

THE JUDICIAL CONFERENCE OF AUSTRALIA

President: Justice Steven Rares
Vice President: Justice Robert Beech-Jones
Treasurer: Judge Brian Withers
Secretary: Mr Christopher Roper, AM

From the President:

Justice Steven Rares
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28 November 2014

His Excellency Taur Matan Ruak
President
Democratic Republic of Timor-Leste
Office of the President
Dili
TIMOR-LESTE

Your Excellency

I am writing to you as President of the Judicial Conference of Australia, which is the representative body of the judiciary in Australia. We are a self-funding body that is independent of government.

As you know, a number of Australian judges have, for many years, had strong links with Timor-Leste and with the judiciary in your country. It is fair to say that Timor-Leste has established an international reputation as a democracy with an independent and properly functioning judiciary.

We have recently become aware of reports relating to your Government's and Parliament's treatment of the judiciary and individual judges in Timor-Leste. If those reports are correct, they create considerable concern about the maintenance of the independence of the judiciary in East Timor and respect for the constitutional protection of the independence of your nation's judges.

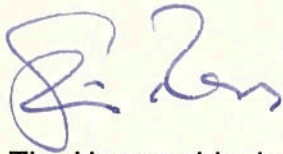
As you know, your Constitution expressly establishes the principle of separation of powers. When performing their functions, judges are independent and subject only to the Constitution and law and have security of tenure. These fundamental provisions require each branch of Timor-Leste's government to respect each other as independent organs of sovereignty and deal with each other in accordance with the law and Constitutional requirements.

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The Constitution provides that the management and discipline of judges is the prerogative of the Superior Council for the Judiciary. If the Courts and the judges are dealt with in other ways, such as the cancellation of visas of foreign judges, the rule of law and democracy are threatened.

We wish to express to you our strong support for the independence of the judiciary in Timor-Leste. We urge both your Government and Parliament to maintain and support the separation of powers that your Constitution requires and that is a recognised feature of a functioning democracy.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Rares', is positioned above the typed name.

The Honourable Justice Steven Rares
President

cc: His Excellency Guilhermino De Silva
President
Court of Appeal