



## JUSTICE UPDATE

*PERIOD: March 2006*

### ADMINISTRATIVE PROBLEMS HAMPER THE FUNCTIONING OF THE SUAI DISTRICT COURT

#### 1. Introduction

Administrative issues continue to hamper the ability of the Suai District Court to process cases as scheduled. During March nine cases (criminal and civil) were scheduled, but four had to be postponed to the following month. The Suai District Court only operates for one week every month, increasing the need for efficient court administration.

JSMP observed four main administrative factors hampering the trial process:

- The non-attendance of witnesses and victims for scheduled hearings.
- The insufficient number of court staff to carry out the administrative requirements of the court.
- The lack of appropriate office facilities and equipment.
- The lack of adequate funding for court activities, resulting in judges bearing the costs of court activities from personal funds.

#### 2. The non-attendance of witnesses and victims for scheduled hearings.

The non-attendance of witnesses, victims and/or defendants for scheduled hearings led to the postponement of a number of cases. During the monitoring period four of the nine scheduled cases were affected by this issue. In most cases the non-attendance was related to problems of transport.

Victims and witnesses in these cases either did not receive the summons issued by the Suai District Court during the preceding month or were unable to obtain transport to the court. The responsibility for delivering summons and transporting people to court lies with the Suai District Police. However, police have only limited access to transport while the majority of victims, witnesses and defendants live in remote areas

#### 3. The insufficient number of court staff to carry out the administrative requirements of the court.

Suai District Court has only four administrative staff (including one court clerk), despite a large number of cases falling within its jurisdiction. The aforementioned court clerk spends a lot of time assisting judges to try Suai jurisdiction cases that have been scheduled in the Dili District Court. This has further reduced the number of staff available to work locally. Serious problems have been encountered in the area of case registration, with delays



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common for court proceedings and the issuing of indictments and decisions. Delays are common for hearings and trials.

**4. The lack of appropriate office facilities and equipment.**

During 2005 the Suai District Court was provided with equipment by USAid, including a computer, filing cabinet, chairs and tables<sup>1</sup>. However this year it appears that this equipment is no longer present in the Suai court offices. None of the court staff that JSMP talked to were aware of their current whereabouts.

JSMP can only presume that there is inadequate supervision of administrative matters in the Suai District Court. Otherwise, this situation would have been prevented or the vital equipment replaced. The Ministry of Justice bears responsibility for maintaining adequate facilities in district courts and for the supervision of these facilities.

JSMP inspected the two offices in the Suai District Court. The first is an administrative office with a computer and several filing cabinets. The second room is intended for use by judges, prosecutors and public defenders, but is currently lacking furniture and office equipment.

The lack of adequate equipment and facilities will continue to unnecessarily complicate the work of judges and court staff, resulting in a less efficient judicial system.

**5. The lack of adequate funding for court activities, resulting in judges bearing the costs of court activities from personal funds.**

The Suai District Court relies on a generator for most of its electricity. From time to time this generator runs out of fuel or breaks down. On occasion, due to the lack of court funds, the judge assigned to Suai has been forced to use personal funds to support the operation of the court while trials are under way<sup>2</sup>. The Ministry of Justice, as competent authority, must allocate specific funds and provide an administrative framework for their proper use in facilitating the operation of the Suai District Court.

While this has not, strictly speaking, caused delays in the processing of cases it is unreasonable to expect court staff to support the court's operation through personal funds. Future judges may not be prepared to continue this practice, which would result in delays.

**6. Conclusion**

The Suai District Court is currently experiencing administrative problems that are reducing its ability to process cases and provide justice to the people

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<sup>1</sup> Interview with Suai District Court judge on the 28 March 2006.

<sup>2</sup> Interview with Suai District Court judge on the 28 March 2006.



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under its jurisdiction. Recognising the need to adhere to certain statutory time limits when trying cases, it is important that the court be able to function more effectively and efficiently.

Responsibility for addressing and resolving the issues outlined above remains with the Ministry of Justice, the Ministry of the Interior and the national court administration. Coordination between these three bodies is vital in ensuring the court's work is carried out professionally.

Issues such as these will continue to impede the development of the judicial system in Timor Leste and make it difficult for the community to access the formal justice sector to solve civil and criminal disputes. JSMP is confident that the competent authorities can solve these problems quickly and ensure they do not reoccur in the future.