



Press Release
14 July 2021
National Parliament

JSMP believes that the maximum amount set out in the Draft Law on Judicial Organisation is relevant to the economic circumstances of the people

Committee A of the National Parliament over three days, namely between 07-09 July 2021, held a specific discussion and vote on the draft law on Judicial Organization that is included in the package of laws relating to the plan for judicial reform.

This discussion was led by the President of Committee A, MP Joaquim dos Santos “Boraluli”, and was attended by judicial actors from justice sector institutions, such as the courts, the Public Prosecution Service, public defenders and private lawyers, including the Ministry of Justice, as the proponent of Draft Law No. 28/V/3 on Judicial Organization.

Judges spoke about Article 24 regarding the maximum amount and the judges believed that the maximum amount of US\$1,000.00 as set out in the aforementioned article as well as Article 917.1 of the Civil Procedure Code is not compatible with current economic circumstances, with consideration also of the expenses borne by the courts in relation to the material value of such cases. Therefore, they asked for the maximum amount to be increased to US\$3,000.00 or above and US\$5,000.00 and above for appeals. The provisions in Article 917.2 of the Criminal Procedure Code also state that civil actions have a maximum amount of US\$1,000.00 and an appeal can be lodged, if this amount is not exceeded then an appeal cannot be lodged.

“JSMP believes that this law needs to guarantee and promote the fundamental rights of all people to access justice, therefore this law needs to properly reflect the rights of the entire community, and not just a small group. To properly guarantee and promote these rights, this law should not just consider and appreciate the material value, but also the non-material value, namely if the parties seeking justice feel happy or satisfied because they have obtained fair justice. Also, the current reality and research and reports have shown that most of the population of Timor-Leste live in extreme poverty, and they are not just poor, because the Global Hunger Index shows that in 2020¹ Timor-Leste was ranked 10th for hunger with a higher score (37.6) than

¹ Details are available in this report: <https://www.globalhungerindex.org/pdf/pt/2020.pdf>

Afghanistan and Sudan in the red section, which is the worst category.² Therefore, JSMP believes that the maximum value that has been established in Article 24 of the Draft Law on Judicial Organisation and the Civil Procedure Code is still relevant to the economic and financial circumstances of the people of Timor-Leste and there is no need to make an amendment right now. For the most of the population a figure of US\$1,000.00 is a large amount, in contrast to a small group that have better economic and financial circumstances. If this value is increased it will mean that this law will prevent a lot of people from accessing justice”, said the Director of JSMP, Ana Paula Marçal.

JSMP court monitoring has observed that in many cases tried by the courts when judges ask defendants about their monthly income they always say that they earn less than US\$100.00 - and it is hard for them to make money, therefore JSMP believes that Article 24 should be maintained in accordance with the proposal of the Government.

Also, JSMP believes that the draft law on Judicial Organisation is important and is the first piece of legislation in Timor-Leste relating to judicial organisation. This law can revoke UNTAET Regulation No.11/2000 March and Regulation No.25/2001 on the transitory Judicial Organization. This law can also pave the way for the Government to establish more courts in the national territory in each administrative area to respond to the concerns of the people and to better guarantee the rights of all people to access formal justice.

Committee A of the National Parliament has discussed and voted on this draft law to approve 23 articles and this process will continue on 15 July 2021, in Aileu Municipality.

This discussion was attended by the President of the Court of Appeal, the Honorable judge Deolindo dos Santos, the Honorable judge Maria Natércia G. Pereira and the Honorable judge Edite Palmira dos Reis, Minister of Justice, Representative of the Prosecutor General, Her Excellency Angelina Saldania, and former Prosecutor General, His Excellency Prosecutor Jose Ximenes, and Coordinator of the Office of the Public Defender, His Excellency Cancio Xavier, as well as the representative of East Timorese lawyers, Jose Guterres, and Former Minister of Justice, Lucia Brandão Lobato.

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² Detailed information is available in this article from the World Socialist website:
<https://www.wsws.org/pt/articles/2019/09/10/timo-s10.html>