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JUDICIAL ORGANIZATION LAW

The administration of justice is one of the most important sovereign functions of a democratic state under the rule of law, exercised on behalf of the people through the courts, with independence from the legislative and executive powers.

And because of this, one of the first and most complete regulations approved by the United Nations Transitional Administration (UNTAET) was on the judicial organization of the territory (Regulation 2000/11, March 6).

More than 20 years later, much has changed in the legal system of Timor-Leste. However, the aforementioned UNTAET Regulation is still in force and contains the essentials of the country's judicial organization, namely its division into four judicial districts, Baucau, Dili, Oe-Cusse Ambeno and Suai.

Other diplomas have subsequently regulated the rules of procedure, the status of legal professionals, particularly judges, prosecutors, public defenders and lawyers, and other aspects essential to the proper functioning of the administration of justice, such as the services of the judicial secretaries, court support services and judicial vacations.

However, this law is the first since independence of Timor-Leste, to regulate the organization and functioning of the courts, creating conditions for, finally, the establishment of the Courts foreseen in the Constitution of the Republic.

For this purpose, the norms that govern the organization and functioning of the Supreme Court of Justice, foreseen in Article 124 of the Constitution of the Republic, are approved.

Likewise, a legal framework is approved that will allow for the future installation of administrative and fiscal courts, a category of courts provided for in Article 129 of the Constitution of the Republic, once the diplomas that will deal with the organization, functioning and competencies of these courts, and the rules of procedure, that have been approved.

On the other hand, the current district courts will be succeeded by the first instance judicial courts created by the present law. It is foreseen the possibility of splitting these judicial courts of first instance into courts of specialized competence in civil matters, in criminal matters and also, whenever the volume and complexity of the cases committed to a particular judicial court of first instance justifies it, in family and juvenile matters.

Thus, the National Parliament enacts, pursuant to Article 96 (1) (c) of the Constitution of the Republic, to be valid as law, the following:

**TITLE I
GENERAL PROVISIONS**

**Article 1
Object**

1. This law establishes the framework rules and organization of the judicial system.
2. The judicial system shall adopt a flexible organization in which, under the terms of this law, the composition, organization and structure of the courts shall be adjusted according to circumstances, demand and availability.

**Article 2
Courts**

1. The courts are organs of sovereignty with jurisdiction to administer justice on behalf of the people.
2. In administering justice, it shall be the duty of the courts to ensure the protection of legally protected rights and interests, to repress violations of democratic legality, and to settle conflicts of public and private interests.
3. Every individual shall be guaranteed the inviolable right to a hearing and to a defense in any process, namely during the preliminary examination phase of the accusation, to be carried out by a public defender, a lawyer or, in cases prescribed by law, by the Public Prosecutor's Office, and shall also have the right to appeal, under the terms of the law.
4. The provisions of the previous number do not prejudice recourse to alternative means of dispute resolution.

**Article 3
Independence of the courts**

1. The courts shall be independent and shall be subject only to the Constitution and the law.
2. The courts shall enjoy administrative, financial and patrimonial autonomy.

**Article 4
Judges**

1. The judicial function shall be the exclusive responsibility of judges, invested in accordance with the law.
2. Judges shall be governed by the provisions of the Constitution and the respective statute.

3. In the exercise of their duties, judges shall be independent and owe obedience only to the Constitution, the law and their conscience.
4. The law shall determine the requirements and rules for the recruitment of judges.
5. Judges are irremovable and cannot be suspended, transferred, retired, or dismissed except under the terms of the law.
6. To guarantee their independence, judges may not be held responsible for their judgments and decisions, except in cases provided for by law.
7. The independence of judges shall also be ensured by the existence of a private body for the management and discipline of the judiciary and by not being subject to any orders or instructions, except for the duty to obey the decisions handed down by higher courts on appeal.

Article 5 **Guarantees and incompatibilities**

1. The Superior Council of the Judiciary shall be responsible for the appointment, assignment, transfer and promotion of judges and for the exercise of disciplinary action, under the terms of the law.
2. Serving judges may not perform any other public or private duties, except teaching or legal research, without remuneration, under the terms of the law.
3. Serving judges may not be appointed to service commissions without the authorization of the Superior Council of the Judiciary.

Article 6 **Public Prosecutor's Office**

1. Under the terms of the Constitution, the Public Prosecutor's Office shall constitute a hierarchically organised magistracy, which shall be subordinate to the Attorney General of the Republic and shall be responsible for representing the state, bringing criminal prosecutions, defending minors, the absent and the incapacitated, defending democratic legality and promoting compliance with the law.
2. The Public Prosecutor's Office has its own statute, which sets out the guarantees and incompatibilities of the respective magistrates and their subjection to the criteria of legality, objectivity, impartiality and obedience to the directives and orders provided for therein.

Article 7
Lawyers

1. Lawyers participate in the administration of justice and shall be exclusively responsible, subject to the exceptions provided for by law, for representing the parties and, to that end, they shall not be impeded before any jurisdiction, authority, or public or private entity.
2. In the exercise of their activity, lawyers enjoy technical discretion and are only bound by criteria of legality and the deontological rules of the profession.
3. To guarantee the free and independent exercise of the representation of parties, the law shall ensure lawyers the right to the protection of professional secrecy and the right to special protection of communications with those they represent, as well as the inviolability of documents relating to the exercise of the profession.

Article 8
Public defenders

1. Public defenders are responsible for providing free legal assistance to citizens who need it due to their situation of economic or social deprivation, under the terms of the Statute of the Public Defender.
2. Public defenders shall also ensure the representation in criminal proceedings of defendants who have not constituted a lawyer, and shall intervene in all other cases in which the law determines the ex officio appointment of a public defender.

Article No. 9
Officers of justice

Court clerks shall ensure the regular conduct of court proceedings and shall perform the other functions established in law.

