



Press Release
The Dili District Court
30 June 2021

Dili District Court issues attendance records for the attention of the Dili District Prosecution Service regarding prosecutors who were absent during trials

“JSMP praises the court and urges the Dili District Prosecution Service to give consideration”

On 24 January 2021 the Dili District Court adjourned the trial process in three cases because the prosecutors assigned to these cases did not attend and there were no other prosecutors to replace them. Therefore, the Dili District Court through the presiding judge in the court room decided to issue attendance records for the attention of the Dili District Prosecution Service regarding these prosecutors¹.

“JSMP expresses its regret that no other prosecutors could replace the assigned prosecutors who were absent during the trials which resulted in these three cases being adjourned. However, JSMP praises the court because it immediately issued the attendance records for the attention of the Dili District Prosecution Service in relation to these absences. Therefore, JSMP urges the Dili District Prosecution Service to give consideration to these attendance records to avoid such problems from occurring in the future,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

JSMP has concerns, because normally when judges, prosecutors or public defenders do not attend a scheduled hearing, they need to provide justification for their non-attendance. This type of prior justification can provide each institution with some time to find another person to substitute the court actor who is unable to attend, so that the trial process can continue, and therefore uphold the principle of conducting simple trials at the court that are speedy, affordable and accessible.

In relation to these three cases, in the courtroom the judge apologized to the parties (defendants, victims and witnesses) who were present at the court because their cases had to

¹ Article 90 (3) of the Criminal Procedure Code: The absence of the public prosecutor shall be reported to his or her superior.

be adjourned to another time and told them the reason for the adjournment was because there were no other prosecutors available to replace the appointed prosecutors who were absent because of illness or other reason without justification.

The three cases adjourned by the court were two cases of simple offences against physical integrity characterized as domestic violence, namely Case File NUC. 0188/20.PCCIC and Case File NUC. 0692/19.DICMR, and one case of simple offences against physical integrity, namely Case File NUC. 0363/20.DICMR.

JSMP also notes that the parties in these cases travelled from other districts during a time of local area confinement for public health reasons and they had to spend a lot of time to organise travel permits and had to pay for transport to participate in the trials.

JSMP believes that the Public Prosecution Service is a judicial institution with sufficient facilities and resources in comparison to the courts and Office of the Public Defender, therefore consideration needs to be given to the management of resources to ensure full representation to assist victims so they can access justice.

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