



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**JSMP submission on the allocation of the 2019 State Budget to the
justice sector**

Addressed to:

The National Parliament

2018

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Introduction

First of all, on behalf of JSMP, we wish to praise and congratulate the distinguished members of the National Parliament. JSMP and all the people of Timor-Leste place their full trust in you to make “prudent” and “responsible” decisions to ensure that the people and the nation can have a good standard of living, safety and prosperity in the future.

Although faced with a range of challenges, JSMP is extremely proud and honored because the people continue to have faith in their leaders to ensure democracy in Timor-Leste and provide an opportunity to all East Timorese to participate in State building and national development.

The State Budget is the sole basis and crucial component of the national development plan. The proposed 2019 State Budget is \$1,827 billion. In comparison with previous budgets, the 2019 State Budget is very large and marks a new page in the history of Timor-Leste.

Like other civil society organisations, JSMP is very concerned about the effect of the allocation and execution of the State Budget each year, especially the inconsistent allocation of the budget to productive sectors which also effects the justice sector. JSMP acknowledges that JSMP does not have sufficient knowledge about certain aspects of the budget, therefore in this opinion piece JSMP will limit its comments to particular areas of the justice sector without mentioning other sectors that are well and truly outside of JSMP's capacity and knowledge. JSMP has observed that the budget allocated to the justice sector is smaller than the budget provided to other sectors. JSMP has also observed that each year these sectors are given priority, but no positive results have been achieved so far to improve the quality of people's lives at the grass roots level.

JSMP hopes that this submission will help members of parliament carry out an in-depth analysis before making decisions on how to improve the proposed budget for the justice sector so they can improve the quality of services in this sector and promote justice that focuses more on the people.

Budget

In 2019 the budget allocated and approved for the justice sector is US\$ 34,939,000, which is an increase from 2018. From this total the Ministry of Justice

will receive US \$22,872,000, the courts will receive US\$ 7,541,000, and the Office of the Prosecutor General will receive US\$ 4,526,000. Although the budget allocated to the courts has increased, this increase is only for the Court of Appeal and the district courts, and funds have been drastically reduced for the Superior Council of Judicial Magistrates. Meanwhile funds for other institutions in the justice sector are outlined in the table below.

JSMP has also observed that Book 4a of the proposed 2019 Budget for the Office of the Public Prosecutor and Book 4b for the Public Prosecution Service has reduced allocations for local travel and capacity building. Therefore JSMP recommends for funds to be allocated to these two areas to enable the mobile courts to operate as well as for the capacity building of officers from the Public Prosecution Service and agents from the Office of the Public Defender.

Table of funding for the justice sector in 2018 and 2019

	2018 Budget	2019 Budget	% increase/decrease
Ministry of Justice including;	US\$ 16,294,000	US\$ 22,872,000	Increase 29%
· Office of the Public Defender	US\$ 1,530,000	US\$ 1,535,000	Increase 0.33%
· Judicial and Legal Training Centre	US\$ 177,000	US\$ 203,000	Increase 12.8%
The courts including;	US\$ 2,974,000	US\$ 7,541,000	Increase 61%
· Court of Appeal	US\$ 2,106	US\$ 5,725,000	Increase 63%
· District Courts	US\$ 360,000	US\$ 1,751,000	Increase 79.4%
· Superior Council of Judicial Magistrates	US\$ 508,000	US\$ 64,000	Reduction - 693.75%
Public Prosecutor Service (Office of the Prosecutor General)	US\$ 2,594,000	US\$ 4,526,000	Increase 43%

Mobile Courts

The mobile courts are made possible through an initiative that provides access and meets the need for people in rural areas to access justice and they strengthen the policy of focusing on justice for the people. The Access to Justice program of the United Nations Development Programme (UNDP) introduced this initiative in 2010. JSMP has observed that during this time funds for the mobile courts have been covered by UNDP. However, based on information JSMP gained about this program, it will end this year and will not be continued in the future.

The mobile courts play two important roles; one is bringing justice to communities in rural areas through trials carried out by judicial actors, and the other one is raising awareness about the roles of judicial actors during the trial process. Attendances at the mobile court in rural areas have a multidimensional effect on communities in rural areas because the trials resolve problems relating to the costs of travel, accommodation and problems with delays occurring in the district courts.

JSMP believes that this mobile court program initiative will continue to be relevant and important until the State has sufficient resources and capacity to establish district courts in the municipalities or districts that should have their own court.

Amongst the district courts, the Baucau District Court regularly conducted the mobile court twice a month, during the second and fourth weeks.

The table below shows the total number of trials conducted by the mobile court registered by JSMP from 2013 until October 2018.

Total cases tried by the mobile courts in each of the district courts

Court	2013	2014	2015	2016	2017	2018 (Jan-Oct)
Dili	8	12	23	11	6	18
Baucau	1	63	104	52	96	18
Suai	26	88	111	82	45	68
Oecusse	0	0	0	0	0	0
Total	35	163	238	145	147	104

JSMP recommends for the Parliament and the Government to allocate adequate and regular funds to the mobile court program to each of the district courts based on existing practices.

Complementary Trainings

JSMP considers training to be very important for judicial actors. Training can increase the knowledge of judicial actors in specific relevant areas. This is because judges, prosecutors and public defenders need to increase their knowledge and keep abreast of judicial and technical matters that continuously change over time and location.

The State budget table for this year shows that district courts have almost no funds for capacity building and the funds are close to zero. Therefore, JSMP is concerned and recommends for members of parliament to include funds for this area in the 2019 Budget.

JSMP recommends that training be provided for issues or topics relating to international laws ratified by Timor-Leste and organised transnational crimes involving extremist groups such as drug crimes, money laundering, human trafficking, cybernetic crimes, arms trafficking, nuclear material, terrorism etc.

Legal and Judicial Training Centre

In 2018 the total number of judges, prosecutors and public defenders did not change from 2017. This occurred because the Legal and Judicial Training Centre only reopened in May 2017. Therefore, there might be an increase in new judicial actors in the next few years, but training has stopped again this year.

JSMP recommends for training mechanisms to be improved so that the quality of training can be ensured, especially relating to curriculum and the introduction of international instruments including other complimentary laws. It is important for the Legal and Judicial Training Centre to produce judicial actors and new agents in the Office of the Public Defender who are high quality and well qualified to carry out their work.

Currently the courts are facing serious challenges relating to human resources that impact on the quality and productivity of the courts. A concrete example is that there are almost no civil case trials or only a very small number. The trials of civil cases are important because they are strongly linked to foreign investment. Foreign

investors will have doubts about investing if the civil jurisdiction in Timor-Leste does not function effectively or does not function at all.

JSMP observed that the increase in funds for the legal and judicial training is not significant and will not have a positive impact on improving the quality of training. Therefore, JSMP asks for the State to allocate sufficient funds to the Legal and Judicial Training Centre to provide effective facilities and give priority to ongoing recruitment and training for judges, prosecutors and agents of the Office of the Public Defender. This will also allow for complementary training to increase the quality of graduates and an ongoing increase in the number of judicial actors to correspond with government plans to establish courts in each municipality.

Dili, 6 December 2018

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