Article 11
Judicial protection

1. Everyone shall be guaranteed access to the courts to defend their legally protected rights and interests, and justice shall not be denied to anyone due to a lack of financial means.
2. Everyone shall have the right to legal information and consultation, legal counsel and to be accompanied by a lawyer or public defender before any authority, under the terms of the law.
3. The law shall regulate access to the courts in the event of insufficient financial means.

Article 12
Court rulings

1. Court decisions that are not of a mere administrative nature must state the reasons on which they are based, in accordance with the law.
2. Court decisions shall be binding on all public and private entities and shall prevail over the decisions of any other authorities.
3. The law shall regulate the terms for enforcing court rulings against any authority and shall determine the sanctions to be applied to those responsible for their non-compliance.

Article 13
Publicity hearings

Court hearings shall be public, unless the law or the court itself decides otherwise in a reasoned order to safeguard personal dignity and public morals or to ensure its normal functioning.

Article 14
Judicial year

1. The judicial year corresponds to the calendar year.
2. The opening of the judicial year shall be marked by a formal sitting of the Supreme Court of Justice, presided over by the President of the Republic.

Article 15
Judicial vacations

The judicial vacations shall be from 1 August to 15 September.

Article 16
Shifts

Courts shall organize shifts to ensure urgent service during the judicial vacations.

Article 17
Coadjuvation

1. In the performance of their functions, the courts shall have the right to assistance from the authorities.
2. The provisions of the preceding paragraph shall cover, whenever necessary, the guarding of the premises and the maintenance of order by the security forces.

Article 18
Judicial Organization

1. The judicial organisation of East Timor shall comprise judicial courts, administrative, tax and accounting courts, and military courts.
2. The competence, organisation, composition and operation of military courts shall be established by separate law.
3. Arbitration courts may be created, as well as instruments and forms of non-jurisdictional conflict resolution.

Article 19
Extent and limits of jurisdiction

1. In the internal legal order, jurisdiction shall be divided among courts according to subject matter, rank and territory.
2. The law of procedure shall determine the factors on which the international jurisdiction of the courts depends.
3. The law of procedure shall indicate the factors which determine the competent court or tribunal in each case.

Article 20
Establishment of the jurisdiction of a court

1. The jurisdiction of a court shall be established at the time the action is brought, and any subsequent change in fact shall be irrelevant except in cases specifically provided for by law.
2. Any subsequent change in the law shall likewise be irrelevant, unless the court to which the case was assigned is abolished or is given jurisdiction which it originally lacked for the hearing of the case.

Article 21
Prohibition of removal

No case may be moved from the competent court to another, except in cases specifically provided for by law.

**TITLE II
COURTS OF JUSTICE**

**CHAPTER I
GENERAL PROVISIONS**

**Article 22
Judicial courts**

The following are judicial courts:

1. The Supreme Court of Justice;
2. The Court of Appeal;
3. Thirteen judicial courts of first instance, designated by the name of the municipality or Special Administrative Region where they are based.

**Article 23
Jurisdiction by reason of subject matter**

1. The courts of justice shall have jurisdiction for cases that are not assigned to another category of court.
2. The present diploma determines the competence based on the subject matter among the courts of the judicial courts of first instance, establishing the cases that are attributed to the courts of specialized competence.

**Article 24
Jurisdiction by Hierarchy**

1. The courts of justice are hierarchical for the purposes of appeal against their decisions.
2. As a rule, in civil cases, the Supreme Court of Justice shall hear appeals in cases whose value exceeds the jurisdiction of the Court of Appeal and the Court of Appeal shall hear appeals in cases whose value exceeds the jurisdiction of the courts of first instance.
3. In criminal matters, jurisdiction is defined in the respective procedural law.

**Article 25
Courts of Appeal**

1. In civil matters, the jurisdiction of the Court of Appeal shall be US \$5,000 (five thousand US dollars) and that of the courts of first instance shall be US \$1,000 (one thousand US dollars).
2. In criminal matters there is no limitation, subject to the procedural provisions regarding the admissibility of appeals.

3. The admissibility of appeals on the basis of the limits shall be governed by the law in force on the date on which the action was brought.

Article 26
Jurisdiction of the courts of first instance

The courts of first instance shall have territorial jurisdiction corresponding to the area of the municipality or the Special Administrative Region of Oe-Cusse Ambeno where they are established, except for Dili which includes the territory of the municipalities of Dili and Atauro.

CHAPTER II
THE SUPREME COURT OF JUSTICE

Section I
Definition, jurisdiction, composition, organization and functioning

Section 27
Definition and jurisdiction

The Supreme Court of Justice is the highest body in the hierarchy of judicial courts and the guarantor of the uniform application of the law, with jurisdiction throughout the national territory.

Article 28
Powers of cognition

Except as otherwise provided by law, the Supreme Court of Justice shall only sit on matters of law.

The Supreme Court of Justice shall also administer justice in matters of legal, constitutional and electoral nature.

Article 29
Seat

The Supreme Court of Justice shall have its seat in Dili.

Article 30
Composition and appointment of judges

1. The Supreme Court of Justice shall consist of seven judges, at least four of whom shall be career judges; magistrates from the Public Prosecution Service and jurists of recognized merit may be appointed to the remaining positions.

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2. One of the judges shall be elected by the National Parliament and the others shall be appointed by the Supreme Judicial Council, in accordance with the provisions of Article 125(2) of the Constitution of the Republic.
3. The Supreme Court of Justice shall have a President and a Vice-President.
4. The judges of the Supreme Court of Justice shall be appointed as counsellor judges.

Article 31 **Requirements for eligibility**

Timorese citizens in the full enjoyment of their civil and political rights who are career judges, magistrates of the Public Prosecution Service, or jurists of recognized merit may be elected or appointed as Supreme Court justices.

