



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

NEW RULES FOR TIMOR'S LAWYERS

Press Release

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The private lawyers' statute recently passed by Timor-Leste's National Parliament creates a new regulatory framework for the governance of the legal profession.

Under the new law, a process of formal accreditation is established, in line with a regime of practical training. An enforceable code of conduct is also outlined.

Most interestingly, lawyers are required to collaborate toward the betterment of the legal system, and to protest human rights violations and other miscarriages of justice.

JSMP contends that this legislative obligation is a powerful gesture, and that an independent legal community is imperative in safeguarding democratic institutions.

Unfortunately, the law seems to entrench a number of obstacles to effective legal practice, through its positions on education, courtroom protocol and language policy.

When the law comes into full effect, prospective lawyers will be required to pass a fifteen month training program at the government Judicial Training Centre (JTC).

Of the four universities currently teaching a law degree in Timor-Leste, only one has currently been accredited such that its graduates will be eligible for the JTC.

With many students soon to graduate, the limited number of places available for the JTC program is also of concern. The current intake numbers only sixteen.

JSMP believes that if Timor's already short-staffed courts are to benefit from an influx of new lawyers, training and legal curricula must be urgently brought into line.

International lawyers from other civil law systems, such as Portugal, will find it easier to register. Care will need to be taken to ensure local lawyers are not disadvantaged.

Lawyers, under the statute, must be fluent in one only of Timor's official languages. The JTC's exclusive use of Portuguese, however, suggests an institutional preference.

Courts in Timor-Leste can be confusing places - the use of professional attire such as robes, made compulsory by this law, could make legal process all the more alienating.

The onus will, in part, be on lawyers to resist those trappings that elevate the prestige of the profession at the expense of justice, and of their new social mandate.

JSMP maintains, though, that support will be needed from government, donors and civil society to assist lawyers in playing their crucial role in Timor's development.

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