



Press Release
26 January 2005.

RESULTS OF JUDGES' EVALUATIONS RELEASED

On 25 January, the results of the Probationary Judge's Evaluation were announced by the President of the Superior Council of the Judiciary, Judge Claudio Ximenes. None of the Probationary Judges have passed, as they have not compiled with the requirements to become judges set out in Law No. 8/2002 (as amended by Law No.11/2004). As a result, none of the Probationary Judges can continue working as Judges in the Courts of East Timor.

However, exceptionally, despite failing the Evaluation, Judge Ximenes said that Judges Helder do Carmo, Deonildo dos Santos and Maria Pereira would continue to work as Judges in the Special Panels for Serious Crimes until the end of the UNMISSET mandate on 20 May 2005. Judge Ximenes said that Judge Jacinta da Costa would also continue to work as a Judge in the Court of Appeal until 20 May 2005. Judge Carmelita Moniz will also continue her functions in the National Commission of Elections until it has concluded its work.

Judge Ximenes did not cite any law as the basis for the continuation of the maintenance of the judicial functions of these people. JSMP has doubts as to the legal basis and procedural regularity of this decision.

The Probationary Judges were all given the score they had received for the evaluation. It appears that these scores are only based on the results the Probationary Judges received in the first stage of the evaluation – the written examination. The written examinations were carried out for some Judges in May 2004 and for some Judges (the Judges who had been studying in Portugal) in September 2004. It appears that since the Judges had all apparently failed the written examination, the second stage of the evaluation was not carried out: the evaluation of the judges' decision-making and performance during trials. If the results of the written examination were decided in September, JSMP is unclear as to why the Commission of Evaluation waited until January 2005 to present the results.

In order to decide whether they wish to appeal the results of the evaluation, the Probationary Judges have written a request to the Superior Council of Magistrates to request to view their marked examination papers. The Judges have yet to receive a response to this request.

There are currently four international judges from CPLP countries working in the district courts in Timor Leste. These international judges are employed by UNMISSET, and their contracts will finish with the end of the UNMISSET mandate on 20 May 2005. Since, after today's decision, the Timorese Judges can no longer work in the district Courts, the future functioning of these courts remains to be clarified.