



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAM PEMANTAUAN SISTEM YUDISIAL

Judicial System Monitoring Programme
JSMP Press Release
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Parliament Passes Revised Draft Demonstration Law

The National Parliament yesterday (18/7/2005) passed the Freedom of Assemblies and Demonstrations Law after eliminating sub articles 5.3 and 5.4, declared unconstitutional by the Court of Appeal in May 2005.

The law was originally passed by the National Parliament on 7 December 2004. It was returned to Parliament after the President sent a number of articles to the Court of Appeal for constitutional review. The articles sent for review by the President were Articles 5, 6, 7 and 15.1 and 15.2.

The Court of Appeal found that all the above-mentioned articles were constitutional, except sub articles 5.3 and 5.4 which were held to unduly restrict the right to assemble and demonstrate and therefore to be incompatible with article 24.1 of Constitution of Timor-Leste. These sub-articles prohibited the holding of demonstrations that aimed to challenge the constitutional order, putting at risk democratically elected organs and institutions, and those intending to offend the honor and reputation of the Head of State and those holding positions in state organs

The bill was returned to the Parliament to reformulate sub articles 5.3 and 5.4 in accordance with the decision of Court of Appeal. The Parliament unanimously voted to eliminate the above-mentioned sub-articles altogether. No other changes were made to the law. The law will now proceed to the President for promulgation or veto.

JSMP welcomes the decision of the National Parliament to eliminate these sub-articles but stresses again that Arts 6, 7 and 15 also have the capacity to unduly restrict the right to assemble and demonstrate.

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