



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
Baucau District Court
28 June 2017

Judge from the Baucau District Court was physically assaulted near Mobile Court in Lospalos Administrative Post, Lautem Municipality

JSMP calls for heightened security for judges whilst they are performing their duties

On 8 June 2017, at 09.45 a.m., a judge from the Baucau District Court was assaulted in the vicinity of the mobile court in Lospalos Administrative Post, Lautem Municipality.

On the morning of the incident, the judge was standing with a court officer on the veranda of the former Lospalos Administrative Post PNTL Office. The location was being used to hold the mobile court session. A person identified as a visitor (entering to process a document before the police) walked between the judge and the court officer. The judge asked the individual to go around, but the person did not accept this and pushed the judge and proceeded to attempt to punch the judge, but missed, because the judge managed to grab the person's arm. However, the individual continued to make offensive gestures with his hand towards the judge.

This act occurred without any clear motive, but JSMP believed that it is possible that the individual did not know that the person standing at the former police station was a judicial authority.

There were no police officers providing security at the location of the mobile court at the time. After the incident, police arrived, but he did not take any action against the individual. The individual attempted to depart on motorcycle, but a prosecutor arrived and ordered the police to identify the individual and to put him in a police cell pending an investigation.

“JSMP is disappointed and very concerned with this situation because judicial actors continue to be assaulted because some people lack sufficient knowledge about the role of judges, or because of other reasons. Judges need to be comfortable and safe when carrying out their work, and all people need to respect judicial authorities in all situations,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.



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In research conducted by JSMP between July – September 2013 entitled "Access to Justice in Timor-Leste: The Welfare of Judicial Actors and the Capacity of Legal Institutions"¹ JSMP also raised the issue of the security of judicial actors. As part of this research, some judicial actors conveyed their concern that whilst performing their duties they face intimidation and various threats from defendants or unknown people.

There have been at least six recent incidents directed at judges and judicial officers including threats against the security of judges because of their work or for other reasons/motivations.

These incidents are listed below:

1. On 27 January 2017, a judge from the Suai District Court was physically assaulted by a member of the F-FDTL while travelling on his motorcycle from Suai to Dili. This judge was assaulted in Ainaro when he rode his motorcycle (private) on a road near the F-FDTL premises at the moment they were engaging in a flag lowering ceremony. At that time, the judge had decided to stop his motorcycle until the flag lowering ceremony was finished, before proceeding. After the flag was lowered the judge continued with his journey but members of the F-FDTL stopped the judge. The judge asked why he was being stopped, however, the members of the F-FDTL did not accept this and argued with him. The judge told them that he was a judge. However, several members did not acknowledge this and continued to act aggressively towards the judge and made verbal threats that they would beat him to death.
2. On 10 August 2015, at 2 p.m., when the Judge Administrator of the Baucau District Court left his office he saw that the front driver's side window of the car had been smashed by some unknown people. Unfortunately the, security guard who provides security at the Court did not see or identify who had thrown stones at the judge's car;
3. On 28 June 2015, a judge from the Baucau District Court was physically assaulted by a member of the F-FDTL when he was travelling from Dili to Baucau. At that time some F-FDTL members were operating a checkpoint at the Metinaro directorate in relation to a joint operation as part of the Mauk-Moruk case. At the check point the judge introduced himself as a judge and also explained that according to the law court vehicles should not be inspected, but the F-FDTL members ignored this and told him *"This is an order. Just follow it, and don't say anything"*. They also asked the judge "so what if you are from the court?" After being subjected to this aggression the judge asked the F-FDTL members "what he had done or why would beat him..." However, the F-FDTL members did not respond and continued to make verbal threats and said it would be better for the judge to leave rather than making them angry, because they could beat him again.

¹ JSMP thematic report : http://jsmp.tl/wp-content/uploads/2012/05/RelatoriuSurveiJSMPkona-baBenEstarAutorJUdisiariu_TETUM.pdf



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4. On 29 May 2014 a judicial officer from the Baucau District Court was physically assaulted whilst carrying out his work in the field;²

5. On 8 April 2014, a female judge was assaulted at her residence in Suai, by an unidentified person who was suspected of being involved in cases that were being processed.³

These acts of aggression and behavior have demonstrated serious threats against the personal security of judges. Even though there is no accurate data on the motivation behind these incidents, in several cases, the aggression was directed at judges in relation to their work, status, or because of the specific cases they were handling.

Also, in other cases JSMP presumes that the members of a State institution who identified themselves as the military felt that they have more power than other institutions and they felt free to exert pressure and intimidation on anybody. Individuals evidenced that they have no respect for judicial authorities or other institutions, as demonstrated in the cases mentioned above. This is very serious because normally in democratic country like Timor-Leste, which is based on the rule of law, judges are entitled to security and dignified treatment and respect from all entities, including the military or civilians.

These assaults and threats will have a negative impact on the ability of judges to exercise their functions and enjoy their freedom as judicial actors because they will feel threatened and concerned with potential assaults and other threats that can in the future as the result of performing their duties.

JSMP asked the Minister of Justice and Minister of Defence and Security to respond to the security of judicial actors whilst they are performing their duties out in the field or in any location, including the provision of security at their official residences.

JSMP believes that the role of judges and other judicial authorities is critical to the community the development of the entire State, however these duties often carry risks towards their personal security.

In relation to the mobile courts in particular, JSMP asks for effective coordination between the security institutions to ensure the provision of adequate security whilst mobile courts are being conducted. Without necessary security, judicial authorities need to assume unnecessary risk and

² JSMP Press Release: <http://jsmp.tl/wp-content/uploads/2014/01/pr-Baucau-ofisial-justisa-TDB-hetan-asalatu-fisiku-wainhira-ezerse-sira-nia-knaar-iha-terenu.pdf>

³ JSMP Press Release: http://jsmp.tl/wp-content/uploads/2014/01/PrTribunalDistritalSUAIEmaDeskonyesiduAtakaJuis_INGLESHdoc.pdf



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often risk being exposed to violence. They must assess the security situation and potential security risks, including cases being tried at the mobile courts, to avoid unexpected incidents.

JSMP encourages the security institutions to show respect for judicial authorities, when members of these authorities identify themselves as judges or other judicial officers.

JSMP also asks for the superior institutions of the Court and the Superior Council of Judicial Magistrates to give careful consideration to these issues and to coordinate with relevant institutions in the security sector and the area of defence to ensure security for judges. This includes providing adequate and safe transport for judges working in remote courts.

JSMP hopes that incidents like this will prompt the competent bodies to pay attention to this important issue, and they should not wait until this problem poses a risk to someone's life.

To obtain more information, please contact:

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