



**JUDICIAL SYSTEM MONITORING PROGRAMME**  
**PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

**JSMP PRESS RELEASE**

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## **New Code of Criminal Process Puts Pressure on District Courts**

On 21 February 2006, the Dili District Court held a trial with a panel of judges for a case from the Suai District Court under the new Criminal Procedure Code. This trial had been postponed several times in January because of the limited number of judges available to form a panel. The suspect was charged with maltreatment (case 02/pen/TDS 2006) with a maximum sentence of 7 years imprisonment. According to the new Criminal Procedure Code, any case where the possible penalty exceeds 5 years requires three judges to sit as a panel.

This trial was held in the Dili District Court because, as all judges are based there, more were available to form the panel. For the last two months all cases requiring a panel have been conducted this way. This has increased the workload of all judges. Currently there are only five international and four Timorese judges working in East Timor's four district courts. JSMP has observed that many proceedings seem to be conducted more quickly than before, perhaps because judges are under more pressure to hurry due to the increase in workload.

This situation has also led to around ten criminal cases being postponed in January. This could lead to community concern and discourage victims and those seeking justice from using the formal justice system, especially considering the large backlog of cases that already exists.

JSMP believes these issues, arising from the increased personnel requirements of the new Criminal Process Code, need to be addressed as an urgent priority by government and the courts. Primarily this should be through improved court administration and scheduling, although the total number of judges required to efficiently operate the Timorese judicial system should also be determined. Finally, there should be consideration for the idea of scheduling three judges to sit as a fixed panel in each district court with members changed monthly. This would provide consistency, facilitate efficient processing of cases and give judges adequate time to prepare, conduct and settle cases.

**For more information:**

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