Article 32 **Replacement**

1. The judges of the Supreme Court of Justice shall be successively replaced by their peers and, should this not be possible, by the most senior judges in the highest category exercising functions at the Court of Appeal who have not intervened in the case.
2. In the event of equal seniority, the substitute judge shall be the oldest.

Article 33 **Organization**

1. The Supreme Court of Justice shall be organized in plenary session and in chambers.
2. The Supreme Court of Justice shall have a Chamber for civil matters and a Chamber for criminal matters.
3. The Bench of the Supreme Court of Justice shall consist of all the judges of the Court.
4. The judges shall sit alternately to the right and left of the President, beginning with the Vice President and the others in order of seniority.

Article 34 **Quorum and functioning**

1. The Supreme Court of Justice, in plenary session, may only function when at least five judges of the Court are present, including the President or the Vice-President.
2. The Supreme Court, in chambers, may not function unless a majority of its judges and counsellors are present, including the President or the Vice-President.

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3. The Supreme Court of Justice shall function
4. In chambers, as a court of first instance, in cases provided by law.
5. In plenary session, as a court of second and sole instance, in cases expressly provided for by law.

Article 35 Deliberations

1. Decisions shall be taken by plurality of the votes of the advisory judges present.
2. Each Judge Counselor shall have one vote and the President, or the Vice-President when replacing him, shall have a casting vote.
3. The Judge Counselors have the right to cast a dissenting vote.

Section II Chairman and Vice-Chairman

Section 36 Appointment and term of office of the President

1. The President of the Supreme Court of Justice shall be appointed by the President of the Republic for a term of office of four years from among judges appointed to the Court, to be ratified by the National Parliament, under the terms established in the Constitution.
2. The outgoing President shall remain in office until the new President takes office.
3. The President of the Supreme Court of Justice shall be sworn in by the President of the Republic in the presence of the remaining judges.
4. In his or her absences or impediments, the President of the Supreme Court of Justice shall be replaced by the Vice President and, in the absence of the Vice President, by the most senior judge counselor on the court.

Article 37 Powers of the President

1. It shall be incumbent upon the President of the Supreme Court of Justice:
 - a) To represent the Court and the judiciary, taking precedence among all the judges;

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- b) Direct the Court, superintend its departments, ensure its normal functioning and issue such orders as he deems necessary
 - c) To preside over the plenary session, section meetings and conferences, when he/she attends them
 - d) Exercising disciplinary action over the court officers in service at the Court, in relation to disciplinary infractions punishable with a penalty less than a fine
 - e) Investiture of the Vice-President, the Counselor Judges, the Judge Secretary of the Superior Council of the Judiciary, and the Director-General of the Courts;
 - f) Investiture of the President, Vice-President and judges of the Court of Appeal
 - g) Investiture of the judges administrators and judges of the judicial courts of first instance, and of the Judicial Secretary
 - h) Approve the schedules of the ordinary sessions and convene extraordinary sessions
 - i) To preside, whenever it deems appropriate, over conferences, without the right to vote
 - j) Judge conflicts of competence between the sections of the Supreme Court of Justice and between the Supreme Court of Justice and the other judicial courts;
 - k) To suspend or reduce the distribution of cases to Counselor Judges when, for important reasons, this is justified
 - l) Proceed with the redistribution of cases when, in the exclusive interest of the good progress of the cases, this is deemed indispensable, namely in cases of prolonged impediment of the rapporteur
 - m) Organizing shifts to ensure the urgent service during vacation periods, after hearing the judges and, whenever possible, 60 days in advance
 - n) Directing and promoting the actions of cooperation and international relations
 - o) Perform other duties provided by law.
2. The President may delegate to the Vice President the powers vested in him.
 3. The President shall not sit on the Chambers and shall not be assigned cases to report.

Article 38
Election of the Vice-President

1. The Vice-President shall be elected by the Advising Judges by secret ballot.
2. The Judge who obtains more than half of the validly cast votes shall be elected Vice-President.
3. In the event that none of the judges obtains the number of votes referred to in the previous paragraph, a second ballot shall be held, in which only the two judges who receive the most votes shall run, and in the event of a tie, the criterion of seniority on the court shall apply.
4. In the event of a tie in the second ballot, the oldest in the category shall be deemed elected Vice President.

Article 39
Term of office of the Vice-President

1. The Vice President shall be elected for a four-year term of office and shall cease to hold office upon the assumption of duties by the person who replaces him/her.
2. Re-election is permitted once only.

Article 40
Powers of the Vice-Chairman

The Vice President shall be responsible for the exercise of his/her functions and shall substitute him/her in his/her absences and impediments.

Section III
Plenary

Section 41
Jurisdiction of the Plenary Session

1. It shall be incumbent upon the Plenary of the Supreme Court of Justice, as a court of second instance
 - a) To hear appeals from decisions rendered at first instance by the Supreme Court of Justice;
 - b) Exercise the other powers conferred by law.
2. Distribution shall be made to the exclusion of the reporting judge of the ruling that is the subject matter of the appeal.

Section 42
Jurisdiction of the plenary in single instance

1. The plenary of the Supreme Court of Justice, as a court of sole instance, shall be responsible for
 - a) To try the President of the Republic for clear and serious violations of the Constitution;
 - b) To review and declare the unconstitutionality and illegality of legislative and normative acts of state bodies;
 - c) Pre-emptively verifying the constitutionality and legality of legislative acts and referenda;
 - d) Judge requests for verification of the unconstitutionality by omission of legislative measures submitted under the terms of article 151 of the Constitution
 - e) Verifying the legality of the establishment of political parties and their coalitions, ordering their registration and declaring the loss of the respective status, under the terms of the Constitution and the law
 - f) Standardizing the jurisprudence of the Supreme Court of Justice under the terms of the Procedural Law
 - g) Exercising the other powers conferred by law.
2. It is incumbent upon the plenary session of the Supreme Court of Justice, as a court of sole instance, to rule on appeals from court decisions;
 - a) That refuse to apply a norm, on the grounds of unconstitutionality;
 - b) That apply a rule whose unconstitutionality was raised during the proceedings;
 - c) Refusing to apply a rule contained in a legislative act on the grounds that it is illegal;
 - d) Applying a rule that has already been declared unconstitutional by the Supreme Court of Justice itself;
 - e) Refusing to apply a rule contained in a legislative act on the grounds that it is contrary to an international convention or applies it in disagreement with a prior decision of the Supreme Court of Justice itself;
 - f) Exercise the other powers conferred by law.

