

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
NATIONAL PARLIAMENT**

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**Law No. 4/2008**

**Authorising the President of the Republic to renew the declaration of the state of  
siege**

**Preamble**

The state of siege that has been declared following the serious incidents that occurred on 11 February 2008 and that jeopardised the lives of the President and the Prime Minister has been revealing itself to be the adequate response to the attempt at subverting the democratic order.

The state of exception has positively contributed towards ensuring public order, guaranteeing the confidence of citizens and their respective right to security, and maintaining public peace notwithstanding the special circumstances.

Important threats to stability continue however to persist. The armed group that unleashed the criminal actions against the physical integrity of the President of the Republic and the Prime Minister is still on the run. New groups ready to unleash new disturbing actions have been identified, and the occurrence of such actions has been prevented thanks to the enactment of the declaration of the state of siege and the measures resulting thereof.

The measures adopted by the Government in the framework of the implementation of the declaration of the state of siege require additional time in order to fully bear its fruits, namely the capturing and detention of the violence actors.

Threats of a serious disturbance of the democratic constitutional order are still looming and police as well as military measures to capture the armed group on the run are absolutely indispensable. In this connection, measures already taken, as well as those yet to be taken, require additional time before they start yielding results.

Therefore, upon consulting the Council of State and the Superior Council of Defense and Security, and following a proposal made by the Government pursuant to articles 25, 85(g), and 115.2(c) of the Constitution of the Democratic Republic of Timor-Leste, authorising the President of the Republic to renew the state of siege pursuant to the terms and conditions defined in this law is justified.

Pursuant to article 95.3(j) of the Constitution of the Republic, the National Parliament enacts the following, to have the force of law:

**Article 1**  
**(State of siege)**

The National Parliament, under proposal of the Government, and upon consulting the Council of State and the Superior Council of Defense and Security, authorises the President of the Republic to renew the state of siege.

**Article 2**  
**(Territorial scope)**

The National Parliament authorises the renewal of the declaration of the state of siege throughout the national territory.

**Article 3**  
**(Duration)**

1. The state of siege shall have a duration of 30 (thirty) days starting on 23 February 2008 and ending on 23 March 2008.
2. The Presidential Decree declaring the renewal of the state of siege must mention the date and time of the commencement and cessation of the state of siege.

**Article 4**  
**(Specification of the rights)**

During the state of siege, the President of the Republic is authorised to suspend the following rights:

- a) The freedom of movement, with a curfew between 22:00 hours and 06:00 hours, without prejudice to the operations of humanitarian and medical assistance;
- b) The freedom to assemble and demonstrate;
- c) The right to inviolability of home, allowing the undertaking of home search during the night, as long as a prior judicial mandate exists.

**Article 5**  
**(Security operations)**

1. It is incumbent upon F-FDTL and PNTL to execute the security operations warranted by the declaration of the state of siege, within the framework of their respective legal powers and functions and pursuant to Government Resolution No. 3/2008 of 17 February, including the measures required to restore the

- disturbed democratic normalcy, as well as to promote the coordination with international forces.
2. The security operations shall moreover observe the provisions of Decree-Law no. 4/2006 of 1 March on *Special Arrangements within the Criminal Procedure Framework for Cases of Terrorism, Violent or Organized Crime*, and Decree-Law no. 2/2007 of 8 March on *Special Crime Prevention Operations*.

**Article 6**  
**(Guarantees of citizens' rights)**

Under no circumstance shall the declaration of state of emergency affect the following rights:

- a) the right to life
- b) the right to physical integrity
- c) civil capacity and citizenship
- d) the non-retroactivity of criminal law
- e) the right to defense in a criminal case
- f) freedom of conscience and religion
- g) the right not to be subject to torture, slavery or servitude
- h) the right not to be subject to cruel, inhuman or degrading treatment or punishment
- i) the right to non-discrimination.

**Article 7**  
**(Access to courts and to the Provedor for Human Rights and Justice)**

During the declaration of state of siege and emergency, citizen's right of access to the courts and to the Ombudsman for Human Rights and Justice will remain fully in force in accordance with the Law for the protection of any rights, liberties and guarantees that might be affected or threatened by any unconstitutional or unlawful provisions.

**Article 8**  
**(Responsibility)**

Any person who violates the provisions included in the declaration of state of siege and of emergency, namely as regards its implementation, shall be liable to prosecution pursuant to the Law.

**Article 9**

**(Entry into force)**

The present law shall enter into force immediately.

National Parliament, 22 February 2008.

The acting Speaker of the National Parliament

[signed]

Vicente da Silva Guterres