

**Democratic Republic of Timor-Leste**  
**National Parliament**

**Law No. 1/2008 Authorizing the President of the Republic to declare a State of Siege**

The Constitution of the Democratic Republic of Timor-Leste provides for measures in exceptional circumstances and in times of need which have a bearing on the fundamental rights and the operation of the sovereign organs of the State.

The declaration of a state of siege and a state of emergency are the most stringent options in constitutional law to address a state of need. Their enactment is an exclusive responsibility of the National Parliament.

The sovereign organs of the State cannot, together or separately, suspend the exercise of rights, duties, liberties and guarantees, except under circumstances and according to procedures that are clearly prescribed by the Constitution. Thus, it is justifiable to authorize the President of the Republic to declare a state of siege under the terms and conditions defined below.

The current situation in the country, in the wake of the attempts to take the lives of the Head of State and the Head of Government could possibly lead to serious disturbances or threaten to disturb in a grave manner the democratic and constitutional order. Because the latter cannot, under the present circumstances, be secured through the normal mechanisms provided for in the Constitution and the Law, exceptional measures will have to be taken to protect the democratic rule of law and restore the normal operation of institutions.

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, acting on a proposal of the Government and having heard the Council of State and the Superior Council of Defence and Security, authorizes the President to declare a state of siege.

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

The National Parliament authorizes the declaration of a state of siege across Timor-Leste.

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

1. The state of siege will last for 48 (forty-eight) hours.

2. The presidential decree declaring a state of siege shall indicate the day and time when the state of siege begins and ends.

### **Article 3 (Listing of rights)**

During the state of siege, the President of the Republic will be authorized to suspend the following rights:

- a) the right to freedom of movement, with a curfew being imposed between 8.00 pm and 6.00 am;
- b) the freedom to assemble and demonstrate

### **Article 4 (Citizens' guarantees)**

In no case shall the declaration of state of siege 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, religion and worship
- 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 guarantee of non-discrimination

### **Article 6 (Access to courts and to the Ombudsman for Human Rights and Justice)**

During the declaration of state of siege, 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 illegal provisions.

### **Article 7 (Crimes of responsibility)**

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

### **Article 8 (Responsibility for implementation)**

The implementation of the state of siege will be the responsibility of the Government, that shall keep the President of the Republic and the National Parliament duly informed of its activities.

**Article 9**  
**(Renewal, amendment and repeal of the declaration)**

1. The renewal of the declaration of state of siege, as well as its amendment with a view to extending its provisions or measures, shall be done according to the procedure used for the initial declaration.

2. The amendment of the declaration of state of siege with a view to reducing its provisions or measures, as well as the repeal of the declaration or its transformation into a declaration of a state of emergency will take the form of a Presidential decree, irrespective of a preliminary opinion from the Council of State, the Government and the Superior Council of Defence and Security and an authorization issued by the Parliament

**Article 10**  
**(Entry into force)**

The present law shall enter into force with immediate effect.

National Parliament, 11 February 2008

The Acting Speaker of the Parliament

[signed]

Maria da Paixao de Jesus da Costa

[handwritten]

Promulgated on 11 February 2008

To be published.

The Acting President of the Republic

Vicente da Silva Guterres