



Judicial Conference of Australia

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Recent actions by the Government of Timor Leste

“Recent actions by the Government and Parliament of Timor Leste against foreign members of its judiciary are very concerning for the administration of justice in that nation” Justice Steven Rares, President of the Judicial Conference of Australia said today.

“The circumstances that led to the secret session of Timor Leste’s Parliament in late October 2014 that resulted in the dismissal of all foreign judges raise real issues about the integrity of the administration of justice in Timor Leste. The lack of transparency itself is disturbing.”

“The constitutional processes of Timor Leste providing for the independence of the judiciary, security of tenure of judges and investigation of complaints against judges do not appear to have been followed.”

“Public confidence in the rule of law in a democracy depends on the judiciary being independent, unbiased, transparent and of unquestionable integrity. The public of any sovereign state, such as Timor Leste, must be able to be confident that in the Court system, justice is not only done but should manifestly and undoubtedly be seen to be done.”

“Secret decision-making about judges and Court decisions outside of court and constitutional processes undermines public confidence in the judiciary, and that, in turn, undermines the rule of law.”

“The circumstances surrounding the resignation in February 2014 of the President of the Court of Appeals, Claudio de Jesus Ximines, also raise very significant concerns as to the independence of the judiciary, the observance of Constitutional provisions for protecting the rule of law and the separation of powers in that country. Citing particular court decisions as

the reason for appointing, assigning or dismissing judges inevitably raises concerns of political or other inappropriate attempts to improperly influence judicial outcomes.”

“The Judicial Conference of Australia strongly condemns these most serious interferences with the independent and effective operation of Timor Leste’s courts and with the rule of law,” Justice Rares said.

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The Judicial Conference of Australia is the representative body of the Australian judiciary.

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