

**DECREE-LAW No 17/2009****of 8 April****REGULATION OF THE MILITARY SERVICE  
LAW**

In accordance with article 34 of the Military Service Law (MSL) approved under Law no 3/2007 of 28 February, modified and republished by Law no 16/2008 of 24 December, it belongs to the Government to regulate its execution in general terms, as well as to fit the provisions regarding MSL observance to the system of voluntary service presently set up. So, this regulation covers all MSL, according to the terms foreseen in the above mentioned article 34.

The present statute aims the creation of a recruitment system that can satisfy the needs for a recruitment procedure suitable for Falintil-ETDF (East Timor Defense Forces) reform and also ensure citizen rights. Therefore, the distinct needs for administrative efficiency are taken into consideration, as well as their legitimacy and lawfulness are intended to be assured. So, it was particularly contemplated the need to create a feasible system which could match the Timorese reality, mainly in what concerns the

intervention of the different levels of territorial organization, given the communication and moving issues across the territory. Thus, duplication of bureaucratic structures will be avoided, allowing the organization of the census and recruitment process itself to determine organic needs, not any rule on this subject becoming necessary right now.

The procedural intervention concerning the granting of "Support person" status will also be entrusted to administrative definition. In this case, the existing laws on that matter are supposed to properly ensure citizen rights protection, which becomes subject to the general regime of administrative procedure and organization.

It has also been taken into account that the recruitment system shall allow East Timor Armed Forces development, in compliance with their needs, the job concept and the concept of military strategy and of national defense strategy. So, the recent modification of MSL allows recruitment to benefit from a citizen's voluntary demand and not only to be carried out on the basis of a compulsory census. Nevertheless, it has to be pointed out that military census keeps on being compulsory for all Timorese citizens of both sexes in the year they turn 18. However, given the census difficulties to satisfy social reality, it will be completed through citizens' voluntary demands to render military service. Thus, military recruitment will be made from voluntary demands and, if necessary, in terms hereby regulated, upon the available data coming from compulsory census, since compulsory military service will remain the ordinary regime, in case there have not been enough voluntary demands adjusted to the Armed Forces needs.

The present MSL regulation also aims to rule on the employment relationship system within the Armed Forces, be it under contract or with a steady lien to the permanent cadres. Like the compulsory military service, service under a voluntary regime will last the same 18 months, including military training. When this period is over, people may remain in the Armed Forces by signing an administrative contract of appointment, which lasts for 18 months and is renewable for two-year periods, the service under a voluntary regime or under contract having the maximum effective duration of seven years. Formalization of the aforementioned contracts is subject to a preliminary selection process, which will particularly weigh the general and specific needs of the Armed Forces, the candidates' qualifications and their assessment in view of their previously rendered service. The access to the permanent cadres will depend on an internal competition has been held, as well as on an existing vacancy within the Armed Forces staff. So, there will be two kinds of employment relationship within the Armed Forces, namely the contract regime and the nomination for the permanent cadres. The first one applies to the rendering of military service as a volunteer and to his continuation under contract, once that one is over. Nomination will take place through public internal competition, only accessible to those citizens who

have rendered service in the Armed Forces under the contract regime.

The present compilation does not rule on any incentives regime, which, in case there will be one in the future, will be created by decree-law. This option is based upon the current historical and socio-economic context of East Timor. On the one hand, it is well known that the economic development cannot engage the available labor. On the other hand, there is the possibility of serving in the Armed Forces under an employment relationship that may last for seven years. There is also the possibility, which some people will use, of becoming a member of the Armed Forces permanent cadres, whose payment system has been lately created and is reputed to be a fair one. The system itself also offers the military personnel the possibility of attending professional training courses. All this per se constitutes an incentive with no parallel across the Timorese society.

In accordance with the development objectives of East Timor Armed Forces, this statute points out the intention to recruit, as much as possible, qualified young people with an academic background who can satisfy the needs for a technical staff adequate to the development and consolidation of the F-ETDF and who will constitute a special contingent for recruitment for the permanent cadres.

