

Information Sheet – [East Timor]

I General Information

1 Number of stakeholders in the Country

1-1-1 Population

It is more than a million people.

1-1-2 Number of lawyers/attorneys-at-law

It is more than one hundred

1-1-3 Number of judges

More than 30, including international judges

1-1-4 Number of prosecutors

The same as above

2 Number of court cases handled by first instance courts

1-2-1 Number of civil cases

More than a thousand in a year

1-2-2 Number of family cases

More than one hundred

1-2-3 Number of criminal cases

V

3 Attorneys for Defendants in Criminal Procedures

Please explain in what kinds of criminal cases attorneys must be appointed for suspects or defendants in your country. Please also explain who appoints and bears the costs for the attorneys appointed.

Whenever the suspects or the people don't have economic means to finance the lawyer's expenses the suspect will request for a Public Defender or request

assistance from the legal aid groups.

4 Profile of the Bar Association/ Organization and Attorney System

1-4-1 Location and contact information

Associação de Advogados de Timor-Leste, Bairro dos Grilos, Dili, Timor-Leste

1-4-2 History of Organization

It started in the year 2001. It is still an association. We want it to become “Ordem the Advogados”, which is an institution that regulate all the activities of the lawyers and also protect and promote them and be an independent body.

1-4-3 Governmental Supervision of the Organization and Registration of Members (Please explain whether or not, and if so how, your organization is supervised by the government.)

At the moment the Government is creating conditions for the creation of a future “Ordem de Advogados”, something like a Bar Association. There is a training Center for the lawyers which is taking care by the Government and also financed by some donor countries.

1-4-4 Main Activities of the Organization

1-4-5 Categories of Membership

1-4-6 Number of Members (as of 2011)

There is not a compulsory registration of the lawyers. There are some registered in the Association of Lawyers but there are others who are not. But in the future all the lawyers must be registered at the Judiciary Training Center.

1-4-7 Membership (voluntary or compulsory, please also explain where such registration should be filed)

See the above answer

1-4-8 Executives and Officers, Number of Positions

See the above answer

1-4-9 Finances and membership fees (Please provide the yearly budget amount of your organization and also the yearly membership fees in USD)

The answer is related to the above answer. No lawyer pays membership fees.

1-4-10 Journal, Newsletter, Website

None

1-4-11 Other Bar Associations (including the provincial associations) in the Country and the Number of Members of such Other Organizations

There will be an Association for female lawyers.

1-4-12 Qualifications To Become an Attorney

Be 5 years graduated in Law in the University.

1-4-13 Laws, Decrees or Regulations on Attorneys (Please explain if there are any laws, decrees or regulations on attorneys in your country. Please provide the JFBA an English translation if they are available.)

There is a Law, approved in the National Parliament. There is no translation into English yet. It is only in the Portuguese and Tetum, the official languages of Timor-Leste.

1-4-14 Code of Ethics and/or Rules of Professional Conduct (Please provide the JFBA an English translation if an English translation of these is available.)

There is not in English version yet. It is only in the Portuguese and Tetum, the official languages of Timor-Leste.

1-4-15 Disciplinary Functions (Please explain who has the power to take disciplinary action against members.)

There is no institution created yet. At the moment the Association of Lawyers doesn't have any power to do that. The "Ordem de Advogados", a kind of Bar Association, which is to be created will have power to do that.

1-4-16 Continuous Legal Education for Members (Please explain about the program, if any)

The continuous legal education is done by Judiciary Training Center. There is a non governmental organization, The Asia Foundation who does that too.

1-4-17 Challenges the Organization is Facing (Please briefly explain the problems and challenges your organization is currently facing.)

Need more training and to create conditions for working. It means need to have finance for that.

II Legal Aid

2-1 Please describe briefly the history of legal aid in your country.

The legal aid is supported and financed by foreign non governmental organizations, such as The Asia Foundation and others. The legal aid in Timor-Leste is established as association. It is composed by lawyers and paralegals. These associations are in the main districts in the country.

2-2 Please outline the legal aid organization and its programs.

The ONG support financially the legal aid organization and give them training.

2-2-1 Name of the legal aid organization/head office location

There are in the following districts : Dili, Baucau, Suai and Oecusse.

2-2-2 When was the above organization established?

There were, before, more groups of legal aid. As the Non Governmental Organizations come and go the legal aid groups died because of the lack of finance. Now there are few that survived.

2-2-3 Please describe briefly the organization structure such as branches and other offices.

See the answer above in number 2-1

2-2-4 Please explain about the organization's service delivery model such as salaried legal professional (staff attorney) and/or private legal professional (judicare).

2-2-5 Please explain about the budget for the legal aid system.

2-2-6 How many recipients have received the legal aid assistance in main legal aid programs in recent years?

2-2-7 Please explain about the main activities of the legal aid organization, including entitlement to legal aid and reimbursement of the assisted legal aid costs

The main activity is to help people in the cases in the Court and also mediation. Give the people the necessary legal information.

2-3 What are the future issues or challenges with respect to the legal aid system in your country?

