



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

Press Release

09 March 2007

**JSMP REGRETS THE STATEMENT BY XANANA GUSMÃO ABOUT
DECLARING A STATE OF EMERGENCY THAT HAS CAUSED DISSENSIONS
TO EMERGE IN THE COMMUNITY**

His Excellency the President of the Democratic Republic of Timor-Leste, Xanana Gusmão, announced to all the media on 05/03/2007 that the State will declare a state of emergency if the present circumstances continue. This has caused much apprehension in all quarters because aspects of life whether in the economic sector, the government sector and others have experienced many threats from the vandalistic actions committed by some of the youth in all corners of Dili as a form of moral support for Major Alfredo Reinado Alves who was besieged and attacked by the International military forces who were tasked by the UN to protect and stabilize Timor-Leste after the turmoil on 28 May 2006.

The State, in this instance, the President of RDTL, Xanana Gusmão, stated his anger about the present circumstances by threatening to declare a state of emergency if indeed these circumstances continue and left open the possibility that the State will continue to try to suppress these circumstances by granting power to the security agencies to implement methods to combat the vandalistic actions that are occurring in Dili in accordance with the applicable law of Timor-Leste, such as the provisions of the Criminal Procedure Code Articles 52-56 and Law No 47/2006 on Terrorism and Crime.

Articles 52-56 of the Criminal Procedure Code confers special authority on the National Police Force of Timor-Leste to take suppressive actions against all persons or properties that are suspected by the public authorities of planning crimes and it needs to be known that Articles 52-53 of the Criminal Procedure Code do not grant any authority at all to the military institution of F-FDTL to take measures such as those against the community let alone the International Military and the International Police (UNPOL) and if they are given authority to take such measures against the community then this is in direct violation of the law that is stated in the Criminal Procedure Code. Perhaps the MOU that has been signed with the countries that are presently on duty in Timor-Leste

regulates this matter – we do not yet know but what is clear is that this cuts down the sovereignty of the State of Timor-Leste because it oversteps the provisions in Articles 52-56 of the Criminal Procedure Code.

What has become a question for JSMP is that if the government indeed does give the authority to the International military and the International Police to undertake such duties as referred to by His Excellency President Xanana Gusmão in the press release to all the media on 05 March 2007, then how will the professionalism of the International Forces be demonstrated in executing such an order, recalling that the International Forces are constituted from several countries and races who certainly do not yet understand the character of life in the Timor-Leste community itself. Thus, JSMP strongly disagrees with the statement about the declaration of a state of emergency. JSMP hopes that this is only an expression from the leaders of this country which is only a dream because, in JSMP's opinion, the situation in the country is still very far from being an emergency and it needs to be known that the country's circumstances are not yet the same as they were after the disorder on 28 April 2006.

JSMP recommends that the government think maturely before putting into effect the statement from His Excellency President Xanana Gusmão who wants to declare a state of emergency because, as explained above, there is not yet any indication that our country is heading towards total destruction – all the vandalistic actions are occurring because of the incapacity of the government to resolve a problem and to sacrifice sovereignty to other countries on trivial grounds, as a matter of fact, does not need to happen.

In principle, His Excellency President Xanana Gusmão has the competency to declare a state of emergency as referred to in the press because the RDTL Constitution clearly gives the authority to the President, principally, by the provisions contained in the Constitution Chapter II "Competencies" Article 85 paragraphs B, G and H. However, it is clear that this must be done through a long process because, before publicly declaring a state of danger or emergency, there must be a decision from the Parliament, the Council of State and the Superior Council for State Security as well as the security agencies themselves so that in the end new problems do not arise again in the community because of the emergence of panic and even frictions that will ultimately cause more victims to fall again.

JSMP requests the country's leaders to think wisely in making a decision because such a decision will impact on all of the weak in the community if such a decision is executed by the security agencies and it is certain that this would authorize several methods to suppress vandalistic actions that have been occurring up until now because our Police and the Military both mentally and psychologically have not yet been properly trained.

FOR FURTHER INFORMATION PLEASE CONTACT:

Dr. Timotio de Deus

Director, JSMP

Telephone: 332 3883

Email: timotio@jsmp.minihub.org