



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**  
**7 May 2021**  
**National Parliament**

**Committee A of the National Parliament hears the opinions of JSMP and other relevant parties about the draft Judicial Magistrates Statute**

On 5 May 2021 Committee A of the National Parliament held a public meeting with relevant parties to hear their thoughts on the draft Judicial Magistrates Statute that was initiated by the National Parliament in the form of Draft Law No. 21/V/2021. The relevant parties who took part in this meeting were the Prosecutor General and his team, President of the Judicial Magistrates Association, who is also the Director of the Legal and Judicial Training Centre, the Former President of the Legislative Reform Committee and the JSMP team.

The aim of this public meeting was to hear the thoughts and comments from relevant parties about this draft law before Committee A holds a specific discussion. Therefore, when the National Parliament produces this law, it will properly reflect the reality, interests and needs of all parties that are regulated by this statute.

“JSMP praises the National Parliament for its good will in promoting public participation, especially the participation of stakeholders and relevant parties in the law making process. This is an important part of ensuring ensure quality legislation so that the beneficiaries feel and perceive that the legal standards produced by the parliament properly reflect their interests and can effectively respond to their needs,” said the Executive Director of JSMP, Ms. Ana Paula Marçal.

During the presentation session JSMP made some general observations about this draft law. JSMP and other presenters had the same idea about the relationship between the Judicial Organization Law and the Judicial Magistrates Statute. Meaning that the parliament needs to first approve the Law on Judicial Organization before discussing and approving the Judicial Magistrates Statute. The law on judicial organization regulates all of the judicial organisations including the courts, therefore the Judicial Magistrates Statute needs to be compatible with the Judicial Organisation Law.

JSMP also made observations on other issues such as the right of judges to holidays, the issue of psychological support for judicial actors, the availability of psychiatrists for when the courts need them in certain cases, the issue of the behaviour and conduct of

Rua Beco Lakateu, Aldeia Manufuik,  
Suku Colmera, Administrativu Vera Cruz  
Dili Timor Leste  
PoBox: 275

Telephone: 3323883 | 77040735

[www.jsmp.tl](http://www.jsmp.tl)

[ana@jsmp.tl](mailto:ana@jsmp.tl)

Facebook: [www.facebook.com/timorleste.jsmp](https://www.facebook.com/timorleste.jsmp)

Twitter: @JSMPtl

judicial actors during judicial proceedings in relation to those parties seeking justice and also the issue of the functioning of the Superior Council for Judicial Magistrates to date.

In relation to the issue of judges' holidays, JSMP agreed with the thoughts of the President of the Judicial Magistrates Association that 15 days be granted, even though JSMP proposed 20 days, however to ensure access to justice for all people, JSMP agreed with 15 days. It is important that during this 15 day period the judges are not bothered, because they really need a break from thinking about the different cases that they are dealing with such as rape, sexual abuse, homicide etc. Therefore, JSMP also believes that in addition to having a holiday it is important to recruit a psychologist to help freshen the minds of judicial actors because of the serious nature of their work.

JSMP believes that it is important to consider the behaviour or conduct of judicial actors, because it has a major impact on public confidence in judicial work. If the parties who are seeking justice are not treated properly and with respect it will have an impact on public confidence for those wishing to seek justice through formal justice. Also, this behaviour relates to the punctuality of judges during trials. Based on JSMP observations, when Prosecutors and Public Defenders are not punctual they are admonished by judges. Therefore, JSMP also questioned the punctuality of judges and the functioning of the Superior Council for Judicial Magistrates relating to disciplinary matters for judges.

After the presentations, during the discussion session, nearly all of the parties raised concerns about human resources relating to the creation of the Supreme Court of Justice. Therefore, the Director of the Legal and Judicial Training Centre requested for the Government, and the National Parliament in particular, to allocate sufficient funds to create the conditions necessary to provide proper training to contribute towards increasing the number of judicial actors. The Director of the Legal and Judicial Training Centre recommended for the National Parliament to create a temporary provision in the law to provide the Legal and Judicial Training Centre with time to prepare resources. When establishing the Supreme Court of Justice, judges and prosecutors from the Court of Appeal will apply, and judges from the courts of first instance will apply to the positions in the Court of Appeal, and therefore there won't be enough judges in the courts of first instance. In relation to this issue, JSMP acknowledged that it is important to establish the Supreme Court of Justice and JSMP commented that the law has to reflect the reality so that there are no obstacles when the law is implemented. JSMP believes that the Constitution and the law will allow for members of the Supreme Court of Justice to include jurists with recognized merit who have been performing their duties in universities, the Office of the Public Defender as well as those practicing law. Therefore, what needs to be done is to reduce the criteria regarding the high number of years of experience required to allow jurists to apply and be selected, to reduce the number of judges from the Court of Appeal, so as not to have a major impact on the number of judges at the Court of Appeal and the courts of first instance, because otherwise there might be a law in place but it will not be implemented because of a lack of human resources.

Another concern raised by all of the parties in the public meeting related to the treatment of the Office of the Public Defender and its working conditions. Based on JSMP observations, the Office of the Public Defender has not been given equal treatment or given the same conditions as the Public Prosecution Service and the courts. Therefore, JSMP suggested that equal treatment should be provided and for proper working conditions to be ensured, especially in terms of facilities such as transport etc. This is necessary to ensure the quality of work provided by the Office of the Public Defender to defend those seeking justice. In addition to the issue of facilities, another issue was the *per diem* provided to members of the mobile court, who have had to wait for between 3-6 months to receive their *per diem*. This is not just for public defenders, but also judges and judicial officers at these two institutions. JSMP asked for this issue to be given consideration, to motivate them to work even better.

Before closing this meeting the MPs from Committee A and the President of Committee A agreed that the Parliament should proceed with the approval of the Judicial Organisation Law before discussing and approving the Judicial Magistrates Statute.

For more information, please contact:

Ana Paula Marçal  
Executive Director of JSMP  
Email: [ana@jsmp.tl](mailto:ana@jsmp.tl)  
Website: <https://jsmp.tl/>