



JUDICIAL SYSTEM MONITORING PROGRAMME PROGRAM PEMANTAUAN SISTEM YUDISIAL

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National Parliament initiates a special plenary session regarding the Draft Law on Reparations and the Draft Law on a Public Memory Institution

On 21 February 2012 the Judicial System Monitoring Program (JSMP) through its Parliamentary Observation Program (POP) conducted monitoring in the National Parliament to observe a special plenary session regarding Draft Law No. 19/II on “*A Framework for a Program of National Reparations*” and Draft Law No. 20/II on “*A Public Memory Institution*”.

The discussion of these two draft laws was led by the Deputy President of the National Parliament Vicente Guterres. During the discussion JSMP noted that the majority of the members of parliament agreed to approve these two laws before their mandate expires.

During the opening session to discuss these two draft laws the Deputy President of the National Parliament in his welcoming address stated that the plenary session was carried out in accordance with a Decree issued by the President of the National Parliament Fernando ‘La Sama’ de Araújo. The aforementioned decree stated that “*both of these laws are extremely relevant and need to be discussed because they were initiated during the second legislature and therefore the two draft laws have to be approved before the mandate of this legislature expires*”.

However, it is regrettable that the aforementioned plenary session or discussion only took place in the morning and was not continued in the afternoon because the requirements for a quorum were not met and the chair of the parliament once again adjourned the discussion until the following week.

The Executive Director of JSMP, Luis de Oliveira Sampaio, said that although he understands that the members of parliament are busy dealing with a range of political related issues, JSMP encourages the members of parliament to refrain from continuously neglecting to acknowledge the importance of these two laws.

Based on JSMP monitoring, several members of parliament questioned or rejected the plenary session convened to discuss these two laws due to time limits or because of limited funds. For this reason and with this consideration in mind the members of the parliament refused to continue the plenary session/discussion and proposed for the President of the National Parliament to adjourn the approval of the two laws until the third legislature or the next legislature.

However, the Deputy President of the National Parliament who led the aforementioned plenary session asked the members of parliament to continue the plenary session and approve the two draft laws.

JSMP understands that perhaps there are a number of substantial challenges relating to the implementation of the two laws, however the important thing is to start establishing a legal framework to fulfill the State's obligations according to international law and to ensure that victims can gain access to fair justice. For that reason, JSMP encourages and urges the National Parliament to continue the plenary session until the two laws are approved.

JSMP believes that if the National Parliament can prioritize the discussion and approval of these two laws this will benefit and favor the politicians in the National Parliament. The approval of these two laws will provide the politicians with a very strategic political reference point during campaigning for the upcoming Presidential and Legislative elections.

In addition, the approval of these two laws will signify a new chapter in the legislative history of the second legislature because the members of the National Parliament will have revisited their institutional commitment as representatives of the people to value the contribution of victims towards the struggle for national liberation. At the same time they will emphasize their commitment to reject and condemn all forms of human rights violations in any circumstances. Moreover, a National Reparations Program and a Public Memory Institute will be important mechanisms to create the conditions necessary to ensure ongoing national stability, especially in a new country like Timor-Leste which has just emerged from a post-conflict situation.

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