



## EIGHT CONSTITUTIONAL GOVERNMENT

---

### **GOVERNMENT DECREE NO. 10/2020**

**of August 6<sup>th</sup>**

**Implementation measures of the declaration of state of emergency  
introduced by Decree of the President of the Republic no. 55/2020, of August  
5<sup>th</sup>**

Last March 11<sup>th</sup>, 2020, the World Health Organisation declared the existence of COVID-19 pandemic.

Despite the efforts made by all States to prevent and control the progression of the disease, it continues to spread, thus, maintaining a high degree of risk to international public health.

Recognizing the seriousness of the international epidemiological situation, it is important to recover the adoption of an important set of measures to prevent and control a possible COVID-19 outbreak in Timor-Leste, some of which may constitute restrictions on some fundamental rights and freedoms.

Thus, and bearing in mind the constitutional rules regarding the suspension of some fundamental rights, the Government proposed to the Head of State the declaration of the state of emergency, which effectively happened through the Decree of the President of the Republic no. 55/2020, of August 5<sup>th</sup>.

In accordance with the aforementioned presidential decree, the rights of international movement, freedom of movement and residence are partially suspended during the state emergency.

The Government as now the obligation to determine, in concrete terms, the measures for implementing the declaration of state of emergency, which is done by means of the present diploma.

The measures now adopted by the Government replace some of those that had already have been implemented and that proved to be effective in preventing the spread of COVID-19.

Thus, the Government, pursuant to article 115 (1) (o) of the Constitution of the Republic, decrees the following, to have the force of law:

## **Article 1**

### **Object**

This decree approves the measures for the implementation of the declaration of state of emergency by the President of the Republic's Decree no. 55/2020, of August 5<sup>th</sup>.

## **Article 2**

### **Territorial scope**

The implementation measures alluded to in the previous article applies across all of the national territory.

## **Article 3**

### **Principle of legality**

The public administration bodies and services responsible for the application of the rules contained in the present decree, act in compliance with the law, within the limits of the powers that are attributed to them and in accordance with the purposes for which these same powers are conferred to them.

## **Article 4**

### **Principle of equality**

The public administration bodies and services responsible for applying the rules contained in this decree cannot give privilege, benefit, impair or exempt, from any duty, any citizen or foreign national who is in the national territory on the grounds of parentage, sex, race, language, territory of origin or place of residence, religion, political or ideological beliefs, education, economic situation or social condition, marital status or physical or mental condition.

## **Article 5**

### **Principles of proportionality and necessity**

1. The public administration bodies and services responsible for applying the rules contained in this decree can only affect the legally protected rights and interests of

citizens or foreign nationals who are in national territory when necessary and in terms that are appropriate and proportionate to the objectives to be achieved.

2. The use of force in imposing compliance with the rules provided for in this decree is only authorised when it is not possible to resort to other means for that purpose.
3. The use of force is always preceded by a summons to obedience performed in a noticeable way and always within the strictly necessary and to the extent required for the fulfilment of the legal duty.
4. The means to be deployed in the use of force must comply with the prerequisites of the least intervention and the least possible injury, and more serious means can only be used, namely the use of weapons, instruments, equipment or objects when manifestly it is not feasible or sufficient to use physical force.

## **Article 6**

### **Mandatory health control**

All individuals wishing to enter or leave the national territory are subject to mandatory health control, pursuant to the terms of the International Health Regulations.

## **Article 7**

### **Prohibition of boarding**

1. Individuals who present symptoms of being sick with COVID-19 or infected with SARS-Cov2 cannot get in buses or board ships or aircrafts.
2. For the purpose of applying the preceding paragraph, the following are considered symptoms of COVID-19 disease or SARS-Cov2 infection:
  - a. Body temperature or fever equal to or higher than 37,5.°C (thirty seven point five degrees Celsius);
  - b. Cough;
  - c. Sore throat;
  - d. Common cold;
  - e. Breathing distress.
3. Individuals who are prohibited from getting on buses or boarding ships or aircrafts, in accordance with paragraph 1, must complete the Mandatory Medical Declaration Form and are required to be taken to a health facility or

isolation unit to be submitted to medical diagnostic tests for COVID-19 or infection by SARS-CoV-2.