Article 43
Electoral Jurisdiction

It shall be incumbent upon the plenary session of the Supreme Court of Justice, as a single instance court, in the specific area of elections

- a) To verify the legal requirements for candidacies for President of the Republic and Member of the National Parliament;
- b) Judge, in the last instance, the regularity and validity of the acts of the electoral process, under the terms of the respective law;
- c) Validate and proclaim the results of the electoral processes referred to in paragraph a);
- d) Exercise the other competencies conferred by law.

Section IV
Sections

Section 44
Composition and Chairmanship

- 1. A minimum of three judges shall constitute a Chamber.
- 2. The President of the Chamber shall be elected by secret ballot from among its members.

Article 45
Specialisation of competences

- 1. The Supreme Court of Justice shall comprise Chambers in civil and in criminal matters.
- 2. The civil section shall hear cases that are not assigned to the criminal section, and the criminal section shall hear criminal cases.

Article 46
Jurisdiction of the chambers

- 1. It is up to the sections, according to their specialization:
 - a) To hear appeals;
 - b) Trial the President of the Republic, the Speaker of the National Parliament and the Prime Minister for crimes committed in the exercise of their functions
 - c) Try cases involving crimes committed by judges of the Supreme Court of Justice and the Court of Appeal and magistrates of the Public Prosecutor's Office who

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exercise functions before those courts, as well as appeals concerning administrative offences committed by them;

- d) Judge civil actions brought against judges of the Supreme Court of Justice and the Court of Appeals and magistrates of the Public Prosecutor's Office who exercise functions before these courts, due to their functions;
 - e) To hear petitions for habeas corpus due to illegal detention or imprisonment
 - f) Judge conflicts of jurisdiction between judicial courts and administrative and tax courts, with the Vice President of the High Administrative, Tax and Audit Court intervening as an assistant in the respective judgment
 - g) Hear requests for revision of criminal sentences that contain sentences that are irreconcilable with the national legal system and decree their annulment, suspension and revision, replacing them with corresponding sentences
 - h) Decide on the request for attribution of jurisdiction to another court of the same kind and hierarchy, in cases of obstruction to the exercise of jurisdiction by the competent court;
 - i) Judge, through the rapporteur, the terms of the appeals assigned to it by the procedural law
 - j) To practice, in accordance with the procedural law, the jurisdictional acts related to the investigation in the cases referred to in paragraphs b) and c);
 - k) Exercise the other competencies conferred by law.
2. Outside the cases provided for in the procedural law and in paragraphs (i) and (j) of the preceding paragraph, the trial shall be carried out by three judges, with one judge acting as rapporteur and the other judges as assistants.
 3. The intervention of the Judges in the judgment shall, in accordance with the law of procedure, be in the order of precedence.

Article 47 **Filling of sections**

1. The President of the Supreme Court of Justice shall assign the Judges to the Chambers, taking into account successively their degree of specialization, the convenience of the service and the preference expressed.
2. The Judges of a Chamber may be attached to another Chamber, accumulating functions, always taking into account the criteria established in the preceding paragraph.

3. The President of the Supreme Court of Justice may authorise a change of chamber or an exchange between judges of different chambers, in accordance with the provisions of paragraph 1 above.
4. The President of the Supreme Court of Justice may determine the temporary change of a judge's section when, due to impediment or illness, this is necessary to ensure the minimum number established by this law.
5. When the reporting judge moves to a new bench, he or she shall retain his or her powers and those of his or her deputies who have been granted leave to sit for trial.

CHAPTER III COURT OF APPEAL

Article 48 Seat and territorial jurisdiction

The Court of Appeal shall have its seat in Dili and jurisdiction throughout the national territory.

Article 49 Composition and appointment of judges

1. The Court of Appeal shall consist of nine judges, without prejudice to the possibility that a higher number of judges may be established by decree-law, after consultation with the Superior Council of the Judiciary.
2. The judges are appointed by the Superior Council of the Judiciary, from among the judges of law, under the terms of the Statute of Judicial Magistrates.
3. The judge of the Court of Appeal has the designation of Judges.

Article 50 Organization and operation

1. The Court of Appeal shall operate in Plenary and in two Chambers, one civil and one criminal.
2. The Plenary shall be composed of all sitting Judge Magistrates and may only sit with at least half of its members.
3. The criminal chamber shall hear criminal and misdemeanor cases, and the civil chamber shall hear all other cases.
4. In addition to the sections mentioned in paragraph 1, the Court of Appeal may also comprise specialized sections, whose installation depends on the volume or

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complexity of the work, created by decree-law, after consultation with the Superior Council of the Judiciary.

5. Sessions shall be held in accordance with a schedule, and the date and time of the hearings shall be included in a table posted, in advance, in the lobby of the court.