The legal aid need to be controlled. The institution that should control is the “Ordem de Advogados”, or Bar Association but it must also be controlled by the Ministry of Justice. Because the non governmental organizations wants to control the judicial system of the country and they are very dangerous for a post conflict country. They try to impose their policies and make interferences, according to the policies of who finance them, especially their Governments.

2-4 Please let me know if the legal aid organization have an English language website.

None existed in the web

III Legal consultation (other than that covered by the Legal Aid system explained in above II.)

3-1 Legal Consultation Programs (Please explain if there are legal consultation programs managed by your organization (or other institutions) other than those covered under the Legal Aid system in your country.)

None

3-2 Fees for Legal Consultation (Please explain the fee structure for such legal consultation programs.)

None

3-3 Management of the Legal Consultation Program (Please explain how such program is run by the organization.)

None

3-4 Appointment of an Attorney for Legal Consultation (Please explain how an attorney (consultant) is appointed.)

Any lawyer in my office can be consulted.

3-5 Flow to the legal representation (Please explain how such legal consultation may lead to legal representation by an attorney)

In my office, as private lawyer we may give free legal representation after having study case by case.

3-6 Number of Consultations (Please provide statistics on how many legal consultations have been carried out per year.)

At least fifteen cases in my office in a month.

IV Shortages of Lawyers in Local Areas

4-1 Is there any figure of lawyers who work in local areas in your country?

There are not enough lawyers for the people. At least there are around ten in a District.

4-2 Do you think that there are a sufficient number of qualified lawyers working for citizens in local areas in your country?

There are not enough qualified lawyers working in the Districts.

4-3 If the answer of Question 3-2 is negative, what have caused such shortage of lawyers?

The education system is not good. Most of the lawyers were studying in Indonesian universities. The quality is so low.

4-4 Does the legal aid organization or the bar association/law society has any programs in dealing with legal services in local areas in your country?

The Government is trying to raise the qualities of the lawyers through a two years program running by the “Centro de Formação Jurídica” (Juridical Training Center). There is a NGO, The Asia Foundation which also give small trainings.

4-5 If the answer of Question 3-4 is affirmative, please describe briefly such programs.

“Centro de Formação Jurídica” (Juridical Training Center) is running by the Government. It is two years programs. It is very intensive. It is given in the two official languages of Timor-Leste, which is in Portuguese and Tetum. It is a very good program. The Asia Foundation also gives small trainings on the procedure in the Courts and also how to deal with the clients.

4-6 What are the future issues or challenges with respect to the shortage of legal services in local areas in your country?

Increasing more lawyers, given them good trainings on Civil Law, which is the system of Timor-Leste. Following and improving the existed system, which is the Civil Law and not to mix more system which only complicates. Paying good salaries and give other incentives to the lawyers.

V Other Obstacles to Hinder Access to Justice

5-1 Are there any obstacles to hinder access to justice other than the problems with the legal aid system and the shortage of lawyers in local areas?

The people need more information on justice system. More than half of the Timorese people are illiterate. Not everybody has television at home or radio. If they have television or radio there is no power. The Government needs to develop a good information system in order to reach the people.

5-2 If the answer of Question 4-1 is affirmative, please describe briefly such obstacles.

There are not conditions to work in the districts. No transportation. There are remote areas that the public transportation doesn't reach. The lawyers prefer to concentrate in Dili, the capital of the country. The salary is not good. There are no incentives for people to work in the districts.

5-3 Please explain briefly the educational system to produce qualified lawyers in your country.

The educational system should be in the official languages (Portuguese and Tetum) of my country. Not in English or any other foreign languages because we use in the Court our official languages. The system must be the Civil Law system and not the Common Law. We need good law teachers who can understand not only the system but also the reality of Timor-Leste.

5-4 Do you think that your country has enough lawyers to substantiate the access to justice?

We have enough lawyers but their quality is very low. If the quality is low the access to justice continues to be difficult for everybody.

5-5 Do you think that your country produces newly qualified lawyers every year to substantiate the access to justice?

No, I don't think so.

5-6 If the answer of Question 4-4 or 4-5 is negative, please describe briefly the reason for such shortage and your thoughts on how to solve such problems.

Already explain in the referred numbers.

VI Cooperation with Foreign Organizations

6-1 Please explain the details of recent and future projects relating to any of the above discussed issues in your country, in regard to which any foreign (governmental or non-governmental) organizations are providing assistance.

Timorese always assumed that any foreign Non Governmental Organizations pursue the policy of their own countries. It means that the main objective is not helping the people or the country that they say to go for helping them. The experiences talk by themselves. In ten years of independence we have witness some interesting things. Some non governmental organizations have become like jokes among Timorese. The Timorese believe that the last thing that the Non Governmental Organizations would do is for Timor-Leste and its people. However there are some Non Governmental Organizations who were more balanced between their Governmental objectives and the Timorese objectives. We don't trust them either but we can work together because it is acceptable.

VII Others

7-1 Recent Judicial Movement

Please describe briefly the recent movements or topics in the legal community, including the bar association/law society in relation to the topics above.

7-2 Comments

Please fill in any comments or your thoughts to way to achieve the well-organized access to justice in your country.