Thus,

In terms of article 34 of the Military Service Law approved under Law no 3/2007 of 28 February, modified and republished by Law no 16/2008 of 24 December, and pursuant to article 115, no 1, paragraph a) of the Constitution of the Republic, the Government decrees, to be applicable as a law, the following:

#### **Article 1 Approval**

The Regulation of the Military Service Law is hereby approved, hereto enclosed and is an integral part of the present statute.

#### **Article 2 Databases**

The Office of the Secretary of State for Defense and the General Staff of the Armed Forces shall keep the information media needed to perform their duties in the recruitment process field.

#### **Article 3 Complementary legislation**

1. The incentives system for the military service rendering under a voluntary regime shall be created by decree-law, in case knowledge provided by the recruitment processes shows its need.
2. The Regime of Conscientious Objector and Social Service shall be created by decree-law, for those citizens who are unable to render the Compulsory

Military Service on ideological, political, religious or philosophical grounds.

**Article 4**  
**Clarifying dispatches**

1. Any questions arising from the implementation of this decree shall be solved by ministerial dispatch from the Government member in charge of Defense affairs.

2. Whenever an increase in public expenditure can occur, any questions arising from the implementation of this statute shall be solved by joint ministerial dispatch from the Government members in charge of Finance and Defense affairs.

**Article 5**  
**Entry into force**

This decree-law shall enter into force on the day after its publication date in “Jornal da República”, being retrospectively effective since January 1, 2009.

Approved by the Council of Ministers on February 25, 2009.

The Prime Minister,

Kay Rala Xanana Gusmão

The Defense and Security Minister,

Kay Rala Xanana Gusmão

Promulgated on March 27, 2009.

To be published.

The President of the Republic,

José Ramos-Horta

**REGULATION OF THE MILITARY SERVICE  
LAW**

**CHAPTER 1**  
**GENERAL PROVISIONS**

**Article 1**  
**Object**

This statute regulates the Military Service Law (MSL) approved under Law no 3/2007 of 28 February, modified and republished by Law no 16/2008 of 24 December, in terms of its article 34, in what relates the definition of rules and procedures necessary for the rendering of the ordinary effective service.

**Article 2**  
**Effective service**

According to article 5 of MSL, effective service covers the following situations:

a) The ordinary effective service, which consists in the rendering of military service by the citizens who have been registered for the census and are liable to military duties fulfillment. This kind of effective service shall apply whenever a need for effectiveness is being felt, for lack of voluntary demands, as foreseen under this statute and other special legislation;

b) The effective service under voluntary regime, by means of a contract formalized with a citizen who has applied for the rendering of military service, in accordance with the present decree;

c) The effective service under contract, which shall occur whenever there is a convergence between the Armed Forces needs and the will of the citizens who have rendered compulsory or voluntary military service, remaining on duty for a limited period of time;

d) The effective service concerning the permanent cadres (PC), which consists in the rendering of military service by the citizens who have entered the military career and remain there, covering the situation of the military personnel who are in the ranks, as well as the one of those who, as a result of a voluntary or compulsory induction, will be recruited for the PC by means of a specific selection process;

e) The effective service arising from conscription or mobilization, for the citizens in situation of availability, in terms of law.

**Article 3**  
**Military obligations**

1. The citizens of East Timor have the same military rights and duties and they exercise and perform them in terms of this regulation, without any discrimination.

2. All Timorese citizens are liable to military service and to the fulfillment of the inherent obligations from January 1 of the year they turn 18 until December 31 of the year they turn 30.

3. It is forbidden to be admitted or access a job in State institutions or other public entities for those citizens in situation of violation of the Military Service Law and of this Regulation, unless otherwise stated therein.

4. Without detriment to the previous number, the military authority which has become aware of the situation of violation of military duties shall inform the general Staff of the Armed Forces thereof, so that this one can notify the competent civil authorities, namely for the purpose of criminal proceeding, in case this one shall take place.