Article 51 **Jurisdiction of the Court**

1. It shall be incumbent upon the Court of Appeal, sitting in plenary session, to exercise the powers conferred by law.
2. It shall be incumbent upon the Chambers, according to their specialization:
 - a. Judge appeals from decisions of the judicial courts of first instance;
 - b. Judge civil actions brought against first instance judges and public prosecutors because of their functions;
 - c. Judge cases of crimes committed by judges of first instance and public prosecutors, and appeals in counter-organizational matters concerning them;
 - d. Judge international judicial cooperation proceedings in criminal matters;
 - e. Judge the revision and confirmation of foreign sentences, without prejudice to the competence legally attributed to other courts;
 - f. To judge, through the rapporteur, the terms of the appeals assigned to it by the procedural law
 - g. Perform, under the terms of the procedural law, the jurisdictional acts related to the inquiry and proceed with the preliminary examination of the accusation in the proceedings referred to in paragraph c) of this article;
 - h. Judge appeals from decisions of the military courts of first instance, with the assistance of a military officer;
 - i. Exercise the other competencies conferred by law.
3. Outside the cases provided for in the procedural law, the trial shall be carried out by three judges, one of whom shall be the reporting judge and the others the assistants.
4. The intervention of the judges at the trial shall, in accordance with the law of procedure, be in the order of precedence.

Article 52
President

1. The President shall be elected by the Judges of the Court by secret ballot from among the Judges appointed to the Court for a term of four years, which shall be renewable.
2. The provisions for election of the Vice-President of the Supreme Court shall apply to the election of the President.
3. It shall be incumbent upon the President of the Court of Appeal:
 - a. Represent the court;
 - b. Preside over the plenary session of the court, where, in the event of a tie, he has a casting vote
 - c. Preside over the plenary sessions of the specialized sections and, when attending or participating in them, the conferences
 - d. Approve the tables of the ordinary sessions and convene the extraordinary sessions;
 - e. Appoint the loser in the conferences;
 - f. Direct the court, supervise its services and ensure its normal functioning, issuing the service orders that he/she deems necessary
 - g. To judge conflicts of jurisdiction between courts of first instance
 - h. Deciding on complaints against the dismissal or withholding of appeals at first instance
 - i. To distribute the Judges among the Chambers, taking into account their degree of specialization, the convenience of service, and the preference manifested
 - j. Proceed with the redistribution of cases in cases of prolonged impediment of the Rapporteur
 - k. Organizing shifts to ensure urgent service during vacation periods, after hearing the judges and, whenever possible, 60 days in advance
 - l. Exercising disciplinary action over the court officers in service at the court, in relation to penalties of lesser gravity than the penalty of fine
 - m. Exercise the other functions conferred by law.

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4. Appeals may be lodged with the Plenary of the Supreme Judicial Council against decisions under the terms of paragraph I) of no. 3.
5. The President shall be assisted by the Vice President, to whom he or she may delegate representation duties.
6. The President shall have a 50% reduction in the distribution of cases to be reported.

Article 53 **Subsidiary application**

The provisions contained in Articles 36, 38, 39, 40 and 44 shall apply to the Court of Appeal, with the necessary adaptations.

CHAPTER IV **COURTS OF FIRST INSTANCE**

Section 1 **General provisions, organization and operation**

Article 54 **Definition**

The courts of first instance shall be designated by the name of the municipality or Special Administrative Region in which they are established.

Article 55 **Jurisdiction**

1. It shall be incumbent upon the courts of first instance to prepare and hear cases involving matters not covered by the jurisdiction of other courts.
2. The courts of first instance shall be courts of general jurisdiction or courts of specialized jurisdiction, depending on the cases assigned to them.

Article 56 **Breakdown**

1. The courts of first instance may be divided into courts of general or specialized jurisdiction, to be defined by decree-law, after consultation with the Superior Council of the Judiciary, the Superior Council of the Public Prosecution Service, the Superior Council of the Public Defender's Office and the Bar Association.
2. The specialized courts may be:
 - a) civil;
 - b) Criminal;
 - c) Family and minors.

Article 57
Functioning

1. The courts of first instance shall function as a single court or as a collective court, in accordance with the provisions of the procedural law.
2. One or more judges of law shall sit on each court or tribunal.
3. The law may provide for the collaboration of qualified technical experts when the trial of the factual matter depends on special knowledge.
4. The collective court shall be composed of three judges.

Article 58
Substitution of judges

Law judges shall be replaced, when they are absent or prevented from attending, in accordance with the following successive criteria:

- a) By the judge of the next judge of the same jurisdiction of the same court, the judge of the latter court being replaced by the judge of the former court;
- b) By a judge from another jurisdiction of the same court, chosen by drawing lots by the judge administrator;
- c) A judge from the court with the closest seat, of the same instance and jurisdiction, chosen by lot by the Judge Administrator;
- d) (d) a judge of the court with the nearest seat, of the same instance, chosen by lot by the judge administrator.

Article 59
Panel of judges

1. The number of judges shall be established by a joint ministerial instrument issued by the members of the Government responsible for the areas of finance and justice, upon proposal of the Superior Council of the Judiciary.
2. When judges are seconded, they shall receive subsistence allowance under the terms of the general law and for an unlimited period of time.
3. The remuneration of auxiliary judges shall correspond to that which they would receive if they were performing duties as permanent members of the courts to which they are assigned.

Article 60

Distribution shifts

1. In courts with more than one judge, there is a shift judge, who presides over distribution and decides on distribution-related matters.
2. With the exception of those which take place during judicial vacations, shifts are fortnightly and begin on the 1st and 16th of each month, following the order of numbering of the courts and, in the courts with more than one judge, the order of seniority of the judges.

Article 61

Urgent service shifts

1. In addition to the shifts referred to in Article 16, shifts shall also be organised in order to ensure urgent service as provided for in the Code of Criminal Procedure, the International Criminal Judicial Cooperation Act, the Mental Health Act, the Act on the Protection of Children and Young People at Risk and the Act on the Entry, Stay, Exit and Removal of Foreigners from National Territory, which must be performed on Saturdays, on public holidays falling on Mondays and on the second public holiday in the case of consecutive public holidays.
2. The organization of the shifts referred to in Article 16 and in the previous paragraph and the preparation of the respective map shall be the responsibility of the judge-court administrator, after hearing the judges and, whenever possible, 90 days in advance.

