

**STATEMENT ABOUT THE NEW  
LEGISLATION CONCERNING PRIVATE LAWYERS IN TIMOR LESTE  
July 2008**

Since 2002, Avocats Sans Frontières has intervened in Timor-Leste to support the country in its needs for justice through strengthening the rule of law, contributing to the provision of quality legal services and promoting effective access to justice for the greatest number of the Timorese people.

In these aims, Avocats Sans Frontières has among other activities actively supported the progressive organization and training of the Timorese private lawyers, recognizing their capability to reinforce defence services and noting the need for more judicial actors.

Believing that by acting together with the Public Defenders, the private lawyers can provide quality defence services for the population, Avocats Sans Frontières has supported their initiative to create a representative body, the Asosiasaun Advogado Timor Lorosa'e (AATL), and has collaborated with them in the development of tools, training programs and structures that will allow private lawyers to be more efficient in the judicial arena.

The official recognition of the private lawyers as legitimate judicial actors buttresses the concepts of fair trial and equality of arms and contributes to upgrading the functioning of the Timorese judicial system.

**It is with great pleasure that Avocats Sans Frontières welcomes the adoption by the National Parliament of the Law<sup>1</sup> n°2/II/1 on the Regulatory Framework for Private Lawyers and Lawyer Training.**

This legislation sets the foundations for the provision of quality legal services to the population and the strengthening of the formal justice system. By setting the framework for regulating the profession of private lawyers, this legislation reinforces the provision of a quality defence and sets the foundations for effective access to justice for the most vulnerable members of the population, as guaranteed in the Constitution.

Several positive elements can be pointed out in the legislation. Among them is the definition of the training program for young lawyers embracing the profession, which combines theoretical knowledge with practical training. The fact that the transitional period defined in the legislation is on a fixed term basis is also welcomed as it sets a firm timeline during which to act.

**However**, ASF regrets that the principle of independence of private lawyers has not been asserted in the legislation. This principle is crucial to guarantee the free practice of law and even more fundamentally the right to defence for all citizens.

Moreover, Avocats Sans Frontières thinks that the establishment of concrete and defined criteria for the creation of the future Bar Association would have also been useful in advancing the profession and reinforcing its independence.

In order to realize the full impact of this legislation, ASF advocates for the regulation, systematization and organization of a national legal aid policy involving private lawyers as an essential step in enabling the people of Timor-Leste to have a broader access to the formal justice system.

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<sup>1</sup> The legislation regulating the private lawyers profession was passed by Parliament on 10 June 2008, promulgated by the President on the 14 July 2008 and announced in Jornal da Republica on 30 of July as *Lei no 112008. Regime Juridico da Advocacia Privada e da Formacao Dos Advogados*

By acting in accordance with the principles of full independence, consciousness, dignity, probity, and humanity, ASF is confident that the Timorese private lawyers will have many new opportunities. Avocats Sans Frontières intends to continue supporting their work and will fully cooperate with the national authorities to the benefit of the population of Timor-Leste.

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### ***ASF in Timor-Leste***

Avocats Sans Frontières (ASF) has worked in Timor-Leste since 2002 and uses an integrated approach to provide effective access to justice for the most vulnerable.

Working with national NGO partners, over the past few years ASF has developed a specifically adapted methodology to raise legal awareness within the communities and train selected community leaders to act within their communities as volunteer legal focal points or “Community Legal Liaisons” (CLLs). These legal focal points provide basic legal information to their community members, mediate civil disputes and make informed referrals on to available justice service providers when the problems cannot or should not be resolved at the community level.

By supporting national NGO partners to provide training about the justice system to community leaders, and by then working with the NGO partners to assist the trained community leaders to conduct community level legal awareness-raising sessions, ASF is strengthening the capacity of selected civil society organizations to engage in civic education activities about justice, in the long term.

At present ASF intervenes in the districts of Baucau and Liquisa with collaborating local NGOs (Justice and Peace Commission in Liquisa and CIESTL in Baucau and Dili) to implement the awareness raising sessions and develop strong links with the targeted communities and favors the useful coordination of all the actors intervening in the local scale to provide multidisciplinary solutions the problems of the most vulnerable.

ASF has also been actively working with a team of private lawyers to provide free basic legal advice to the population of the city of Dili, with priority given to internally displaced persons in their return process (IDPs) following the unrest of 2006 and ensuing events. The team is specially trained to provide appropriate and practical advice in simple terms, and to refer clients to other service providers who can assist them to resolve all related aspects of their situation, whether they are legal or not.

The advice activity is closely linked with awareness raising sessions in IDP camps and other communities, which ensures a wide reach and builds public confidence in and understanding of the justice system.

Knowing the crucial role that a Bar Association can and should play in the development of a justice system and in the regulation of the private practice of law, ASF has taken a leading role in helping Timorese lawyers to establish the *Asosiasaun Advogadu Timor Loro'sae* (AATL), or Lawyers Association of Timor Leste. Since its inception, ASF has assisted the Association to draft its founding Constitution, to create administrative structures, and to conduct annual Constituent General Assemblies during which an Executive Committee of officers has been elected and internal rules and regulations adopted. The Association now boasts 90 registered members, its own well equipped office and law library, dedicated national staff, and a website.

In 2007-8 ASF has initiated a more practical skills-building approach by engaging a handful of lawyers in the delivery of legal information and advice services, supported by continual mentoring and supervision. This strategy is developing their skills and knowledge on a daily basis through handling of real disputes and legal problems, focusing on the most common types of problems and gradually extending the scope to more complex issues.

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### ***Contact ASF***

For more information, see our website at [www.asf.be](http://www.asf.be), or contact us at the addresses below.

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