



Press Release
1 March 2021
National Parliament

The Government needs to further strengthen measures to prevent and combat Covid-19 by punishing citizens who illegally cross the border

The Covid-19 pandemic is a massive threat to the existence of humanity in the 21st century. From the time the virus emerged in Wuhan, China in March 2019 until now, according to up to date online data from ‘worldometers’, 1.14 billion people have tested positive and more than 2.5 million people have died.¹

According to ‘worldometers’ this virus has affected a total of 219 nations and territories around the world, including Timor-Leste which is ranked number 202 from the 221 nations and territories with positive cases, with 113 cases recorded to date. Timor-Leste is also in the high risk category because it shares a land border with its neighbor Indonesia, which is experience a sharp increase in the number of positive cases and transmissions every day. Indonesia is ranked number 18 on this list with more than 1.3 million positive cases to date, and more than 36,000 deaths.

Timor-Leste’s situation is even more precarious at the moment because of local transmissions from its neighbor Indonesia across the land border, particularly iha Covalima Municipality. The other municipalities along the border, such as Bobonaro and Oecusse, are also in the high risk category, but so far no positive cases have been detected there. Local transmissions occur because of people illegally crossing the land border.

“JSMP believes that for the Government to further strengthen measures to prevent and combat Covid-19, it needs to punish citizens, both nationals and internationals, who illegally cross the border between Timor-Leste and Indonesia. Acts that do not comply with or adhere to the provisions of the law issued by the public authorities, such as those in decree-laws and resolutions related to Covid-19, are categorised as crimes of disobedience as set out in Article 244.1(a) of the Penal Code which are punishable with up to 3 years imprisonment or a fine, or whenever any legal provision defines the act as a specifically defined disobedience, the penalty is from 1 to 4 years imprisonment”, said the Executive Director of JSMP, Ana Paula Marçal.

These legal provisions restrict or suspend some of the fundamental rights of citizens to prevent the transmission of Covid-19, particularly the freedom of movement as set out in Article 4 of Presidential Decree No. 29/2020, Article 4 of Presidential Decree No. 35/2020 and other Presidential Decrees regarding the declaration of a State of Emergency including Presidential

¹ More details about the worldometers data is available at: <https://www.worldometers.info/coronavirus/>

Resolutions to declare a State of Emergency and Government Decree No. 3/2020 on the measures to execute a State of Emergency.

Also, if a citizen who commits the crime of disobedience also engages in business activities by illegally exporting and importing goods, then he/she has also committed the crime of smuggling as set out in Article 316 of the Penal Code.

This virus is a major threat to the defence and security of the nation in all sectors, in addition to the health sector, it also threatens education, the economy, commerce, industry, the social sector and culture. Therefore, it requires an extraordinary effort from all parties to contribute to preventing and combating this virus.

Therefore, JSMP believes that in addition to punishing citizens for illegally crossing the border and spreading Covid-19 in Timor-Leste, the Government also needs to further strengthen patrols along the international border between Indonesia and Timor-Leste, as well as patrols along the borders between the municipalities, especially those municipalities that have been affected, such as Covalima, to prevent this virus from spreading to other municipalities. To strengthen these patrols the Government, through the Military Command, can mobilise and deploy the F-FDTL Defence Force to the three municipalities along the border, namely Covalima, Bobonaro and Oecusse.

Also, JSMP praises the efforts of the State of Timor-Leste which has adopted relevant political and legal measures to prevent and combat Covid-19, and also to ensure the sustainability of families through Government Decree No. 12/2020 regulating the Covid-19 fund and Government Decree No. 15/2020 on financial support for families in relation to Covid-19 and Government Decree No. 16/2020 as amended by Government Decree No. 28/2020 on employment support in relation to Covid-19 and other relevant decrees. In addition, the Government has also created a policy to stimulate economic recovery from the impact of Covid-19.

JSMP also recommends for the Government to accelerate the vaccination process, not only to increase the immunity of citizens against Covid-19, but also to remove restrictions on fundamental rights such as the freedom of assembly, demonstration and movement.

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