

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
NATIONAL PARLIAMENT

7/2008
Of 22 April

**Authorizing the President of the Republic to renew the declaration of state of siege
in the district of Ermera**

Preamble

The country has witnessed positive developments regarding internal security throughout the national territory, as a result of the success that has characterized the operation of the F-FDTL/PNTL Joint Command.

The way in which the Joint Command has been able to control threats and avoid the shedding of blood, by working in an extremely coordinated fashion and in close collaboration with the People, is particularly commendable

However, a group of strongly armed men remains at large. It is led by Gastão Salsinha, allegedly one of the perpetrators of the attacks against the President of the Republic and the Prime-Minister. Despite the efforts made, the group has so far resisted surrendering to the authorities. The capture and the submission to justice of this group remains an imperative for a State based on the rule of law.

Despite their persistence, the threats to security and constitutional order are circumscribed to the district of Ermera. It is therefore necessary to keep the state of siege in this district, whilst using minimal force and reducing to the indispensable minimum any restrictions to citizen's rights, freedoms and guarantees

The above entitles the National Parliament to authorize to President of the Republic, having heard the Council of State and the Superior Council of Defence and Security, and acting on a proposal by the Government, pursuant to article 25, article 85(g) and article 115(2)(c) of the Constitution of the Democratic Republic of Timor-Leste, to decree a renewal of the state of siege and to declare a state of emergency under the following terms and conditions.

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 decree a renewal of the state of siege in the district of Ermera.

Article 2
(Cessation of states of exception)

The state of siege in the districts of Aileu, Bobonaro, Covalima, Ainaro, Liquiçá and Manufahi and the state of emergency in the districts of Baucau, Lautem, Manatuto, Viqueque and Díli end automatically, by virtue of the time limits defined in Presidential Decree no. 48/2008 of 20 March..

Article 3
(Duration)

1. The aforementioned state of siege will last for 30 (thirty) days. It will begin at 22:00 hours of 22 April and end at 22:00 hours of 21 May 2008.

Article 4
(Listing of rights)

During the state of siege in the district of Ermera, 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 22:00 hours and 6:00 hours, whilst safeguarding the rights provided for in article 3(1)(c) and (f) of Law no. 3/2008 of 22 February;
- b) The right to assemble and demonstrate, whilst safeguarding the rights provided for in article 3(1)(d), (e) and (f) of Law no. 3/2008 of 22 February;
- 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 observing the provisions in article 3(1)(b) of Law no. 3/2008 of 22 February.

Article 5
(Security operations)

1. It is incumbent upon the Joint Command, within the framework of its respective legal powers and functions and pursuant to Government Resolution no. 3/2008 of 17 February, to execute its specific mission, coordinating and conducting operations, including the measures required to restore 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*; Decree-Law no. 2/2007 of 8 March

on *Special Crime Prevention Operations*; and Law no. 3/2008 of 22 February *On the Regulation of the State of Siege and Emergency*.

Article 6
(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 right to non-discrimination.

Article 7
(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
(Responsibility)

Any person who violates the provisions included in the declaration of state of siege, 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.

Adopted on 22 April 2008.

The Speaker of the National Parliament,

Fernando La Sama de Araújo

Promulgated on 22 April 2008.

To be published.

The President of the Republic,

Dr. José Ramos-Horta