4. The provisions of the preceding paragraphs are not applicable to medical evacuation cases.

## **Article 8**

### **Mandatory therapeutic isolation**

1. All individuals who enter the national territory are required to undergo medical diagnostic tests for COVID-19 or infection by SARS-Cov2 when they present the symptoms described in paragraph 2 of the preceding article.
2. Individuals referred to in the preceding paragraph are subject to mandatory therapeutic isolation when they are diagnosed with COVID-19 or infected with SARS-Cov2.

## **Article 9**

### **Mandatory prophylactic isolation**

All individuals entering the national territory, coming from abroad, are compulsorily subject to prophylactic isolation with a minimum duration of fourteen days.

## **Article 10**

### **Mandatory confinement**

All of the following will go through mandatory confinement, at a health establishment, at their home or at an isolation centre established for this purpose by the State, as determined by the health authorities:

- a. Patients with COVID-19 and those infected with SARS-Cov2;
- b. Individuals who enter the national territory, coming from abroad;
- c. Individuals who are under surveillance from health authorities.

## **Article 11**

### **Duration of the mandatory confinement period**

The required mandatory confinement period provided for in:

- a) Subparagraph a) of the preceding article, ceases with medical discharge;
- b) Subparagraphs b) and c) of the preceding article, ceases at the end of fourteen days, counted from the start date of the confinement period.

## **Article 12**

### **Temporary closure of border posts**

In exceptional cases, justified by the health and safety of the population, the Minister of the Interior may order the temporary closure of border posts.

## **Article 13**

### **Licences and permits**

1. During the term this law is in force, licenses, permits, other administrative acts and documents remain valid regardless of the expiry of their respective term of validity.
2. The provisions of the preceding number include visas and residence or stay permits granted to foreigners who are in Timor-Leste.

## **Article 14**

### **Supervision**

1. The enforcement supervision of the present decree provisions is the responsibility of the security forces and services, and the teams of epidemiological and health surveillance, namely by:
  - a) Issuing legitimate orders, under the terms of this decree, consequence and participation for possible crimes as provided in this decree;
  - b) Promoting the necessary steps to ensure compliance with the mandatory isolation regime by all who are subject to said regime;

2. The Health services will inform the security forces and services about the identity of all individuals who are subject to mandatory isolation, as well as the location where they should remain in isolation.

## **Article 15**

### **Right of resistance**

Any act of active or passive resistance to orders issued by the competent public authorities in execution of the declaration of a state of emergency is banned.

## **Article 16**

### **General duty to cooperate**

During the period of duration of the state of emergency, citizens and other entities are subject to the duty of collaboration, namely through the fulfilment of orders or instructions that, for this purpose, are transmitted to them, in the prompt response to requests that, justifiably, are directed to them, in order to the implementation of the measures provided for in this Decree.

## **Article 17**

### **Special duty of cooperation of regional and municipal officials and community leaders**

The President of the Oe-Cusse-Ambeno Special Administrative Region Authority, the presidents of the Municipal Authorities, the Municipal Administrators, the Administrators of the Administrative Posts, the Chiefs of Sucos and the Chiefs of the Villages must cooperate with the bodies and services of the central administration, namely with the health authorities and the security forces, in:

- a) Dissemination of information, to local communities, on ways to prevent COVID-19;
- b) Providing information to health authorities or security forces about individuals who exhibit the symptoms referred to in paragraph 2 of article 7;
- c) Immediate communication of cases of gender-based violence against women, children, the elderly or people with disabilities;
- d) Communication to the police authorities on the entry of persons from abroad into the national territory;

- e) Providing information or execution of tasks requested of them for the purpose of preventing or combating COVID-19.

**Article 18**

**Date of Expiry**

This diploma expires with the end of the state of emergency.

**Article 19**

**Entry into force**

This Decree enters into force on the day after its publication.

Approved by the Council of Ministers on August 6<sup>th</sup>, 2020

The Prime-Minister

---

**Taur Matan Ruak**