

**DECREE-LAW NO. 6/2011**  
**of 9 February**

**COMPENSATIONS FOR EVACUATING STATE REAL PROPERTY**

It is incumbent upon the Government, pursuant to the Constitution, to guarantee the defence and consolidation of State property, thereby contributing toward good administration of such property taking into account the socio-economic role they play and public order interests.

By force of the recent history of this country, a considerable amount of State real property is still illegitimately or unlawfully occupied.

Such cases have to be settled through the establishment, on one hand, of mechanisms that reinstate legality and, on the other hand, that safeguard the social impact resulting necessarily from the enforcement of such mechanisms.

The present statute thus provides for compensations, on an exceptional basis, to be granted to those who, albeit occupying State property unlawfully, have remained in them for a certain period of time and constituted their household, and their humanitarian condition justifies granting of compensation.

Pursuant to subparagraph k) of article 115.1 of the Constitution of the Republic, the Government enacts the following, to have the force of law:

**Article 1**  
**Nature and Scope**

1. This statute provides for the granting of compensation for the relocation of unlawful occupants of State property in those cases where the relevant authorities consider that humanitarian reasons exist that justify granting of compensation.
2. The statute also defines the criteria for calculating the compensation.

**Article 2**  
**Criteria for establishing compensations**

The following criteria have been established for the compensations:

- a) Composition of the household;
- b) Duration of the occupancy;
- c) Type of occupancy;
- d) Type of construction;

- e) Depreciations and improvements.

### **Article 3** **Definitions**

- a) Household shall refer to the couple and their dependants, first degree ascendants or descendants;
- b) Type of occupancy shall refer to the occupancy of a land for agricultural or building purposes, or the occupancy of a pre-existing real property;
- c) Time of duration shall refer to the lapse of uninterrupted time during which the occupancy took place;
- d) Type of construction shall refer to one of three possibilities of construction: permanent construction, semi-permanent construction; and provisional construction;
- e) Permanent construction shall refer to construction in masonry, with components of concrete with one or more floors;
- f) Semi-permanent construction shall refer to mixed-construction in masonry, wood, palm-tree leaves and other organic materials;
- g) Provisional construction shall refer to construction without masonry elements and built with components made of wood, palm-tree leaves or other organic materials, or with removable components;
- h) Depreciation shall refer to the value attributed to wear-and-tear or to real estate obsolescence;
- i) Improvements shall refer to the expenditures made in order to maintain or improve the real estate.

### **Article 4** **Granting of compensation**

Granting of compensation shall be conditional upon a ministerial instruction recognising the existence of justified humanitarian reasons for granting compensation.

### **Article 5** **Calculation of amount of compensation**

Tables containing amounts for compensation, including the calculation mechanisms, shall be defined by Ministerial Statute of the Ministry of Justice.

Article 6  
Renting

Any person who rents a real property built by a third person on a land pertaining to the State shall be entitled, in accordance with the criteria provided for in this statute and its respective regulation, to a compensation similar to the one established for those cases of occupancy of a State property.

Article 7  
Possession of more than one real property

Any person who possesses more than one real property shall be compensated for the real property that they occupy. There shall not be accumulation of compensations.

Article 8  
Lack of collaboration

Lack of collaboration, as well as refusal to provide information relating to any of the criteria referred to above, shall result in non-granting of compensation.

Article 9  
Fraud in the provision of information

Fraud in the provision of information relating to any of the criteria referred to above shall result in non-granting of compensation.

Article 10  
Temporal scope of application

This statute shall have an exceptional and transitional nature and shall apply only to pre-existing cases that occurred between 1999 and the date of its entry into force.

Article 11  
Entry into force

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

Approved by the Council of Ministers on 1 December 2011.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Justice,

Lúcia Lobato

Enacted on 26/1/2011

For publication.

The President of the Republic,

José Ramos-Horta