



JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

Edition: 8 July 2010

JSMP urges Australian Prime Minister to Respect Timor Leste's Constitution

JSMP urges the Prime Minister of Australia, Julia Gillard, to respect the Constitution of Timor Leste in any negotiations relating to the establishment of an asylum seeker processing centre in Timor Leste. JSMP makes this statement in response to Gillard's announcement on Tuesday, after consultation with President Ramos Horta, that Australia plans to send Australia-bound asylum seekers to Timor Leste for processing.

According to Luis de Oliveira Sampaio, Executive Director of JSMP, 'It is clearly stated in article 115 of the Constitution that the power to implement the general policy for this country rests with the Government, after approval by the Parliament. It does not rest with the President'.

Luis de Oliveira Sampaio added that 'While the President of the Republic possesses some minor powers with respect to foreign relations, these are largely symbolic. He is not authorised to engage in general negotiations about foreign relations and general policy without consulting the Government or National Parliament.'

JSMP believes that it is particularly important for foreign governments to respect constitutional allocations of power in Timor Leste since Timor Leste's institutions are very young and there is a history of leaders acting outside the authority granted to them by law.

JSMP also believes that any proposal to process asylum seekers in Timor Leste should not be accepted without careful consideration of the impact that this would have on the rule of law in Timor Leste and the justice system, which at present is still weak and in the process of development.

JSMP is concerned that should a processing centre be established, Timor Leste may have difficulty complying with its own obligations as a signatory to the Refugee Convention.

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