**Article 4**  
**Definitions**

This statute lays down the following definitions:

- a) "Postponed" – the citizen whom postponement has been granted, so that he may undergo classification and selection tests or induction later;
- b) "Individual form of military census" (IFMC) – document which registers the information data belonging to the entry of birth of each citizen liable to military obligations;
- c) "Census roll" – record of all citizens registered for the census, by alphabetical order of name, birth year, parish/suco, subdistrict, mobilization district;
- d) "Classification cycle" – period of time with the maximum duration of 12 months during which the classification and selection tests for each annual contingent are carried out;
- e) "Availability reserve personnel" – citizens who have rendered effective service, from the date they have ceased such duties until they turn 30;
- f) "Recruitment reserve personnel" – citizens liable to military obligations, from the date they have registered for the military census until their induction or enlistment in the territorial reserve;
- g) "Territorial reserve personnel" – citizens of each annual contingent who have not rendered effective service, but remain liable to military obligations. Each Territorial reserve personnel group shall be referred to the year its members turn 20;
- h) "Mobilization personnel" – citizens in the situation of availability reserve and military leave. Each Mobilization personnel group shall be referred to the year its members have ceased effective service;
- i) "Conscript" – citizen who has been gathered by general recruitment and thus becomes liable to military obligations fulfillment;
- j) "Annual contingent" – young persons who have been registered for the military census each civil year;
- k) "Annual contingent classified" – citizens who have finished their classification and selection tests in each classification cycle;
- l) "Annual contingent inducted" – recruits who have undergone induction each civil year;
- m) "Individual declaration for the military census" (IDMC) – document filled out with personal data of military interest by the interested party or his legal representative when he reports for census;
- n) "Surplus personnel" – recruits of each annual contingent classified who exceed the needs for personnel to be inducted and, thus, have to be enlisted in the territorial reserve;
- o) "Young person" – citizen registered for the census who has not yet undergone classification and selection tests;
- p) "Military identification number" (MIN) – Code number which identifies each citizen liable to military obligations during the entire liability period;
- q) "Omitted from census" – citizen whose IFMC has not been drawn up nor sent to the competent recruitment and mobilization district by the civil register office where his entry of birth is kept;
- r) "Recruit" – citizen classified as able and who makes a pledge of honor. The recruit keeps this name until induction or, if not inducted, until his enlistment in the territorial reserve;
- s) "Refractory recruit" – citizen who has not reported for induction to the military unit or premises to which he has been called, without justifying his absence within the prescribed deadline;
- t) "Induction group" – a set of recruits of a certain branch who have undergone induction at the same time and are assigned for training courses;
- u) "Volunteer" – citizen aged between 18 and a maximum limit determined by the Government member in charge of Defense affairs, to whom it is competent to rule the special requirements for application concerning the rendering of voluntary military service.

#### **Article 5**

##### **Competences in the field of recruitment**

1. It is within the competence of the Government member in charge of Defense affairs to determine the annual amounts of personnel to be inducted into each F-ETDF's branch, upon a proposal of the Chief of the Armed Forces General Staff (CAFGS), within the total of annual amounts which the Government is competent to set.
2. It is competent to the National Board of Human Resources (NBHR) of the Office of the Secretary of State for Defense (OSSD) to promote recruitment, conscription and mobilization of military personnel for the Armed Forces, with the support of the latter, in terms of article 17 of the Organic Law for Defense and Security Ministry approved under Decree-Law no 31/2008 of 13 August.
3. The CAFGS is competent to supervise, approve and direct the general affairs regarding military recruitment, namely the criteria for distribution of the personnel of annual contingents and the definition of which military organs will be competent for the military recruitment procedure, in cooperation with the OSSD's NBHR.

#### **Article 6**

##### **Recruitment organs**

1. Planning and execution of military recruitment shall be performed, in cooperation with the OSSD's NBHR, by the distinct Divisions of the F-ETDF General Staff proved to be necessary, namely the ones to which the organs competent for the following subjects belong:

- a) Human resources;
  - b) Recruitment and mobilization;
  - c) Classification and selection;
  - d) Information technology;
  - e) Psychotechnical studies;
2. In terms of law, the following civil organs take part in the military recruitment:
- a) Competent organs of Defense ministry, namely the OSSD's NBHR;
  - b) District and parish/suco offices;
  - c) Embassies and consular services;
  - d) Public schools and private or cooperative schools officially authorized;
  - e) Center for Civil and Criminal Identification;
  - f) Health services and prisons;
  - g) Any other public services whose participation has been requested.

