



DEMOCRATIC REPUBLIC OF TIMOR-LESTE
IV CONSTITUTIONAL GOVERNMENT

PRESS RELEASE

Dili-November 14, 2008

Declaration

from the

*Spokesperson of the IV Constitutional Government
Secretary of State for the Council of Ministers*

**The Government has always acted upholding the law and the
Court of Appeals decided that all the actions thus far
have been legal**

While the decision is not published in the Official Gazette, the Government does not have official knowledge of the decision made by the Court of Appeals on the submission made by the Fretilin Members of Parliament to the National Parliament, regarding the allocation of funds from the Petroleum Fund to the State General Budget of 2008. However, and because Fretilin issued a Press Release making an **abusive and malicious interpretation** of the judicial decision, it is imperious that we make now the necessary rectifications:

1. In the document issued by Fretilin, one can read the judgement was unanimously made by three judges from the Court of Appeals; however, one should be reminded that the Court of Appeals is composed by five judges.
2. Fretilin states the Court of Appeals considered the creation of the Economic Stabilisation Fund unconstitutional and illegal, which simply is not true: the Court of Appeals has previously decided that, the Economic Stabilisation Fund is in accordance with the Constitution of the Republic of Timor-Leste and is compliant with the law.
3. In the document issued by Fretilin, the numbers and amounts being discussed are manipulated, when that opposition party refers to, and we quote *“The Court of Appeal decision today means that the government budget for the whole for 2008 is US\$360 million, or US\$390 million less than the US\$773.4 million it assumed was previously available.”* **The decision made by the Court of Appeals is clear and shows the falsity of Fretilin's declarations, when it states that it is illegal only for transfers from the Petroleum Fund that are over the US\$390 million dollars amount.**

4. Also, in the press release issued today, Fretilin “forgot” to read sub-paragraph e) of the judgement made by the Court of Appeals, that limits the “unconstitutionality” and the “illegality” to the period **after the publication of the judgement in the Official Gazette**. Which means that, **whatever the amount that has already been withdrawn from the Petroleum Fund thus far, it would never be unconstitutional nor illegal.**
5. Fretilin states that “*The Government now only has money to provide some community services and pay some civil servants until the budget for 2009 is approved*”. Which once again is totally false, since the normal governmental activity is fully secured.
6. The Press Release from Fretilin also states that the judicial decision “prohibits” the Government to tap in to the Petroleum Fund to finance important projects, like the future power central, that will ensure that there are no more power outs, the two boats to patrol our territorial waters and prevent that illegal fishing puts an end to the fish in our sea. There is no reference to these projects in the decision made by the Court of Appeals. **“This just comes to show how Fretilin is trying to make of the Court of Appeals a political instrument to further and make viable its own political options”** states Agio Pereira, Secretary of State for the Council of Ministers and Spokesperson for the IV Constitutional Government of the Democratic Republic of Timor-Leste.

To finalise, Agio Pereira highlights that **“the Government has always acted based on the Law and the Court of Appeals decided that all the actions done thus far by the Government have been legal”**. END

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