

Timore-Leste

*By The Hon Chief Justice Trevor Riley,
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Timor-Leste is the newest nation on earth. It achieved independence on 20 May 2002 and has just celebrated its 10th birthday. The path to nationhood was long and difficult, and the first 10 years of independence has not been without major disruptions. However, in 2012 peaceful elections were held and the people are looking forward to a more settled existence.

It is important to recognise that this very new democracy is our nearest neighbour. The distance between Darwin and Dili is a mere 700 km, or a one-hour flight. Our geographical proximity has meant that over the years there has been a strong connection between the

people of Timor-Leste and people of the Northern Territory. Dili was a business, sailing and holiday destination for many Territorians for many years, but that changed with the invasion of the country by Indonesia in 1975. By the end of 1976 there were some 35,000 Indonesian troops in Timor-Leste and it was officially declared Indonesia's 27th province on 16 July 1976.

In the late 1990s there was significant unrest in some parts of Indonesia including Timor-Leste. Early in 1999 Indonesia agreed to a referendum for Timor-Leste, providing a choice to the people between autonomy and independence. On 30 August

1999 some 78% of the people of Timor-Leste voted in favour of independence.

Thereafter anti-independence militias went on a rampage and there was widespread destruction of buildings and infrastructure in Dili and other cities. There were massacres of civilians. Eventually the UN intervened and the International Force for Timor-Leste or InterFET sent peacekeepers into the area. Peace was restored and soon thereafter independence was achieved.

There have been subsequent periods of tension and fighting within Timor-Leste, notably in 2006 when rioting occurred and

peacekeeping forces returned to the streets; again in 2007, and then a failed coup attempt and an attempted assassination of Prime Minister Ramos-Horta in 2008.

The country now appears to be more settled evidenced by the recent peaceful elections.

Building judicial relationships

The strong connection between Timor-Leste and the Northern Territory has resumed. As a part of this process the Supreme Court of the Northern Territory has made a conscious effort to develop and enhance our relationship with the courts of Timor-Leste. In 2011 Chief Justice Claudio Ximenes and three Timorese judges travelled to Darwin where they were hosted by our court. On that occasion the focus of the visit was to discuss case and file management procedures to assist in their developing justice system. We took the opportunity to discuss many other issues and realised that, although there are significant differences in our justice systems, we had much in common.



Judges visit Dili

In October 2012, members of the Supreme Court of the Northern Territory conducted a return visit and we were hosted by the courts of Timor-Leste. Whilst in Dili, we held intensive meetings over two days with the Judges of the courts. Barr J and I also took the opportunity to meet with the President of the local Bar Association and with the Australian Ambassador.

The meetings with the Judges were particularly productive. We spent time reviewing the development of the justice system in Timor-Leste which, of course, is in its infancy and therefore provides a wonderful opportunity for the Timorese to incorporate suitable ideas from other systems of justice, including our own. They are keen to understand the way we do things and to utilise our experience.

We addressed issues surrounding the rule of law and how important respect for the rule of law is in an emerging democracy. We also addressed very practical problems shared by our two jurisdictions including delivering justice to remote locations with inadequate facilities, where there are significant language problems and where traditional forms of justice continue to guide the lives of local people.

I would like to think that the relationship which has now been established between the respective courts can be replicated in the legal profession. It is in the interests of both countries that we develop strong and mutually beneficial relationships in which we share our experiences and seek solutions to our problems. ●