3. Participation of each military or civil organ in the recruitment procedure shall be defined by joint dispatch of the CAFGS and the Government member in charge of Defense affairs or, as to those organs over which they do not have any hierarchy, authority or superintendence power, by joint dispatch of the competent Government member and the one in charge of Defense affairs.

## **CHAPTER 2 MILITARY RECRUITMENT**

### **Article 7 Recruitment concept and modalities**

1. Military recruitment consists in operations aimed to obtain the human resources necessary for admission to the Armed Forces, in its several modalities.
2. In terms of article 5 of MSL, recruitment encompasses the following modalities:
  - a) Ordinary recruitment, for the rendering of effective service under compulsory regime, during 18 months;
  - b) Voluntary recruitment, for the rendering of effective service under voluntary regime, during 18 months;
  - c) Recruitment under contract, for the rendering of effective service by means of a contract formalized with the Armed Forces, renewable and with the maximum limit of five years and a half;

- d) Special recruitment, for the rendering of service in the permanent cadres;
- e) Exceptional recruitment, arising from conscription or mobilization.

### **Article 8 Recruitment operations**

1. Military recruitment encompasses the following operations:

- a) Military census;
- b) Classification and selection;
- c) Distribution and enlistment.

2. Recruitment operations are also the ones necessary to obtain human resources in any recruitment modality, particularly applications for voluntary regime, with a contract purpose, to get access to the permanent cadres or those concerning conscription and mobilization.

### **Article 9 Military paper**

1. Without detriment to no. 4 of this article, military paper, which includes all data concerning the citizen military situation, is intended to identify him in military terms during the time he remains liable to military obligations, since the census until the complete fulfillment of his military duties.

2. Military paper shall be given to the citizen during the military census act or, if not possible, in a period of time that goes from that date until the day he is notified to undergo classification and selection tests.

3. After induction, military paper shall be replaced by a military identity card, so the former shall be taken by the military unit where induction has occurred, included in the military person's individual file and given back to him, in exchange for the military identity card, when the ordinary effective service, the voluntary one or the one which is rendered under contract has come to an end or the admission to the permanent cadres (PC) has been materialized.

4. Military paper model shall be approved by ministerial dispatch from the Government member in charge of Defense affairs.

### **Article 10 Notifications**

Citizens notification of the acts concerning recruitment shall be done through personal communication, either by registered mail or, if not possible, by means of face-to-face notification, which shall be carried out by the military authorities based in the citizen's domicile area.

## **SECTION 1 ON THE CENSUS AND RECRUITMENT MODALITIES**

**SUBSECTION 1  
MILITARY CENSUS**

**Article 11  
Military census objective**

In terms of MSL, military census is compulsory and intended to gather information on all citizens that reach the age for beginning military obligations each year.

**Article 12  
Basis for the census**

1. Military census is preferably based upon the entries of birth, from which the IFMC are filled out.

2. The outcomes of other census procedures, namely the electoral census, may be used for the previous article purposes.

3. Citizens' personal data shall be updated and added up by:

a) The IDMC;

b) The remaining information provided by the citizens, particularly the one flowed into the applications for the rendering of military service under a voluntary regime (VR).

4. Personal data of the citizens registered for the census shall be reported in files based upon the IFMC and kept under the responsibility of the OSSD's NBHR and the F-ETDF.

5. Each citizen reported in the files mentioned in the previous number shall be randomly given a military identification number (MIN).

6. MIN is formed by eight numerical digits, the first six being randomly assigned and the last two corresponding to the year the citizen turns 20.

7. Personal data gathered in terms of previous numbers may only be used for military census purposes.

8. The models for IFMC and IDMC shall be approved by ministerial dispatch from the Government member in charge of Defense affairs.

**Article 13  
Military census advertisement**

1. The general duty to report for military census shall be advertised by means of:

a) Announcements to be put up in the parish/suco and district offices, secondary and high schools, recruitment and mobilization districts, embassies and consular services, during each year's last quarter;

b) Advertisements to be published in mass media with a countrywide coverage, during the months of December and January.

