



Parliament and Government must respect the independence of the judiciary and separation of powers

Posted October 30, 2014 by jsmp

0



Today JSMP held a press conference to encourage the Government and the National Parliament to respect the independence of the judiciary and the separation of powers.

This is in response to the recent Resolutions of the National Parliament and the Government to immediately terminate the contracts of all international judicial officers, including international judges, prosecutors and public defenders.

"These resolutions violate the principles of judicial independence and separation of powers which are enshrined in our Constitution," said JSMP Executive Director Luis de Oliveira Sampaio.

It is not for the parliament or the government to remove judicial officers through a resolution. This can only be done in accordance with the law. Removing judicial officers arbitrarily, whether international or national, threatens the rule of law and a citizen's right to a fair trial in Timor-Leste.

The National Parliament passed this resolution on Friday 24 October 2014 in a closed session of parliament. The resolution calls for the Government to conduct an audit of the judicial system in Timor-Leste and to immediately terminate the contracts of all international judges, prosecutors, defenders and other international advisors working in the judicial system. The Government's resolution adopts the measures called for in the resolution from the National Parliament.

JSMP is very concerned about the effect of these resolutions on the independence of the judiciary in Timor-Leste, and on the ongoing ability of the justice system to function day to day.

The sudden removal of international judicial actors and advisors will seriously interrupt the regular operation of the courts and the continuing development of the legal system in Timor-Leste.

The resolution has already led to the suspension of all international trainers in the Legal Training College. This will have serious consequences for training future Timorese judges, prosecutors, defenders and lawyers.

JSMP observes that the legal system in Timor-Leste is still developing and the courts have an increasing number of cases to process. The courts already need more resources to do their work effectively. These resolutions will take important resources away from an already fragile justice system.

"JSMP believes these resolutions will set back the development of the legal system in Timor-Leste and are not in Timor-Leste's national interest," said Luis de Oliveira Sampaio.

The President of the Court of Appeal issued a directive to all Chief Justices stating that the resolutions have no effect and that international judges and court staff are to continue their functions.

JSMP urges the National Parliament and the Government to reconsider these resolutions and immediately take appropriate actions to guarantee the independence of the judiciary.

Leave a Comment

Name (required)

Email (required)

Website

Comment