

Decree of the President of the Republic n.º 55 /2020, 5th of august

The Covid-19 pandemic caused by the new SARS-CoV-2 coronavirus continues to plague the world.

As Timor-Leste is not isolated from the rest of the world we must pay attention and stay vigilant to everything that happens around us.

The fact that we have had a long period without registering any case of Covid-19 in national territory does not mean that we are free from risks or dangers in view of the growing number of cases of that disease that have been diagnosed either in the Republic of Indonesia, particularly in the province of this State with which the Democratic Republic of Timor-Leste maintains international land borders, either in the Commonwealth of Australia.

Thus, in weighing the risks associated with the entry of SARS-CoV-2 to Timor-Leste and in the measures to be taken to guard against such risks, that it will be important to take into account the evolution of the epidemiological situation in the World and in the countries with which Timor-Leste has a closer relationship.

Therefore, it is necessary to reestablish an important set of measures that can prevent the import of SARS-CoV-2 into Timor-Leste and its transmission among the population, namely the ban on the entry of foreigners into national territory, the imposition of mandatory prophylactic isolation in certain cases and mandatory submission of residents of Timor-Leste to health control measures.

Such measures aim, fundamentally at curbing the import of SARS-Cov-2 into Timor-Leste and, in the event that we are not successful in this attempt, to prevent its spread to the resident population.

These measures, although aimed at protecting public health, represent a suspension or limitation of the exercise of fundamental rights and freedoms, so it is necessary, in view of the provisions of paragraph 1 of article 25 of the Constitution of the Republic, to declare the state of emergency.

In view of the evolution of the situation in the world and in particular in our neighboring countries, the President of the Republic considers the declaration of the state of emergency to be indispensable.

In this context, fulfilling my constitutional duties, taking into account the constitutional values put in question, whose responsibility it is for the State to guarantee, with authorization from the Permanent Commission of the National Parliament obtained through the Resolution of the National Parliament no. 8/2020, of 5 August, after hearing the Government, the Superior Council for Defense and Security and the State Council, in the use of he's own powers provided for in paragraph g) of article 85 of the Constitution of the Democratic Republic of Timor-Leste, the President of the Republic decrees:

Article 1.

The state of emergency is declared, based on the verification of a public calamity situation.

Article 2.

The declaration of the state of emergency covers the entire national territory.

Article 3.

The state of emergency has the duration of 30 (thirty) days, starting at 00:00 hours on 6 August 2020 (Thursday) and ending at 23:59 hours on 4 September 2020 (Friday).

Article 4.

The exercise of the following rights is partially suspended:

1. International circulation: health controls can be established in ports, airports or land borders posts, with the purpose of preventing the entry into national territory or making that entry subject to compliance with the conditions necessary to avoid the risk of spreading the epidemic or overload the resources allocated to its combat, namely by imposing the compulsory confinement of people; necessary measures can also be taken to ensure the international movement of essential goods and services;
2. Freedom of movement and residence in any part of the national territory: the competent public authorities may impose the necessary restrictions to reduce the risk of contagion and carry out measures to prevent and combat the epidemic, including compulsory confinement at home or in a health establishment or other place that is determined for this purpose, as well as the establishment of sanitary fences;
3. Right of resistance: any and all acts of active or passive resistance to orders issued by the competent public authorities in execution of the state of emergency are prevented.

Article 5.

1. The declaration of the state of emergency does not, under any circumstances, affect the right to:
2. Life;
3. Physical integrity;
4. Civil capacity and citizenship;
5. Non-retroactivity of the criminal law;
6. Defense in criminal proceedings;
7. Freedom of conscience and religion;
8. Not subject to torture, slavery or servitude;
9. Not subject to cruel, inhuman or degrading treatment or punishment;
10. Non-discrimination.
11. The effects of the declaration of the state of emergency do not, under any circumstances, affect the freedom of expression and information.
12. In any circumstance can the principle of the unitary State or the territorial continuity of the State be questioned.

Article 6.

The declaration of the state of emergency does not affect the application of the constitutional rules regarding the competence and functioning of the sovereign bodies, as well as the rights and immunities of the respective holders.

Article 7.

1. Ordinary courts remain in full exercise of their powers and functions, and they are, particularly, responsible for ensuring compliance with the constitutional and legal rules governing the state of emergency.
2. Citizens fully maintain the right of access to the courts and to the Ombudsman for Human Rights and Justice, in accordance with the general law, to defend their rights, freedoms and guarantees harmed or threatened with harm by any unconstitutional or illegal measures.

Article 8.

1. The Superior Council of Defense and Security remains in permanent session.
2. The Prosecutor-General's Office and the Ombudsman for Human Rights and Justice also remain in permanent functioning, with the full exercise of their powers to defend the democratic legality and the citizen's rights.

Article 9.

1. The Government is responsible for executing the declaration of the state of emergency, which will keep the President of the Republic and the National Parliament informed of their respective acts.
2. Legislative diplomas adopted by the Government in the context of implementing the declaration of the state of emergency are subject to parliamentary appreciation, under the terms of the Constitution.

Article 11.

This Decree enters into force immediately.

Publish,

The President of the Republic

Francisco Guterres Lú Olo

Presidencial Palace Nicolau Lobato, on the 5th of august 2020.