2. All proper ways shall be used to make known to the citizens their obligation to report for military census.

**Article 14  
Attendance of military census**

1. Military census is compulsory, and so, during the month of January of the year each citizen turns 18, he or his legal representative shall report for military census to the parish/suco or district office or to the consular service of his domicile area.

2. When reporting for military census, the citizen shall hold his legal identification document or another one that replaces it or, alternatively, be escorted by two able witnesses that can confirm his identity.

3. In case attendance of census is accomplished by a legal representative, this one shall hold a document for his own identification and a power of attorney enabling him to that intent.

**Article 15  
Non-attendance of military census**

1. A citizen who has not reported for military census within the time limit prescribed in this regulation shall regularize his military situation before the organ competent for recruitment and mobilization or the consular service of his domicile area within 30 days after the closing date for census.

2. Without detriment to what is prescribed in article 3, no 3 of this compilation, citizens registered as absent shall be called for classification and selection tests and integrated into the annual contingent to which they belong.

**SUBSECTION 2  
APPLICATION FOR VOLUNTARY MILITARY  
SERVICE AND CENSUS COMPLEMENT**

**Article 16  
Competition advertisement**

1. Voluntary recruitment (VR) in view of admitting citizens for the voluntary rendering of effective military service shall take place through the opening of a competition, authorized by dispatch from the Government member in charge of Defense affairs, who may delegate his power to the Chief of the Armed Forces General Staff.

2. The dispatch of competition opening shall refer to the general requirements for admission and determine its specific ones, as well as the places and time limits for the admission accomplishment.

**Article 17  
Goal and admission requirements**

1. Voluntary recruitment (VR) goal is the admission of citizens for the rendering of effective military service.

2. These are the general requirements for admission:

- a) To have East Timor citizenship;
- b) To be at age 18 or above;
- c) To wear a suitable mental and physical condition;
- d) Not to be inhibited or interdicted for the exercise of public functions;
- e) Not to have undergone a criminal conviction to an effective prison penalty;
- f) To hold a military situation in accordance with the law;
- g) To have a suitable academic background.

3. The specific requirements for admission shall be determined by ministerial dispatch from the Government member in charge of Defense affairs, under proposal of the Chief of the Armed Forces General Staff.

4. Applications shall also allow the compulsory census bases to be completed, whether there are omitted data or a total lack of them.

#### **Article 18** **Voluntary recruitment of technical staff**

1. In view of the training of technical staff for the Armed Forces, consisting of physicians, priests, engineers, lawyers, managers and other professions deemed to be adequate to satisfy its needs for qualified personnel, a voluntary recruitment of a small number of technical staff may be carried out, exclusively intended for graduates or any other citizens whose qualifications can be considered suitable for the organizational purposes.

2. This induction shall observe the total number of citizens, for each branch, to be inducted each year, in accordance with top determinations.

3. Recruitment of volunteers for the technical cadres shall require a minimum period of time for basic military training, not less than half of the ordinary period therefor, and they can undergo an additional training which be deemed fit for the peculiarities of the function to be fulfilled.

4. Special legislation may impose restrictions to the exercise of command and combat functions, applicable to the military personnel recruited for the technical cadres by means of a voluntary recruitment process.

#### **Article 19** **Application**

1. The application for the rendering of military service under VR shall be handed over accordingly to the dates and places therefor determined by the aforementioned opening dispatch, namely Armed Forces unities, district or parish/suco management

organs and the recruitment centers which will be implemented.

2. The applicant expresses his will to render effective military service under VR and shall be informed of the statutory rules and other requirements applicable to each one of the service rendering modalities.

3. Declaration referred to in the previous number consists in filling out and handing over an official form, whose model shall be approved by ministerial dispatch from the Government member in charge of Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon.

4. In the application form, the citizen shall indicate:

- a) His personal data, including parents, school qualifications, professional ability, domicile, phone number, fax number and email address, if any;
- b) The branch which he wants to be assigned to him;
- c) His preference for a functional area of service;
- d) His preference for the geographic area where he intends to render military service.

