



UN human rights expert urges Timor-Leste to reconsider dismissal of international judges and prosecutors

GENEVA (25 November 2014) – The UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, today warned that the audit of the justice sector and the dismissal of all international judicial personnel announced in Timor-Leste puts at risk the independence of the judiciary in the country. Ms. Knaul indicated she had already raised the issue with the authorities and urged them to reconsider their decision.

In two separate resolutions dated 24 October, the Timor-Leste Parliament and Government called for an audit of the courts and the immediate contract termination of all international judicial personnel and advisers working in the justice sector. In another resolution dated 31 October, the Government singled out eight international staff – five judges, two prosecutors and one adviser – and ordered them to leave the country within 48 hours.

“The resolutions represent a serious interference in the independence of the judiciary,” Ms. Knaul said. “I am troubled that the decision may have been taken in retaliation for court judgments which displeased members of the Government and the Parliament.”

The human rights expert stressed that the immediate dismissal of international judicial personnel could undermine the proper administration of justice in Timor-Leste, including access to justice and due process guarantees. “It may also have a chilling effect on national members of the judiciary, affecting their independence,” she warned.

“The removal of international judges and prosecutors may in particular disrupt the prosecution of serious and complex criminal cases as the role of international personnel has so far been determinant in supporting their national colleagues in such cases,” the Special Rapporteur explained. “This situation may further result in the suspension of trials in cases of crimes against humanity and other serious crimes committed in 1999, as the law requires that the panels set up to consider these crimes comprise of two international judges,” she cautioned.

Ms. Knaul acknowledged that Timor-Leste has made great progress in building its judicial institutions over the past decade. She also highlighted the essential role played by international judicial personnel in this on-going national capacity-building process.

“The reduction of the number of international judges, prosecutors and other legal professionals is a legitimate path to follow; however, this should be a process implemented in full conformity with international human rights law and standards, as well as national laws and procedures,” the expert underlined.

“I urge both Parliament and Government to reconsider their decisions and initiate a dialogue with the relevant partners, including the UN, to address this serious situation and map an appropriate way forward in compliance with Timor-Leste’s international human rights obligations,” the Special Rapporteur concluded.

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Gabriela Knaul took up her functions as UN Special Rapporteur on the independence of judges and lawyers in 2009. Ms. Knaul has a long-standing experience as a judge in Brazil and is an expert in criminal justice and the administration of judicial systems.

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For more information and media requests please contact Amanda Flores (+41 22 917 91 86 / aflores@ohchr.org) or write to srindependencejl@ohchr.org

For media inquiries related to other UN independent experts:
Xabier Celaya, UN Human Rights – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

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