



Press Release
Baucau District Court
14 March 2023

JSMP recommends for Prosecutors and the Court to ensure there is sufficient evidence before dispensing with witness testimony

The Baucau Court of First Instance on 16 February 2023 conducted a hearing to continue trying a case of simple offences against physical integrity registered as Case No. 0001/22. BCBCV with the agenda to hear a statement from the victim, witness testimony and final recommendations. However, after hearing the statement of the victim and testimony from one witness, the court considered a request from the prosecutor and dispensed with testimony from other witnesses even though the prosecutor believed that there was not yet enough proof, because a translator for the dialect of Waimua for these witnesses did not come to work/or was missing without an explanation.

“JSMP recommends for prosecutors and the court to ensure that there is enough evidence before dispensing with witnesses, because these statements are a form of evidence to discover the truth. In this case the prosecutor should have requested for the court to adjourn this process to another date to continue hearing statements from witnesses which is considered to be crucial because the prosecutor himself believed that there was not yet enough evidence,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

Pursuant to Article 116 of the Criminal Procedure Code, witness testimony is a means of evidence that can be a determining factor to discover a crime and can be a measure for a judge when making his/her final decision. Therefore, court actors should not ignore witnesses and should hear their testimony, both testimony that aggravates or mitigates the circumstances of the defendant.

Also, based on JSMP observations to date, the trials of many cases have been adjourned by the courts just because court actors or translators are absent. In the aforementioned case a translator for a dialect did not come to work and what is worse is that no reason was provided, whereas the work of the translator is to assist the parties to speak in their own language when they don't speak the official languages so that they can properly

understand the entire process in their case. This issue also contributes to the quality and effectiveness of proceedings. JSMP requests for the court to pay serious attention to this issue by properly monitoring court actors, and always reminding them with reasonable communications and justifications when they don't come to work.

Finally, the quality of services provided during proceedings in the justice sector is a very important consideration. If proceedings follow the existing procedures, then the parties who have chosen to resolve their case via the formal justice system will feel satisfied, as well as the general public who will continue to trust in the formal justice system.

The trial was presided over by single judge Jumiaty Maria Freitas. The Public Prosecution Service was represented by Ambrosio Rangel Freitas and the defendants were represented by Antonio Fernandes from the Office of the Public Defender.

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