



**P R I M E
M I N I S T E R**

**SPEECH BY HIS EXCELLENCY THE PRIME MINISTER
OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE,
DR RUI MARIA DE ARAÚJO,
AT THE INTERNATIONAL SEMINAR ON
“COURTS UNDER THE RULE OF LAW”**

**Ministry of Foreign Affairs and Cooperation, Dili
27 July 2016**



Palácio do Governo,
Avenida Presidente Nicolau Lobato,
Dili, Timor-Leste

Your Excellencies,

The Former Holders of Sovereignty Bodies
The Interim President of the Court of Appeal
Distinguished Representatives and Members of the Government
Head of the Civil House
The Prosecutor-General of the Republic

Your Excellencies,

The Portuguese Ambassador and Representative of the European Union
The President of the Timor-Leste Judges Association
The President of the International Union of the Portuguese Language Judges
The Judges and Judge-Rapporteurs
The speakers and moderators

Distinguished guests,

It is a great satisfaction to be here at the opening ceremony of this international seminar whose key subject is the importance of the “Courts under the Rule of Law” and that brings together in our capital a vast array of agents from the legal systems of several Portuguese speaking countries, the Special Region of Macao, among others. I bid you all a warm welcome.

I would like to start by conveying my appreciation to those who put together this event – the Court of Appeal, the Timor-Leste Judges Association, the Ministry of Justice, the Conference of Ministers of Justice from the Portuguese Speaking Countries and the International Union of the Portuguese Language Judges – in collaboration with other organizations.

This seminar takes on considerable institutional relevance, particularly for our young country of Timor-Leste, which as you know has recently completed 14 years of independence.

Over these years our main concern was Statebuilding. Today we can be proud of having created the infrastructures for the institutions and services that are essential to a sovereign State under the rule of law, and which naturally include the institutions of justice. We continue working in order to improve and strengthen these institutions.

In line with the principles of modern constitutionalism, the main feature of a Democratic State under the Rule of Law is being organised by rules that are usually enshrined in a written document of supreme value, which is the Constitution. It is the Constitution that organises and limits political power, while guaranteeing and recognising the rights of all the citizens. This double aspect of the Constitution is one of the premises for exercising the rights and principles befitting a State under the Rule of Law.

The constitutional options of Timor-Leste reflect the modernity of our Timorese State, particularly in what concerns the principles of separation of powers and interdependency of the sovereignty bodies, as well as in recognising the rights of the citizens. This is stated

in the preamble of our Constitution, which reaffirms the determination of the people in assuring this principle as a core element of the political organisation system. So too are the rights of citizens extensively described and defined in the constitutional text.

The ultimate goal of the principle of separation of powers is to guarantee the rights of the individuals. Each sovereignty body has its different responsibilities and powers while maintaining a relationship of interdependency with one another, whose goal is the normal functioning of State institutions that seek to protect the rights, liberties and guarantees of the citizens.

The Constitution of the Republic of Timor-Leste establishes four sovereignty bodies – the President of the Republic, the National Parliament, the Government and the Courts. Courts are tasked with “administering justice in the name of the people”.

Courts have sovereignty and democratic legitimacy. It is the people who grant Courts authority in order to guarantee the rights of the people.

This is why the justice sector, as a cornerstone of the Democratic State, continues to merit our attention as we seek to strengthen it as an institution of peace and stability. The system of justice makes society safer, as it provides individuals with mechanisms for resolving their disputes peacefully. This in turn creates long term habits of using these mechanisms for resolving disagreements. The application of justice protects citizens and makes them feel secure against impunity.

A justice sector that is impartial, objective, rigorous and prompt results in greater confidence, which is highly important for the citizens and for the country. Justice, which brings social peace and development, as required for economic and social growth, nurtures investment by the national and international private sector. Large investors are naturally more willing to invest in countries that convey to them a high level of confidence. This investment will in turn nurture economic growth, which is reflected in the improvement of the living situation of the people.

Your Excellencies,
Ladies and Gentlemen,

The need for a legislative and justice sector reform, that the Sixth Constitutional Government has been doing, which is a crosscutting one, has merited political consensus.

Achieving this reform will require research and review on the need to standardise and harmonise laws. This work is being carried out by the Legislative and Justice Sector Reform Commission.

This Commission was created because it was acknowledged that it is necessary to review and enhance the legal instruments that, in addition to protecting the rights, liberties and guarantees of the citizens of Timor-Leste, must also protect their access to the law, bringing them closer to the legislation and to the democratic ideals.

Consequently it becomes necessary to promote the modernisation of the legislative process so as to enable solutions for the future. Standards must seek progress and be adjusted to the development of the socioeconomic conditions of the country. These standards must be the basis for solutions that serve society and that are understood by it. This will be achieved by using a simple but rigorous language that creates greater certainty, security and clarity, thus contributing to a better application of the law and to greater access to the legislation.

At the same time one must also develop the judiciary organisation in order to make it more adapted to the citizens and to reality, bringing courts closer to the people and making the people feel that justice institutions work and know how they can access them.

In addition to strengthening the institutions and the entire system it is essential to capacity build human and IT resources. This will enable the expansion of the scope of services provided, such as the mobile court, as well as the delivery of better quality services. The continuous, specialised and hands-on training for magistrates will lead to:

- (a) faster system and cases;
- (b) making people feel closer to the courts.

Your Excellencies,
Ladies and Gentlemen,

The fortunate initiative integrated in the scope of the Project for Supporting the Consolidation of the Rule of Law in the Portuguese Speaking African Countries and in Timor-Leste (PACED), which today brings together magistrates, justice officers, attorneys, scholars and other personalities to debate on issues related with judicial independence and the Rule of Law, will enhance and consolidate the expertise on these issues by enabling the sharing and discussion of ideas.

In view of the relevance of the subject, I trust that participation in this seminar will be as active as it will be rewarding, both for the lecturers and moderators as well as for the participants.

Before I conclude, I would like to stress the importance of magistrates and all legal officers and the high level role they play in serving the interests of the nation and its citizens.

This government remains committed to the independence of the courts as bodies of justice administration of sovereignty, but calls for all by greater interdependence with other sovereign bodies as State bodies that have the duty to look after the national interest.

I wish you great success. Thank you very much.

Dili, 27 July 2016
Dr Rui Maria de Araújo