

Law No. 5/2008  
of 20 March

**Authorising the President of the Republic to renew the declaration of the state of siege in the districts of Aileu, Ermera, Bobonaro, Covalima, Ainaro, Liquiçá and Manufahi, and renew the state of emergency in the districts of Baucau, Lautem, Manatuto, Viqueque, Díli, with exception of the sub-district of Ataúro.**

**Preamble**

Notwithstanding a significant improvement in the country's internal security, resulting from the effective performance of the joint command of the defense and security forces, maintaining the state of exception is indispensable to the early reestablishment of normalcy.

Internal security has improved substantially. Nevertheless, hot-beds of disturbance persist in some regions of the country susceptible of causing serious and grave threats to the democratic constitutional order. Other districts have registered a reduction in the threats, and this is due to the rapid reaction of the defense and security forces which, acting in close coordination, have succeeded in controlling the security situation.

Given the continuing existence of serious and grave threats to security and the democratic constitutional order in some regions of the country, maintaining the state of siege and the restrictive measures resulting thereof in the districts of Aileu, Ermera, Bobonaro, Covalima, Ainaro, Liquiçá and Manufahi is indispensable.

The threats persisting in the districts of Baucau, Lautem, Manatuto, Viqueque, Díli, with the exception of the subdistrict of Ataúro are of a minor intensity. These regions register or threaten to register cases of serious alteration of the public order. For this reason, it is a legal imperative to replace the declaration of a state of siege in these districts with a declaration of a state of emergency.

The state of exception in the district of Oe-cusse and in the subdistrict of Ataúro should cease taking into account the cessation of the circumstances that determined the declaration of the state of siege in these areas and the inexistence of incidents and disturbance of the public order.

It is therefore justifiable to authorise the President of the Republic to renew the state of siege and to declare the state of emergency under the terms and conditions hereby defined, after consulting the Council of State and the Superior Council for 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.

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

DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
NATIONAL PARLIAMENT

**Bill no. 8/2008**

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

**Preamble**

The state of siege that was declared in the wake of the serious incidents that occurred on 11 February 2008 and that threatened the lives of the President of the Republic and the Prime Minister, has shown to have been the adequate response to the attempt at subverting the democratic order that such incidents represented.

The state of exception contributed positively to guarantee public order and the trust of citizens and to safeguard their right to security while maintaining law and order, despite the special circumstances.

However, significant threats to stability still exist. The armed group that launched the criminal attacks on the physical integrity of the President of the Republic and the Prime Minister is still at large. Groups have been identified that are willing to engage in new acts and cause disturbances, a situation that was averted by the declaration of a state of siege and the measures subsequently adopted.

The measures adopted by the Government within the framework of the declaration of a state of siege require additional time to fully come to bear on the situation, namely to bring about the detection and arrest of the authors of the violent acts.

There remains a threat of a serious disturbance of democratic constitutional order and it is absolutely necessary that police and military actions be undertaken with a view to capture the armed group of fugitives. Additional time is required for the measures already adopted or yet to be adopted to bear fruit.

On such grounds, it is justifiable to authorize the President of the Republic to decree a renewal of the state of siege under the terms and conditions defined herein, having consulted the Council of State and the Superior Council of Defence and Security, and acting on a proposal from the Government, pursuant to articles 25, 85(g) and 115(2)(c) of the Constitution of the Democratic Republic of Timor-Leste.

Thus, pursuant to Article 95(3)(j) of the Constitution, the National Parliament enacts the following, that shall have the force of law:

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

The National Parliament, on proposal of the Government and having consulted the Council of State and the Superior Council of Defence and Security, authorizes the President to decree a renewal of the state of siege in the districts of Aileu, Ermera, Bobonaro, Covalima, Ainaro, Liquiçá and Manufahi.

**Article 2**  
**(State of emergency)**

The National Parliament, on proposal of the Government and having consulted the Council of State and the Superior Council of Defence and Security, authorizes the President of the Republic to enact the state of emergency in the districts of Baucau, Lautem, Manatuto, Viqueque, Díli, with the exception of the subdistrict of Ataúro.

**Article 3**  
**(Cessation of the state of exception)**

Having elapsed the period of time provided for in Presidential Decree No. 4/2008 of 22 February, the state of siege prevailing in the district of Oe-Cusse and in the subdistrict of Ataúro ceases automatically.

**Article 4**  
**(Duration)**

The states of exception mentioned above will last for 30 (thirty) days, commencing at 22:00 hours of 23 March 2008 and ending at 22:00 hours of 22 April 2008.

**Article 5**  
**(Listing of rights)**

1. During the state of siege in the districts of Aileu, Ermera, Bobonaro, Covalima, Ainaro, Liquiçá and Manufahi, the President of the Republic is authorized to suspend the following rights:
  - a) The right to freedom of movement, with a curfew being imposed between 22.00 hours and 6.00 hours, with the rights provided for in subparagraphs c) and f) of article 3.1 of Law No. 3/2008 of 22 February duly safeguarded;
  - b) The right to demonstrate and assemble, with the rights provided for in subparagraphs d), e) and f) of article 3.1 of Law No. 3/2008 of 22 February duly safeguarded;

- c) The right to the inviolability of a person's home, with house searches being authorized during the night, as long as duly supported by a search warrant issued by a judge and with due respect for the provisions contained in subparagraph b) of article 3.1 of Law No. 3/2008 of 22 February.
2. During the state of emergency in the districts of Baucau, Lautem, Manatuto, Viqueque and Díli, with the exception of the subdistrict of Ataúro, the President of the Republic is authorised to suspend the following rights:
  - a) The right to freedom of movement, with a curfew being imposed between 23.00 hours and 5.00 hours, with the rights provided for in subparagraphs c) and f) of article 3.1 of Law No. 3/2008 of 22 February duly safeguarded;
  - b) The right to demonstrate and assemble, with the rights provided for in subparagraphs d), e) and f) of article 3.1 of Law No. 3/2008 of 22 February duly safeguarded;
  - c) The right to the inviolability of a person's home, with house searches being authorized during the night, as long as duly supported by a search warrant issued by a judge and with due respect for the provisions contained in subparagraph b) of article 3.1 of Law No. 3/2008 of 22 February.

**Article 6**  
**(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 7**  
**(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 8**

##### **(Access to courts and to the Ombudsman 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 9**

##### **(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 10**

##### **(Entry into force)**

The present law shall enter into force with immediate effect.

Approved on 20 March 2008.

The acting Speaker of the National Parliament.

Vicente da Silva Guterres

Promulgated on 20 March 2008-11-11

For publication.

The acting President of the Republic

Fernando La Sama de Araújo