and the rule of law in East Timor.

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