Section II

Management

Article 62

Judge administrator

In each court of first instance there is a judge administrator.

Article 63

Appointment

1. The Judge Administrator shall be appointed, by choice, by the Superior Council of the Judiciary, by commission in service, for a period of three years, from among judges who effectively exercise functions as judges of law and have five years of effective service in the courts and a grade of no less than "Good".
2. The service commission shall not give rise to a vacancy and may be terminated at any time by reasoned decision of the Superior Council of the Judiciary.

3. The judge administrator is replaced, in his/her absences or impediments, by the most senior judge of the respective court.

Article 64

Renewal

The service commission of a judge administrator may be renewed once, upon favorable evaluation by the Superior Council of the Judiciary, considering the manner in which he/she performed such duties.

Article 65

Competences

1. The judge administrator has competencies of representation and direction, of procedural, administrative and functional management.
2. The judge administrator shall have the following representation and direction competencies
 - a) representing and directing the court;
 - b) Accompany the accomplishment of the objectives established for the court services by the employees;
 - c) Promote the holding of planning meetings and evaluation of court results, with the participation of the judges and or staff;
 - d) Adotar ou propor às entidades competentes medidas, nomeadamente, de desburocratização, simplificação de procedimentos, utilização das tecnologias de informação e transparência do sistema de justiça;
 - e) Elaborar, para apresentação ao Conselho Superior da Magistratura Judicial, um relatório anual sobre o estado dos serviços e a qualidade da resposta.
3. The judge administrator has the following functional competences:
 - a. To empower the judicial secretary, the judicial officers and the clerks;
 - b) To submit the shift schedules referred to in Section 61(2) to the Superior Council of the Judiciary for approval
 - c) To authorize the vacation leave of the persons mentioned in paragraph a) and approve the respective annual maps
 - d) Exercise disciplinary action over bailiffs and employees in service at the court in relation to penalties of lesser gravity than fines and, in all other cases, initiate disciplinary proceedings if the infraction occurs at the respective court.

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4. The judge administrator has the following procedural management powers:
 - a) To propose to the Superior Council of the Judiciary working methods and measurable objectives for the court when necessary;
 - b) To monitor the court's procedural movement, identifying, namely, the cases that are pending for time considered excessive or that are not solved in time considered reasonable, informing the Superior Council of the Judiciary and proposing the measures that are justified
 - c) To suggest the application of procedural simplification and agility measures
 - d) To propose to the Superior Council of the Judiciary the reallocation of judges, with their agreement, within the judicial court of first instance, with a view to a rational and efficient distribution of the service
 - e) Proceeding with the reallocation of bailiffs and clerks within the respective court and within the legally defined limits.
5. The judge administrator has the following administrative powers:
 - a) Make proposals for the court's budget;
 - b) (b) Drawing up the annual and multi-annual activity plans and activity reports;
 - c) Drawing up the internal regulations for the court of first instance and its respective judiciaries; d) Proposing the budget amendments deemed appropriate;
 - e) Proposing the budget amendments deemed appropriate
 - d) Proposing budget amendments as deemed appropriate
 - e) Participating in the conception and execution of court organization and modernization measures
 - f) Planning human resource needs.
6. The judge administrator shall also exercise the powers delegated to him or her by the Superior Council of the Judiciary.

Section III Courts of general and specialized jurisdiction

Article 66 Courts of general jurisdiction

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1. The courts of generic jurisdiction shall have jurisdiction in their respective territorial areas to hear all cases that have not been assigned to another court.
2. The courts of general jurisdiction shall also have jurisdiction to
 - a) Exercise, within the scope of the enforcement proceedings, the competences provided for in the Code of Civil Procedure;
 - b) Execute the warrants, letters, official documents and communications addressed to them by the courts or competent authorities
 - c) To judge the appeals of the administrative authorities' decisions in administrative infraction proceedings;
 - d) Exercise the other competencies conferred by law.

Article 67 Criminal Courts

The criminal courts are responsible for:

- a) The preparation, trial and subsequent terms of criminal cases;
- b) The jurisdictional functions related to the inquiry;
- c) Proceeding with the measures to guarantee property provided for in the Code of Criminal Procedure;
- d) The trial of appeals from decisions made by administrative authorities in administrative offence proceedings;
- e) Monitoring and supervising the execution of sentences or measures depriving prisoners of their liberty, as well as guaranteeing their rights, pronouncing on the legality of the decisions of the prison services in the cases and under the terms the legality of the decisions of prison services in the cases and under the terms foreseen by law;
- f) The execution of the costs arising from the proceedings it conducts.

Article 68 Civil courts

The civil courts shall be responsible for preparing and hearing civil cases and cases not expressly assigned to other courts or tribunals.

Article 69
Family and Juvenile Courts

1. The Family and Juvenile Courts shall prepare, hear and determine incidents concerning:
 - a) Matters relating to the civil status of persons and family, namely:
 - i. Voluntary jurisdiction proceedings concerning spouses;
 - ii. Separation of people and goods and divorce actions;
 - iii. Actions for declaration of inexistence or annulment of civil marriage;
 - iv. Actions and executions for food between spouses and between ex-spouses;
 - v. Other actions relating to the civil status of persons and family.
 - b) Matters concerning minors and adult children, namely:
 - i. Establish guardianship and administration of property;
 - ii. Constitute, convert, revoke and review the bond of adoption
 - iii. regulate the exercise of parental responsibilities and know the issues related to them;
 - iv. Decree the promotion and protection measure of con- surety to the person selected for adoption or to the institution with a view to future adoption;
 - v. authorize the minors' legal representative to perform certain acts, confirm those which have been performed without authorization and provide for the acceptance of donations;
 - vi. Proceed to the official investigation of maternity and paternity and prepare and judge actions of impugnation and investigation of maternity and paternity;
 - vii. Decide, in case of disagreement between the parents, about the name and surnames of the minor.
 - c) Educational and protective guardianship matters, specifically:
 - i. Applying promotion and protection measures and monitoring their execution, when requested, whenever a child or young person is in a situation of danger;

- ii. Assess the facts qualified by law as a crime committed by a minor between the ages of 12 and 16, with a view to applying a protective measure;
 - iii. execute, review, and terminate guardianship measures.
2. The act of creation of each family and juvenile court shall specify the competencies specifically assigned to it from among those provided for in the previous number.

