

DEMOCRATIC REPUBLIC

OF TIMOR-LESTE

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Extraordinary Issue

SUMMARY

GOVERNMENT:

DECREE-LAW No. 20/2012 of 25th April

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GOVERNMENT RESOLUTION No.
11/2012 of 25th April

Appoints a Member of the Civil Service
Commission 2

DECREE-LAW No. 20/2012

of 25th April

Suspension of Court Activities and Holidays

The holiday system and system whereby court activities are suspended for judicial actors are provided for in article 37 of Regulation 11/2000 altered by Regulations 14/2004, 18/2001 and 25/2001, all UNTAET Regulations, which no longer corresponds to the current requirements of the judiciary and needs to be more in line with the right to a rest as set out in the general regime governing employees of Public Administration.

It is necessary to appropriately guarantee to the judicial actors their fair right to a rest and to the judicial institutions the time to organise training

actions geared to enhancing the experience and professional skills of its agents thus improving their performance, without prejudice to their continuing to perform their duties in urgent cases.

Thus, the Government hereby decrees that the following shall be considered law under the terms of sub-paragraph p) of paragraph 1 and of paragraph 3 of article 115 and of sub-paragraph d) of article 116 of the Constitution of the Republic:

Article 1

Suspension of Court Activity

1. Court activities shall annually close to the public from 15th December to 15th January, from Palm Sunday to Easter Monday and from 1st to 15th August.
2. During the period court activities are suspended only urgent cases shall be secured by way of shifts.

Article 2

Right to holidays

1. Court magistrates and magistrates of the Public Prosecutor's Office, public defenders and court officials shall be entitled, in every civil year, to a holiday period corresponding to 25 working days provided they have more than one year of effective service without breaking their ties with public service.
2. Court magistrates and magistrates of the Public Prosecutor's Office, public defenders or court officials who begin duties in the first half shall in that civil year be entitled to a holiday period of 11 working days.

Article 3

Annual leave

1. Court magistrates and magistrates of the Public Prosecutor's Office, public defenders and court officials shall take their annual leave during the civil year in which such holidays fall and during the period of suspension of court activities, except in the event, in the interests of the service, they cannot be taken that year or in the following year, in which case their holidays may accumulate.
2. Annual leave shall be organised in such a way as to guarantee that shifts function during the period court activities are suspended.
3. In the event there is a justified motive, holidays may be authorised to be taken in different periods from those referred to in the previous article.

Article 4

Holiday schedule

1. Up to 28th February every year a holiday schedule shall be drawn up for magistrates, public defenders and court officials.
2. In the judicial district, the schedule shall be drawn up by the Judge Administrator, District Public Prosecutor or the District Public Defender, once the interested parties have been heard, and approved by the head of the respective institution.
3. In the Court of Appeal, the Public Prosecutor's Office and the Public Defender's Office the holiday schedule shall be drawn up by the President of the Court of Appeals, the Prosecutor-General and the Public Defender,

respectively, or by someone empowered by them to do so.

Article 5

Repeal

The provisions which are counter to the present diploma, namely provisions set out in Regulation no. 11/200 altered by Regulations 14/2004, 18/2001 and 25/2001, all UNTAET Regulations shall be repealed.

Article 6

Entry into force

The present diploma shall come into force on 1st January 2012.

Approved in Council of Ministers on 14th December 2011.

The Prime Minister

Kay-Rala Xanana Gusmão

The Minister of Justice

Lúcia M. B. F. Lobato

Promulgated on 13/4/2012

To be published

The President of the Republic

José Ramos-Horta