

## **DECREE LAW NO. 25/2010**

**OF 15 DECEMBER**

### **Third amendment to Decree Law No. 15/2008 of 4 June on the Pensions for National Liberation Combatants and Martyrs**

Considering that Decree Law No. 15/2008 of 4 July, in the drafting given to it by Decree Law No. 35/2009 of 2 December, defines the entitlement, the amounts and the requirements for the process of granting pensions to combatants and relatives of martyrs on national liberation provided for in Law No. 3/2006 of 12 April, as per the drafting given to it by Law No. 9/2009 of 29 July, which defines the Statute of the National Liberation Combatants;

Considering also that articles 23 and 31 of that statute provide, respectively, for the definition of survival pension, of financial benefit intended for the family of martyrs of national liberation and national liberation combatants in receipt of the Special Subsistence Pension and the Special Retirement Pension after they have died, as well as for the documents that should be part of the respective process;

Taking into account the need to cater for those situations where the National Liberation Combatant has died before initiating or completing his/her registration process with the relevant authorities or before the period for applying his/her respective Special Retirement Fund or Special Subsistence Pension has initiated or expired;

Taking also into account the need to cater for those situations where the martyr of national liberation has died or disappeared without leaving a baptism certificate, which makes it impossible for his/her respective father, mother or sibling to apply for survival pension based on the required presentation of the birth certificate of the martyr;

Thus, pursuant to subparagraph j) of article 115.1 of the Constitution of the Republic and to article 39 of Law No. 3/2006 of 12 April as, the Government enacts the following to have the force of law:

## Article 1

### Amendments

Articles 23 and 31 of Decree Law No. 15/2008 of 4 June shall now read as follows:

#### **“Article 23**

[...]

1. [...]
2. For the purposes of the preceding paragraph, in addition to a national liberation combatant who has acquired the right to a pension pursuant to article 7 of this statute, beneficiary of special subsistence pension or of special retirement pension shall also refer to a national liberation combatant who:
  - a) Pursuant to paragraphs 3 and 4 of article 36, has applied for one of the referred pensions and has died before acquiring the respective right in accordance with article 7;
  - b) Has died after 25 October 1999 and has not had the opportunity to apply for the pension because, as of the date of death, the process of registration of combatants was not yet in place, or the respective registration process had not been decided on yet, or because he or she has died before or during the period for reception of applications by the relevant entity referred to in subparagraph a) of article 36.3”

#### Article 31

[...]

1. [...];
  - a) [...];
  - b) [...];
  - c) [...];
  - d) [...];
  - e) Birth certificates of baptism certificates of applicants and of national liberation martyrs or combatants, where the applicant is the father, mother, or sibling of same; where the baptism certificate of the martyr does not exist, it may be substituted by a declaration of birth issued by

the Government body in charge of national liberation combatants, to be signed by the relevant official and by a priest, a vicar, Suco Chief or District Administrator, and certified by a former leader of the Timorese Resistance.;

- f) [...];
- g) [...].”

## **Article 2**

### **Entry into force**

This statute shall enter into force on the day after its publication.

Approved by the Council of Ministers on 6 October 2010.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister for Social Solidarity

Maria Domingas Fernandes Alves

Enacted on 29 November 2010

For publication

The President of the Republic