

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
NATIONAL PARLIAMENT**

LAW No. /2005

FREEDOM OF ASSEMBLY AND DEMONSTRATION

In a wider scope of fundamental rights, duties, and liberties and guarantees of the citizens of Timor-Leste, freedom of assembly and demonstration forms a part of the individual rights, duties, liberties and guarantees enshrined in the Constitution of the Republic.

Fundamental rights conferred upon citizens as individuals are inherent in human nature and dignity and shall be exercised within the limits established by law in a way that they will not interfere nor offend the liberties and rights of their compatriots, so the legitimate interests of individual citizens can be in harmony with the interests of other citizens who form the community in which individual rights and liberties are exercised.

Moreover, it is important that the State ensures conditions for the exercise of such liberties in order that the democratic culture is established as a *modus vivendi*, without anarchy or obstruction of the rights of each and every citizen.

It is essential to allow the citizens of Timor-Leste to exercise the right to assemble and demonstrate peacefully while, at the same time, law and order are guaranteed, with the State safeguarding the demonstrators against third parties who want to prevent or obstruct the exercise of freedom of assembly and demonstration as provided for in the Constitution.

It is therefore important that the forms whereby the exercise of such liberties is regulated be established by law in order to ensure its enforcement.

Thus, pursuant to Sections 24, 42, 95.2(e), 42.2 and 24 of the Constitution of the Republic, the National Parliament enacts the following that shall have the force of law:

**Article 1
Object**

1. The present law is meant to define a legal regime whereby the right to hold public assemblies and demonstrations in public places or places open to the public shall be exercised.
2. Private assemblies shall not be subject to these rules as long as held indoor and through individual invitations.
3. Assemblies and demonstrations of a religious nature and electoral assemblies shall not be subject to these rules either, but they shall be regulated by specific legislation.

Article 2
Assembly

1. "Assembly" is construed as meaning as a pre-organised crowd concentrating in a place, be it private, public or open to the public, for purposes not contrary to the law, morals, the rights of other citizens, and public order and peace.
2. Assemblies are temporary in nature, organised rather than institutionalised.

Article 3
Demonstration

1. "Demonstration" is construed as meaning a collective and public expression of opinions or feelings over political, social or other matters.
2. A demonstration may include rallies, parades and processions organised accordingly.

Article 4
Freedom of assembly and demonstration

1. Every citizen may exercise the right to assemble and demonstrate peacefully and unarmed, under the terms of this law and without a need for prior authorisation.
2. No one shall be compelled to join in an assembly or demonstration.

Article 5
Restrictions

1. Assemblies and demonstrations in public places, or in places open to the public, within less than 100m (one hundred metres) from offices of organs of sovereignty, residences of officeholders of organs of sovereignty, military and militarised installations, prison buildings, offices of diplomatic missions and consulates, and offices of political parties, are prohibited.
2. It is equally prohibited to hold demonstrations in places within less than 100m from ports, airports, telecommunications facilities, power stations, depots and storage facilities of water, fuel and inflammable substances.

Article 6
Time limit

Demonstrations shall be allowed only to take place between 8:00 am and 6:30 pm.

Article 7
Interruption

Assemblies or demonstrations organised in public places, or in places open to the public, can be interrupted by an order to disperse issued by the police authority if it is realised that the initial objective of the assembly or demonstration was shifted by

actions that are contrary to the law or that violate the restrictions provided for in Article 5 of the present law.

Article 8
Guarantees in the exercise of freedom

Civil and police authorities shall guarantee free exercise of the right to freedom of assembly and demonstration, by ordering their representatives or agents to attend and remain in relevant locations and taking necessary action to ensure these rights are exercised without any disruptions, namely without the interference of counter-demonstrations.

Article 9
Maintenance of order on indoor premises

1. Where the presence of police officers is not requested, the organizers of indoor assemblies or demonstrations shall be responsible for order maintenance on such premises under the terms established by law.
2. Police officers shall not attend indoor assemblies or demonstrations, unless their presence has been requested by the organisers of the event.

Article 10
Prior notice

1. Individuals or entities who plan to carry out assemblies or demonstrations in public places or in places open to the public shall notify their intention in writing to local civil and police authorities with at least four working days in advance.
2. The notice shall be signed by five organizing members duly identified by their names, addresses and professions or, in the case of corporate bodies, by the respective managing board.
3. The notice must also include the time, location and purpose of the assembly and indicate the route to use in the case of parade, procession or demonstration.
4. Entities who have received the notice shall, in appropriate terms, issue a document attesting to the receipt thereof.

Article 11
Restrictions

1. A decision on restriction of an assembly or demonstration made pursuant to Article 5 shall be substantiated and notified in writing to the organizers, at the address indicated by them, within two days of receiving the notice by the authorities.

2. Failure to notify the organisers within the aforementioned deadline is to be construed as meaning that no objection has been made for the assembly or demonstration to be carried out.
3. It is incumbent upon local civil and police authorities to decide whether to impose any restrictions.

Article 12
Alteration of route

1. If deemed necessary to ensuring orderly movement of people and vehicles in public streets, the authorities may change the planned route or determine that the parade or procession be allowed to use only one lane of the street.
2. The alteration order shall be given in writing to the organisers two days before the holding of the planned parade or procession.

Article 13
Public places

Civil and police authorities shall define certain public places, properly identified and delimited, for assemblies or demonstrations to be carried out.

Article 14
Illegal possession of firearms

1. The carriage of firearms and other weapons in assemblies or demonstrations is prohibited.
2. Without prejudice to other penalties applicable to the case, people who have been found in possession of firearms or other weapons during an assembly or demonstration shall incur the crime of illegal possession of weapons, which is punishable under Section 4.4 of UNTAET Regulation No. 5/2001, of 23 April.

Article 15
Other crimes

1. Pursuant to the provision of Article 160 of the Penal Code, a person who interferes with an assembly or demonstration, by obstructing or trying to prevent them from being carried out, shall incur the crime of disobedience provided for therein and punishable thereunder.
2. Every person who assembles or demonstrates in contravention of the present law shall also incur the crime of disobedience provided for in, and punishable under, subarticle 15.1 above.
3. Authorities who impede or try to impede the exercise of the right to assemble or demonstrate, outside of the legal framework, shall incur the crime of abuse of

authority, which is punishable under Section 421 of the Penal Code, and shall be subject to disciplinary liability.

Article 16
Appeal

1. The organisers of an assembly or demonstration may appeal to court, within five days of receiving the notice, against any decision by the authorities made in contravention of this law.
2. Court decisions may, at all times, be appealed against to the Supreme Court of Justice.

Article 17
Entry into force

This law shall come into force on the day following the date of its publication in the Official Gazette.

Approved on 18 July 2005

The Speaker of the National Parliament

[Signed]
(Francisco Guterres “Lu-Olo”)

Promulgated on 16 January 2006.

To be published.

The President of the Republic

[Signed]
Kay Rala Xanana Gusmão