



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

*Press Release*

Period : April 2010

Publication : April 2010

**Officer accompanying a witness in a case relating to the events of 25 May 2006  
complains about inconsistent trial schedule**

The trial involving an attack on the residence of Major General Taur Matan Ruak (previously Brigadier General) on 25 May 2006, involving the defendant AM, recommenced on Tuesday 20 April 2010.

The hearing was scheduled to include the examination of witnesses who have not yet been summoned to appear before the court. However, the hearing was interrupted because of a minor incident. The incident occurred during the examination of the witness EL. An F-FDTL officer accompanying the witness, who is also a member of F-FDTL, approached the presiding judge and spoke in a loud voice. The F-FDTL officer wanted to complain to the judge about the inconsistent trial schedule which did not correspond with the written summons issued by the court. The F-FDTL officer was not happy because he said they have a lot of work to take care of. Then the F-FDTL officer asked the judge to respect the trial schedule in accordance with the summons that they had been given by the court.

The behavior of this F-FDTL officer interrupted the hearing so the judge adjourned the hearing for five minutes to explain to the parties about the court process. After this short interval the court continued with the hearing. However the F-FDTL officer continued to seek clarification and urged the judge to provide an explanation about punctuality, in order to give an opportunity to members of the F-FDTL to provide their testimony.

Faced with this reality, it was not possible to continue the hearing because the F-FDTL officer continued his efforts to obstruct the procedure. As such, the presiding judge decided to adjourn the hearing until 2pm.

In the opinion of JSMP, incidents such as these can obstruct the court from carrying out its functions as one of the sovereign bodies of this democratic nation that upholds the rule of law. While JSMP agrees that the courts often fail to adhere to court schedules, JSMP requests that all parties, including high ranking officials of government institutions, respect the courts without exception.

JSMP encourages and reminds all parties who are directly and indirectly involved with the process of issuing summons to collaborate properly with the courts. In this way the courts can carry out their duties in a dignified and correct manner to strengthen the legal process in the future. In this case JSMP asks for the institution to which this person belongs to display a culture of discipline and respect to the court process without interference. JSMP recommends for the court to anticipate similar incidents in the future and encourages the court to apply Articles 283.1 and 283.2 of the Penal Code on “Coercion against a magistrate” if such incidents are repeated.

JSMP also encourages the court to be consistent with respect to all of the instructions issued by the court in order to avoid undermining the legal process and especially to demonstrate the authority and dignity of the courts to the general public. In regards to the authority of the courts, JSMP and the general public understand and believe that each and every document issued by a court should be considered and respected as an order and legal instruction that has to be obeyed, including written summons to attend a hearing in court.

For further information please contact:

Luis de Oliveira Sampaio

Executive Director JSMP

Email: [luis@jsmp.minihub.org](mailto:luis@jsmp.minihub.org)

Landline: 3323883