5. Once the application has been formalized, the citizen shall be informed by the recruitment organ on the place, date and time for undergoing classification and selection tests, on the means of transport provided for him to move or the reimbursement of expenses to which he is entitled, as well as on the personal documentation he shall hold therefor, i. e. military paper, identity card, academic qualifications or professional certificate, criminal record certificate or any other documentation that can be helpful towards a proper registration.

6. Inaccurate, incomplete or untimely carrying out of an application leads to candidate exclusion, without detriment to what is prescribed in article 3, no 4.

#### **Article 20** **Forfeiture of application**

1. Citizens' application shall forfeit in case they have not received a call to undergo classification and selection tests within a year after its formalization date.

2. Unjustified absence from any one of the classification and selection tests shall imply forfeiture of the application declaration.

3. In the case foreseen under the previous number, the citizen may introduce a new application not before 90 days have passed thereafter.

#### **Article 21** **Armed Forces Day**

1. The execution of actions to raise the awareness of citizens at the legal age for rendering military service shall be integrated into the Armed Forces Day celebration, and they shall take place in Falintil-

ETDF's military units, in the secondary and high schools network and in other public infrastructures that fulfill the necessary requirements therefor, at a date and under the remaining conditions to be determined by joint dispatch from the Government member in charge of Defense affairs and those who hold an authority over the aforementioned sectors.

2. The advertising of the actions which will take place on National Defense Day shall be made by means of announcements to be put up, with a reasonable advance, in the parish/suco and district offices, secondary and high schools, recruitment organs and consular services, and they shall report the citizens involved, places, date and time these ones have to attend, the same actions having also got to be timely advertised through mass media with countrywide and regionwide coverage, organs which render a public service and other appropriate promotion methods.

3. Planning and design of the actions for citizens awareness on National Defense Day shall belong to a committee formed by representatives of the OSSD's NBHR, with which the Armed Forces branches and the competent organs of the entities mentioned in the previous number shall cooperate.

**SUBSECTION 3  
RECRUITMENT FOR THE RENDERING OF  
MILITARY SERVICE UNDER CONTRACT  
REGIME**

**Article 22  
The whole of the candidates**

1. Recruitment for the rendering of military service under contract shall be made among:

- a) Any military personnel who are rendering military service under ordinary compulsory regime or under a voluntary one;
- b) Any citizen who has rendered military service in the last two years, in terms of the previous paragraph.

2. The fact that the candidate has attended training courses at Military Academies or Training Schools for Sergeants in such countries with which East Timor has concluded cooperation agreements in the military field shall constitute a preferential condition for this recruitment modality.

3. Without detriment to what is prescribed in the previous number, volunteers who have been recruited for the technical cadres, in terms of this statute, form a special contingent of recruitment under contract regime for the Armed Forces.

**Article 23  
Competition opening advertisement**

1. Recruitment shall observe the following procedure:

- a) Competition opening by means of a ministerial dispatch from the Government member in charge of

Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon;

b) The dispatch referred to in the previous paragraph determines the terms of the recruitment under contract, which shall observe the general principles for recruitment, selection and promotion applicable to the public administration, namely in what concerns publicity and competition opening procedures, setting-up and composition of the jury and selection methods, without detriment to the particularities of the Armed Forces.

2. The competition opening announcement shall indicate the recruitment objectives, in terms of the Armed Forces branch to which it is intended, the preferential specialties, as well as the time limit for the contract to be concluded and its renewals.

**SUBSECTION 4  
SPECIAL RECRUITMENT FOR THE  
PERMANENT CADRES**

**Article 24  
Special recruitment**

1. The special recruitment for the Permanent Cadres shall be open by ministerial dispatch from the Government member in charge of Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon.

2. The dispatch referred to in the previous number shall determine the terms of the special recruitment for the permanent cadres, which shall observe the general principles for recruitment, selection and promotion applicable to the public administration, namely in what concerns publicity and competition opening procedures, setting-up and composition of the jury and selection methods, without detriment to the particularities of the Armed Forces.

3. The competition opening announcement shall indicate the recruitment objectives, in terms of the Armed Forces branch to which it is intended, the preferential specialties and any other advisable circumstances.