TITLE III ADMINISTRATIVE, FISCAL AND ACCOUNTING COURTS

CHAPTER I ORGANIZATION

Article 70 Definition

The Administrative, Tax and Audit Courts are the category of courts of courts responsible for adjudicating disputes arising from administrative and fiscal legal relations and for the exercise of Audit jurisdiction.

Article 71 Administrative, Tax and Audit Courts

The following are administrative, fiscal and audit courts;

- (a) The High Administrative, Tax and Audit Court;
- (b) the first instance administrative and fiscal courts.

Article 72 Organisation and functioning

1. The competence, organisation and functioning of the administrative, fiscal and audit courts shall be defined by their own law.
2. The rules of procedure for administrative, tax and accounting courts shall be approved by separate law.

Article 73 Statute for judges

1. The judges of administrative, tax and accounting courts shall be governed by the Statute of Judicial Magistrates and shall be subject to the jurisdiction of the Supreme Council of the Judiciary.
2. When administrative and tax courts are established, the Superior Council of the Judiciary shall reflect in its composition the presence of representatives of judges and bailiffs from this category of courts.

CHAPTER II
SUPERIOR ADMINISTRATIVE, FISCAL AND ACCOUNTING COURT

Article 74
Definition, jurisdiction and seat

1. The High Administrative, Tax and Audit Court shall be the highest body in the hierarchy of administrative, tax and audit courts, without prejudice to the competence of the Supreme Court of Justice.
2. The High Administrative, Tax and Audit Court has jurisdiction throughout the entire national territory.
3. The High Administrative, Tax and Audit Court shall have its seat in Dili.

Article 75
Chamber of Auditors

1. The Chamber of Auditors of the High Administrative, Fiscal and Audit Court shall exercise the jurisdiction of Auditors.
2. The Chamber of Auditors of the High Administrative, Fiscal and Audit Court shall audit legality, control the regularity of public revenue and expenditure, assess good management, and exercise responsibility for financial infractions, under the terms laid down in its Organic Law.
3. The Chamber of Auditors shall have jurisdiction and financial control powers both within national territory and abroad in relation to State services, bodies or representations abroad.

Article 76
Composition of the Court

1. The judges of the High Administrative, Fiscal and Audit Court are appointed by the Superior Council of the Judiciary through curricular competition from among career judges, magistrates from the Public Prosecution Service and jurists of recognized merit.
2. In the Chamber of Auditors one or two judges are specialists of recognized merit in the field of Public Finance.
3. The judge of the High Administrative, Fiscal, and Audit Court has the designation of Councilor Judge.

Article 76
Composition of the Court

1. The judges of the High Administrative, Tax and Audit Court shall be appointed by the Superior Council of the Judiciary through curricular competition from among career judges, magistrates of the Public Prosecution Service and jurists of recognized merit.
2. In the Audit Chamber one or two judges are specialists of recognized merit in the field of Public Finance.
3. The judge of the High Administrative, Tax, and Audit Court has the designation of Councilor Judge.

TITLE IV
FINAL AND TRANSITORY PROVISIONS

Section 77
Installation of the courts

1. The Supreme Court of Justice shall be installed within 24 months from the date on which this law enters into force.
2. The Court of Appeal shall be established within a maximum period of 24 months as from the entry into force of this law.
3. The first instance judicial courts of Baucau, Dili, Oecussi Ambeno and Suai shall succeed the current district courts of Baucau, Dili, Oecussi Ambeno and Suai, and maintain their respective territorial jurisdiction.
4. When the necessary human and financial conditions have been met and the demands so require, the other first instance judicial courts will be installed by Decree-Law.
5. While not all first instance judicial courts are installed, in the installation of each new court it can be decided to extend its territorial jurisdiction to more than one municipality.

Article 78
Transition of judges from the current Court of Appeal to the new Court of Appeal

1. The judges of the current Court of Appeal shall be transferred to the new Court of Appeal when the latter is set up, for which purpose they shall lodge, before the opening of the selection procedure for judges of the Court of Appeal, a statement of acceptance of the post.
2. The Court clerks and other permanent staff of the Court shall also be transferred to the new Court of Appeal.

Section 79
Installation of courts

The Government shall be responsible for establishing the courts provided for in the present statute.

Section 80
Transitional exercise of jurisdiction by the High Administrative, Tax and Audit Court and by the administrative and tax courts

1. Until such time as the High Administrative, Tax and Audit Court and the administrative and tax courts are established, their powers shall be exercised by the courts of justice.
2. Once the Supreme Court of Justice is established, and until the High Administrative, Tax and Audit Court is established, the respective Chamber of Auditors shall be attached to the Supreme Court of Justice.

