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Parliament Gives Preliminary Approval to Amnesty Law

On Wednesday 5 April the Parliament voted to give general approval to the draft Amnesty and Pardon law. The Parliament will seek to consider each article of the draft law on Monday 10 May 2004. JSMP believes that the law, if it is not amended, will not assist reconciliation and will lead to injustice.

Although many members of Parliament raised objections to the law in discussions in the session, when the vote was called 24 voted in favour and 18 against. Notably 14 parliamentarians abstained from voting. Some of the objections raised by the Parliamentarians were that the law was unconstitutional as the Parliament does not have the power to grant pardons, which is a view shared by JSMP.

The Minister for Justice defended the law arguing that releasing people from prison would show to the international community that East Timor is ready to move forward with the process of reconciliation. In JSMP's view the law will not assist the process of reconciliation as people who committed crimes in 1999 will still be liable for prosecution. In addition the fact that the current draft law grants pardons to all people in prison, including those who have been convicted of Crimes Against Humanity may not be well received by the community and may not assist reconciliation.

JSMP believes that the law will favour those that have access to money and have committed economic crimes but will fail to achieve reconciliation. Perhaps of greatest concern is the fact that the law has been passed without any real consultation in the community. It is clear to JSMP that there is very little public awareness of the Amnesty Law. To pass a law which seeks to heal wounds in the community and which has such important implications for the future of Timor Leste would, in these circumstances, actually be harmful to the prospects of reconciliation.

According to JSMP " this law will have a significant impact on communities perception of the formal justice system in East Timor as certain classes of people will be immune for prosecution and other set free from prison. It is therefore essential that this law is not rushed through Parliament but due consideration is given to community consulting and the Parliament has adequate time to consider amendments to the law"

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