4. Recruitment process depends on the previous approval of the Armed Forces permanent cadres.

**Article 25  
The whole of the candidates**

1. Recruitment for the rendering of military service in the permanent cadres shall be made among such military personnel who are rendering military service under contract regime and have a bond with the Armed Forces for at least two years, including the period of compulsory or voluntary military service.

2. Recruitment for the Permanent Cadres of military effectives coming from the Military Academy or the Training School for Sergeants, if they exist, shall be made according to the statute that creates such institutions.



3. The military personnel rendering compulsory or voluntary military service and those under contract who will complete courses at Military Academies or Training Schools for Sergeants in such countries with which East Timor has signed cooperation agreements in the military field may directly apply for the special recruitment competition for the Permanent Cadres, such training being a preferential condition on equal terms.

4. Without detriment to what is prescribed in the previous numbers, volunteers who have been recruited, and military personnel who have been contracted, for the technical cadres, in terms of this statute, form a special contingent of recruitment for the Armed Forces permanent cadres.

### **SUBSECTION 5 EXCEPTIONAL RECRUITMENT THROUGH CONSCRIPTION AND MOBILIZATION**

#### **Article 26 Goal and scope**

1. Exceptional recruitment aims the rendering of effective military service in the modalities of conscription or mobilization by such citizens who find themselves in the situation of availability reserve.

2. Conscription referred to in article 26 of MSL shall take one of the following types, as the case may be:

a) Ministerial dispatch from the Government member in charge of Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon, issued with at least 30 days ahead of time, which shall determine the number of citizens involved and the military service rendering duration, as well as its objectives, when it is just intended for situations as recycling or military training, exercises or maneuvers;

b) Government decree, upon proposal of the Government member in charge of Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon, for the purpose of tackling a situation of war danger or of imminent or actual aggression by foreign forces, as long as the competent authority has not called for a general military mobilization.

3. In any of the situations foreseen under the previous number, it shall be possible to the citizens in a situation of availability reserve to undergo an induction on a voluntary basis.

4. Citizens in the situation of availability reserve may be mobilized for rendering effective service in the Armed Forces in case a state of siege is declared.

#### **Article 27 Definition of availability reserve contingents**

1. The definition of availability reserve contingents to be classified for the purpose of conscription shall

obey to the following preference factors, in priority order:

a) Citizens from the year they turn 20, in a consecutive age group order, each age group corresponding to one-year period;

b) The citizens referred to in the previous paragraph that are not married and have no proved family obligations.

2. Definition of the contingents referred to in the previous number shall be randomly done.

### **SECTION 2 CLASSIFICATION AND SELECTION**

#### **SUBSECTION 1 ORDINARY RECRUITMENT AND RECRUITMENT UNDER A VOLUNTARY REGIME**

##### **Article 28 Scope of application**

The rules included in the present subsection regulate the subject matters that ordinary recruitment and the one under a voluntary regime have in common.

##### **Article 29 Annual contingent to be classified**

1. The citizens who have registered for the census and applied for the rendering of military service under a voluntary regime (VR) shall normally undergo the classification and selection tests the year they turn 19.

2. In case there is no sufficient number of volunteers to undergo a certain induction or if it is needed to induct citizens with a certain profile, particularly in academic terms, the citizens considered necessary may be called to undergo the induction tests, in accordance with the existing censuses.

3. Without detriment to the provision of the previous number, whenever the need for induction of personnel with a certain profile, particularly in academic terms, occurs, notification of those who are deemed to correspond to F-ETDF's human resources needs shall be made, accordingly to the data concerning the existing voluntary demands and to those that the citizens have to keep updated.

4. The aforementioned tests may be carried out from the year of the census or the application for the compulsory military service, in case functional demands or the need to meet a deadline lead thereto.

