



Press Release
Dili Court of First Instance
10 March 2025

The courts need to establish appropriate mechanisms to avoid unnecessary delays that affect the rights of parties and public confidence in the courts

On 4 March 2025 the Dili Court of First Instance did not manage to announce its decisions in relation to three (3) crimes, namely the crime of obstructing public authority which was registered as Case No. 0157/24. DIBCR and two (2) crimes of the mistreatment of a spouse, that were registered as Case No. 0234/24 PDDIL and Case No. 0107/24 DICMR, because the judge handling this case was presiding over a trial of another case.

Previously, on 27 February 2025, the court also adjourned a hearing to announce its sentence in a case of manslaughter registered as Case No. 0140/23 LIQTR, because the judge handling this case had not prepared the decision to be read out on the scheduled day, because the judge was also presiding over a trial in another case.

JSMP has observed that the change of schedule or adjournments of these trials are not a new experience in our courts. JSMP notes that often the courts normally decide to adjourn or cancel trials that have been scheduled without notifying the parties beforehand. Normally the parties receive information about the adjournment or these impediments when they arrive at court. What is more serious is that in some of these cases, the courts through their justice officers, do not provide clear justification to the parties when they adjourn hearings. JSMP publications relating to this issue can be accessed via this link: https://jsmp.tl/wp-content/uploads/Pozisaun-JSMP-Adiamentu-Kazu-sira-iha-tribunal_TETUM.pdf

JSMP believes that in this era of very advanced information technology this is not a good practice, and it is not normal. The courts or judges need to explore solutions or establish appropriate mechanisms for communication to communicate through telecommunications or other means to inform the parties about these adjournments. The courts can also compile the contact details of parties through their justice officers to make contact when these unforeseen circumstances occur.

The courts need to be prudent and sensitive to the socio-economic realities that exist in the community, because members of the community are facing a range of circumstances and limitations in their day to day lives. The courts should not see this as a simple issue or ordinary issue, because community members are engaging in a range of efforts to make it possible to travel to and from the courts. Some of them have to borrow money to pay for transport to come to court, and unfortunately when they arrive at the court they wait for

several hours, and the court through its justice officers just tells them that the trial has been adjourned to the following week or following month.

“JSMP understands that the court can adjourn a trial when such an adjournment is imperative for ensuring fair justice. However, the adjournment of trials must occur through appropriate mechanisms, to inform the parties beforehand in order to make sure that they are not inconvenienced in terms of wasting their time and resources in complying with court notifications,” said Ms. Ana Paula Marçal, the Executive Director of JSMP.

JSMP is aware that these circumstances occur due to a lack of human resources in the courts of first instance. Based on data that JSMP obtained from the courts in relation to cases that were submitted to the Dili Court of First Instance in 2024, there were 1,922 criminal and civil cases in total. This includes some cases that were pending from 2023. Due to the limited number of judges, it is clear that the courts face challenges in properly managing cases and this can impact on scheduling because judges do not stick to the plan or agenda that they themselves have already determined.

JSMP also notes that to date judges have been busy with their work, however they often do not stick to their agenda. For example, judges schedule a trial for 09.00am, however they move it back to 10am or even later. JSMP believes that these circumstances contribute to adjournments because there are interruptions to the scheduling of trials.

Also, JSMP notes that to date judges schedule some ongoing trials at the same time on the same day, and they have to adjourn a case to another day or another month because the judges have many trials to attend to, or there are clashes.

Even though the courts face a range of challenges, in order to ensure that the rights of the parties are properly respected, JSMP recommends the following:

1. The courts (judges) should be consistent with their trial schedule and when there is a need to adjourn a case urgently, they must first inform the parties so that they don't waste their time and money on transport travelling to and from the court, because the parties do not have the financial capacity to pay for transport to travel to and from the court;
2. Judicial actors need to guarantee the effectiveness of proceedings for cases involving serious crimes such as sexual assault, homicide, child victims and crimes of domestic violence. Thus, victims of gender based violence will be encouraged to use the formal justice system;
3. The State needs to increase human resources in the judicial sector;
4. Implement the Law on Witness Protection, especially in relation to reimbursement of expenses incurred to provide statements.

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