

JSMP PRESS RELEASE  
JSMP : July 01 2003

## **JSMP Applauds Court of Appeal Decision on Immigration Law**

East Timorese monitoring organisation  
releases report on controversial law

The Judicial System Monitoring Programme today applauded the finding of the Court of Appeal in East Timor that sections of the Immigration and Asylum Law are unconstitutional.

Judges Claudio Ximenes, Jose Antunes and Jacinta Correia found yesterday that Sections 11 a,b,c,f and g and Section 12 are in breach of the Constitution. The court found that the relevant articles of Section 11 would limit the fundamental rights of foreigners which are recognised by the Constitution to apply to every person; citizens and foreigners alike. The court also found that Article 12 sought to restrict the right to freedom of expression and the right to peaceful assembly., noting that this is not authorised by the Constitution.

Separately, in a report released today the Judicial System Monitoring Programme criticized the Immigration and Asylum Law for being unconstitutional and in breach of a number of international conventions. The East Timorese Constitution expressly incorporates the general or customary principles of international law

"JSMP is concerned that the law is not only unconstitutional in a great many of its provisions but also appears to breach the Refugees Convention and the Convention on the Rights of the Child. Additionally the procedures for deciding asylum applications lack adequate safeguards and unrealistic timeframes may threaten the quality of decision making. In its present form the law is overcomplicated and lacks procedural fairness" said JSMP.

"JSMP feels that the Parliament now has an excellent opportunity to reconsider the legislation and we hope that these concerns will be taken into account."

The law was passed by the East Timorese Parliament on 30 April 2003 . It was then referred by the President of the Republic to the Court of Appeal for a determination of its constitutionality. This is the first time in East Timor's history the constitutionality of legislation has been considered.

ENDS