



Government resolution to deport judicial officers threatens judicial independence in Timor-Leste

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On 31 October 2014 the Government passed a resolution revoking the visas of five judges, two prosecutors and an official from the Anti-Corruption Commission, giving them 48 hours' notice to leave Timor-Leste.

"This resolution illegally orders international judicial officers to leave Timor-Leste. This violates the principle of judicial independence which is fundamental to Timor-Leste's democracy and is enshrined in our Constitution," said JSMP Interim Director Casimiro dos Santos.

The new resolution was passed by the Council of Ministers on Friday, 31 October 2014. It follows previous resolutions of the National Parliament and the Government on 24 October 2014 to immediately terminate the contracts of all international judicial officers, including international judges, prosecutors and public defenders.

The President of the Court of Appeal last week issued a directive stating that only the Superior Council of Judicial Magistrates could remove judges from their positions.

"This resolution directly challenges the legal opinion of the President of the Court of Appeal, who is the highest judicial officer in Timor-Leste," said JSMP Interim Director Casimiro dos Santos.

JSMP believes that the Government's new resolution ordering the deportation of these judicial officers is not consistent with the laws of Timor-Leste. Under the Constitution and laws of Timor-Leste, judges can only be removed from office by the Superior Council of Magistrates and prosecutors by the Superior Council for the Public Prosecution. These are the proper mechanisms established by law to deal with the appointment, removal and discipline of judges and judicial officers.

JSMP is concerned that the Government's resolution is outside the limits of its constitutional powers. JSMP believes that this resolution, as well as the earlier resolutions of National Parliament and the Government, constitute an interference with the independence of the judiciary and threaten the principle of the separation of powers.

JSMP also remains concerned about the serious impact this act will have on the justice system in Timor-Leste. The Suai and Baucau district courts have ordered retrials for some cases heard by international judges.

"Removing judges, prosecutors and other court officials creates more work for our justice system, and at the same time takes away important resources," says JSMP Interim Director Casimiro dos Santos.

The National Political Committee of FRETILIN has issued a statement calling on the Government not to exceed the limits on its powers and urging the President of the Republic to ensure the normal functioning of State institutions.

JSMP urges the National Parliament, the Government and the President of the Republic to immediately take appropriate action to restore judicial independence.

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