Article 81
First entry into office as a judge of the Supreme Court of Justice

1. The present transitional rules shall apply to the first filling of the posts of counsellor judge provided for in Article 125(2)(b) of the Constitution, in accordance with the provisions contained in the Constitution of the Republic and in this article.
2. Within a maximum period of 90 days after this law comes into force, the opening of the competition for the first filling of the posts of judge-counselor provided for in Article 125(2)(b) of the Constitution shall be declared by means of a Notice published in the Official Gazette by the Commission for Recruitment and Selection.
3. Candidates may apply to become Judge Counsellor:
 - a. All Judges and Prosecutors of the Republic with at least ten years of professional experience;
 - b. Jurists of recognized merit with at least fifteen years of uninterrupted or interspersed professional activity in the field of law, namely in advocacy, public defense, university teaching, or in legal counseling for public institutions, even if they have retired, retired on retirement, or have reached the age limit for leaving office, provided that they meet the health conditions and the other requirements for taking office, as defined in this law.
4. The candidates are graded according to the following criteria:
 - a) Documentary evaluation that you must take into consideration:
 - i. University, post-university and professional curricula;

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- ii. Graduation obtained in competitive examinations for qualification or entry, as well as for promotion or performance evaluation in public positions;
 - iii. Activity developed in the exercise of professions in the legal field, especially forensic, consulting, advising or legal teaching;
 - b. Evaluation Examination of the technical competencies for the exercise of the functions of Councilor Judge;
 - c. Professional interview, which must take into consideration other factors that support the suitability, merit, or qualifications of the applicants for the position of Judge Counselor.
5. The graduation and evaluation process provided for in the previous number are of a technical-legal nature and consist of the assessment of professional capacity to hold the office of Counsellor Judge, and are carried out by a jury.
6. The State Budget for 2022 contains the necessary budgetary provision for filling the posts of councilor judges.

Article 82 **Access to the Court of Appeal**

1. The present transitional rules shall apply to the filling of existing vacancies for the post of judge advocate-general of the Court of Appeal.
2. Within a maximum period of 90 days after the entry into force of this law, the opening of a competition to fill the posts of associate justice existing at the date shall be declared by means of a Notice published in the Official Gazette by the Recruitment and Selection Commission.
3. All judges who have at least eight years of professional experience may apply for the post.
4. Candidates are graded according to the following criteria:
 - a) Avaluation document that must take into consideration:
 - i. University, post-university and professional curricula;
 - ii. Graduation obtained in competitions for qualification or entry, as well as promotion or performance evaluation in the function;
 - iii. Scientific or technical work done;

- b) Examination to evaluate the technical competencies for exercising the functions of a judge-apparent;
 - c) Professional interview, which must take into consideration other factors that support the suitability, merit, or qualifications of the applicants for the position of associate judge.
- 5. The graduation and evaluation process envisaged in the previous paragraph is of a technical-legal nature and consists of the assessment of professional capacity for the post of judge advocate, and is carried out by a jury.
 - 6. The State Budget for 2022 contains the necessary budgetary provision for filling the posts of judge advocates.

Article 83

Commission for Recruitment and Selection

- 1. Within forty-five days of the date on which this law enters into force, the President of the Republic shall appoint, by decree, the Recruitment and Selection Committee for the first filling of the posts of Supreme Court of Justice judge and for the filling of the posts of Court of Appeal judge.
- 2. The Commission provided for in the preceding paragraph shall be composed of three national citizens, of which:
 - a. one appointed by the President of the Republic, who shall preside;
 - b. Two nominated by the National Parliament, proposed by the parliamentary benches, on a uninominal basis, elected by secret ballot by the Members of the National Parliament.
- 3. National citizens holding a degree in law and with at least 10 years of professional experience, consecutive or interspersed, in the exercise of the legal profession, and with vast experience in the justice sector in Timor-Leste, may be appointed to the Recruitment and Selection Committee.
- 4. National citizens exercising functions in the judiciary or the Public Prosecution Service shall be excluded from the preceding paragraph.
- 5. It is incumbent upon the Commission, within the scope of the first filling of the vacancies for judges of the Supreme Court of Justice and the filling of the vacancies for judges of the Court of Appeal, to appoint a panel responsible for conducting the documentary evaluation, the evaluation test and the professional interview of the candidates.
- 6. Only the following may be members of the jury:

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- a. Counselor judges, of superior courts of Portuguese-speaking Civilis system countries, in office or retired, in the case of competition for access to a position as a judge of the Supreme Court of Justice;
 - b. Incumbent or retired counsellor judges, or associate judges from Portuguese speaking countries with civil law systems, in the case of competition for access to a position as judge of the Court of Appeal.
7. The Commission shall communicate to the President of the Republic and the National Parliament, by the end of the third quarter of 2022, through a written report, the result of the final graduation of the contestants who meet the requirements for nomination as Councilor Judge and Deputy Councilor Judge.
8. The Commission must, until the end of the third quarter of 2022, send the Report of the final graduation of the competitors to the Superior Council of the Judiciary, so that it may proceed, within a maximum period of 30 days, to the appointment of Councilor Judges and Judges from among those qualified for that purpose by the jury.
9. The Commission shall approve the regulation of the documental evaluation, the evaluation exam and the professional interview, the final classification of the competitors as well as its internal regulation, within thirty days counting from its nomination.
10. The Commission shall have its headquarters at the National Parliament, which shall provide it with administrative and technical support, as well as any other support deemed necessary.
11. The National Parliament shall determine the form of remuneration of the members of the Commission.
12. The Commission's operating expenses shall be funded by the General State Budget, as an expense inscribed in the appropriations of the National Parliament.

Article 84 **Revocation rule**

The following are hereby repealed:

- a. UNTAET Regulation No. 2000/11 of 6 March 2000 on the Organization of the Courts in East Timor, as amended by UNTAET Regulations No. 2000/14 of 10 May 2000, No. 2001/18 of 21 July 2001 and No. 2001/25 of 14 September 2001.
- b. Article 1 of Decree-Law No. 15/2015 of June 24, which provides for judicial vacations.

Article 85
Entry into force

This law shall enter into force 90 days after the date of its publication.

Approved on October 13, 2021.

The Speaker of the National Parliament,
Aniceto Longuinhos Guterres Lopes

Promulgated on December 1, 2021. To be published.

The President of the Republic,
Francisco Guterres Lú Olo
