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Statement of American Bar Association President William C. Hubbard Re: Judicial Independence in Timor-Leste

The American Bar Association (ABA) notes with concern that the Timor-Leste Government and Parliament, acting on October, 24, 2014, ordered the termination of all international judicial personnel and advisors working in the Timor-Leste judicial sector.

We further note with concern that, on October 31, the government ordered eight international persons, including five judges, two prosecutors, and one advisor, to leave the country within 48 hours. The orders are apparently in response/retaliation for recent court decisions that displeased the government. In addition to threatening the vitality of judicial independence in one of the world's most newly independent nations, these actions seriously undermine ongoing trials and investigations into war crimes and crimes against humanity for events that took place following the 1999 independence referendum, given that national law requires that panels investigating such crimes include two international judges. The ABA urges the Timor-Leste Government and Parliament to reconsider their decisions in light of international concerns about judicial independence, reflected in guarantees of judicial independence and security of judicial tenure in the Timor-Leste constitution. The ABA also supports the call of Gabriela Knaul, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, that the Timor-Leste Government and Parliament initiate a dialogue with relevant partners, including the United Nations, to address this serious situation and map an appropriate way forward in compliance with Timor-Leste's international human rights obligations and best interests. The ABA has a long-standing commitment to advancing human rights and the rule of law throughout the world. As part of this commitment, the ABA works to support efforts to combat corruption, to support legal transparency, to reform the law enforcement system, and to support independent judiciaries worldwide.

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