

Country File

TIMOR-LESTE



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Region	Asia-Pacific
Legal system	Civil Law
UNCAT Ratification/ Accession (a)/ succession (d)	16 April 2003 (a)
Relevant Laws	<ul style="list-style-type: none">• Constitution of 2002
Relevant Articles	<ul style="list-style-type: none">• Prohibition of Torture: Sections 25 and 30 of the Constitution• Definition of Torture:• Penalties:• Others:<ol style="list-style-type: none">1. Extradition: Section 35 of the Constitution2. Exclusion of evidence: Section 34 of the Constitution3. Defences: Section 25 of the Constitution
Languages Available	<ul style="list-style-type: none">• Portuguese (official language)• Tetum (official language)• English• Bahasa Indonesia
Other Relevant Information	

Relevant Articles – TIMOR-LESTE

PORTUGUESE

Constituição da República Democrática de Timor-Leste

Artigo 25.º Estado de excepção

5. A declaração do estado de sítio em caso algum pode afectar os direitos à vida, integridade física, cidadania e não retroactividade da lei penal, o direito à defesa em processo criminal, a liberdade de consciência e de religião, o direito a não ser sujeito a tortura, escravatura ou servidão, o direito a não ser sujeito a tratamento ou punição cruel, desumano ou degradante e a garantia de não discriminação.

Artigo 30º Direito à liberdade, segurança e integridade pessoal

4. Ninguém pode ser sujeito a tortura e a tratamentos cruéis, desumanos ou degradantes.

Artigo 34º Garantias de processo criminal

4. São nulas e de nenhum efeito todas as provas obtidas mediante tortura, coacção, ofensa à integridade física ou moral e intromissão abusiva na vida privada, no domicílio, na correspondência ou em outras formas de comunicação.

Artigo 35.º Extradicação e expulsão

3. Não é permitida a extradicação por crimes a que corresponda na lei do Estado requisitante pena de morte ou de prisão perpétua, ou sempre que fundamentamente se admita que o extraditando possa vir a ser sujeito a tortura ou tratamento desumano, degradante ou cruel.

TETUM

Konstituisaun Repúblika Demokrátika Timór-Leste

Artigu 25 Estadu esesaun nian

5. Deklarasaun estadu serku nian labele afeta direitu ba moris, integridade fíziku, sidadania, no labele halo retroatividade ba lei penál, direitu ba defeza ne'ebé iha ona prosesu krime nia laran no liberdade konxiénsia no relijiaun nian, ho direitu atu lasimu tortura, sai atan, tratamentu kruél, la'ós umanu eh degradante, no iha garantia atu la hetan diskriminasaun.

Artigu 30 Direitu ba liberdade, seguransa no integridade ema idaidak nian

4. Ema ida labele hetan tratamentu aat, ne'ebé la'ós umanu eh degradante.

Association for the Prevention of Torture (APT) www.apr.ch

For any suggestions and/or comments, please contact us at laws@apr.ch.

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Artigu 34 Garantia ba prosesu krime nian

4. Prova hotu-hotu la iha folin no la iha efeitu wainhira hetan hosi tortura, obriga husi ma seluk, hahalok aat ba integridade fizika eh morál no intromisaun abuzivu iha vida partikulár no iha uma hela-fatin, korrespondénsia eh iha forma seluk komunikaun nian.

Artigu 35 Estradisaun no espulsaun

3. Labele iha extradisaun tan krime ida, wainhira estadu ne'ebé husu extradisaun bele fó kastigu mate-kotu ka kastigu to'o mate, eh wainhira, iha tada-nanis katak atu iha tortura eh tratamentu aat no degradante ba ema be atu hetan extradisaun.

ENGLISH (Translation)

Constitution of 2004

Section 25 State of exception

...

5. In no case shall a declaration of a state of siege affect the right to life, physical integrity, citizenship, non-retroactivity of the criminal law, defence in a criminal case and freedom of conscience and religion, the right not to be subjected to torture, slavery or servitude, the right not to be subjected to cruel, inhuman or degrading treatment or punishment, and the guarantee of non-discrimination.

Section 30 Right to personal freedom, security and integrity

...

4. No one shall be subjected to torture and cruel, inhuman or degrading treatment.

Section 34 Guarantees in criminal proceedings

...

4. Evidence is of no effect if obtained by torture, coercion, infringement of the physical or moral integrity of the individual, or wrongful interference with private life, the home, correspondence or other forms of communication.

Section 35 Extradition and expulsion

...

3. Extradition in respect of offences punishable, under the law of the requesting State, by death penalty or life imprisonment or whenever there are grounds to assume that the person to be extradited may be subjected to torture and inhuman, degrading and cruel treatment, shall not be permitted.

INDONESIAN (Translation)

Undang-Undang Dasar Timor Leste 2004

Pasal 25 Keadaan Perkecualian

5. Pernyataan keadaan perang, dalam keadaan apapun, tidak dapat mempengaruhi hak hidup, keselamatan jasmani, kewarganegaraan, tidak berlakunya undang-undang hukum pidana bagi masa lampau, hak pembelaan dalam perkara pidana dan kebebasan keyakinan serta agama, hak untuk tidak disiksa, diperbudak atau dihambakan, hak untuk tidak diperlakukan atau dihukum secara kejam, tidak manusiawi atau yang merendahkan martabat manusia, dan jaminan tidak adanya diskriminasi.

Pasal 30 Hak atas Kebebasan, Keamanan dan Integritas

4. Tidak seorangpun dapat disiksa, diperlakukan secara kejam, tidak manusiawi atau secara merendahkan martabat manusia.

Pasal 34 Jaminan-jaminan dalam Proses Persidangan Pidana

Tidak berlaku bukti-bukti yang diperoleh melalui penyiksaan, pemaksaan, pelanggaran atas keselamatan jasmani atau integritas moral orang yang bersangkutan, atau campur tangan yang tidak sah dengan kehidupan pribadi, tempat tinggal, suratmenyurat atau bentuk komunikasi lain.

Pasal 35 Ekstradisi dan Pengusiran

3. Ekstradisi atas kejahatan-kejahatan yang, di bawah hukum Negara pemohon ekstradisi, dikenakan dengan hukuman mati atau pemenjaraan seumur hidup atau keadaan di mana diduga bahwa orang yang akan diekstradisi mungkin akan disiksa, diperlakukan secara tidak manusiawi, yang merendahkan martabat manusia atau yang kejam, tidak akan diijinkan.