5. The following citizens shall undergo classification and selection tests outside the normal cycle:

a) Citizens who have been authorized to bring forward the year corresponding to their normal time of induction;

- b) Citizens who have registered for the census after the normal time for a reason of omission, naturalization or any other;
- c) Citizens in situation of “Awaiting classification”;
- d) Citizens who have ceased to be students of ecclesiastical schools, members of religious orders or ministers of any church or religion with an actual countrywide expression;
- e) Citizens who have lost or given up their entitlement to the regime of military obligations postponement;
- f) Citizens who attend the terminal year of high school or equivalent thereto and have been benefiting from the postponement regime;
- g) Citizens who have exceeded a period of one year from the date they have undergone the classification and selection tests, without having been called for induction or enlisted in the territorial reserve;
- h) Non-voluntary citizens, when necessary, who have left their situation of temporary exclusion, foreseen under article 20 of MSL, before 31 December of the year they turn 30;
- i) Citizens who have ceased their situation of conscientious objector, within the age limits established by law.

**Article 30**  
**Classification and selection**

1. By classification and selection shall be meant the whole of recruitment operations that aims to determine the level of the citizens’ mental and physical condition for the purpose of rendering the military service, given the modalities of service rendering, the rank and specialty or category for which the citizen is intended.
2. The determination of the condition level referred to in the previous number shall be based on the application:
  - a) Of a table of ineptitude and inability, approved by ministerial dispatch from the Government member in charge of Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon;
  - b) Of tables of mental and physical profiles and of the whole of regulations concerning the physical skillfulness and psychotechnical ability testing, approved by the Chief of the Armed Forces General Staff.

**Article 31**  
**The call for the tests**

1. The call for classification and selection tests shall be made with at least 45 days ahead of time, preferably by means of announcements to be put up

in the parish/suco and district offices where the citizens have registered for the census.

2. Citizens to whom the tests postponement has been denied or cancelled shall be reported in an additional announcement to be put in the parish/suco and district offices where the citizens have registered for the census, on the first week of March of the year the postponement entitlement has ceased.
3. The date, time and place to undergo the tests, as well as instructions concerning transport, shall be reported in the calling announcements.
4. During the month of August, the organ competent for recruitment and mobilization shall send the announcements to the district offices, which in turn shall deliver them to the parish/suco posts.
5. The call may be handed over at the organ competent for the recruitment and mobilization or sent by mail with acknowledgement of receipt to those citizens who have chosen to be inducted in the year prior to the one in which they turn 20, as well as in the special cases foreseen in the present Regulation which have not been reported in the announcements.
6. The call shall mention that the citizens shall be provided with a means of transport or the reimbursement of their transportation expenses, accommodation and food, during the time of tests.
7. In the current year, the procedures and time limits referred to in this article shall only apply where feasible.

**Article 32**  
**Attendance of the tests**

1. The citizen shall report to the organ competent to make the classification and selection holding his legal identification document and his military paper, as well as all other documents that may be helpful for an appropriate classification and selection, namely the certificate of academic qualifications and the professional certificates.
2. The citizen wishing, in terms of law, to have priority for enlistment in the territorial reserve shall hold a certificate confirming his marital status, in case he is married, and declare, under honor commitment, his family responsibilities and the number of his brothers or sisters, proving it with a suitable document.
3. In case supervening facts occur, the certificate of academic qualifications, professional certificates and the documents referred to in this article shall be presented to the organ competent for recruitment and mobilization which takes the census, at a date to be yearly determined by the Government member in charge of Defense affairs, according to the predicted inductions plan.

**Article 33**  
**Classification and selection tests**

1. Classification and selection tests comprise:

a) Aptitude tests, intended to assess the mental and physical condition in order to render the military service in the different specialties or categories;

b) Complementary diagnosis examinations, which correspond to every test deemed to be necessary for assessing or reassessing the citizens' mental and physical condition.

2. As a result of the classification and selection tests, recruitment organs shall confer to the citizen one of the following classifications:

a) "Able", when he satisfies the mental and physical profile needed for rendering effective military service;

b) "Unable", when he does not satisfy the mental and physical profile needed for rendering effective military service;

c) "Awaiting classification", when he does not fulfill the required mental and physical profile in immediate terms, but shows evolution possibilities susceptible to meet it within three months after undergoing the tests.

3. In the cases foreseen under paragraphs b) and c) of the previous number, it shall be delivered to the citizen a declaration containing the grounds for the obtained results and referring to the nosographic table applicable to mental and physical inability.

4. The tests referred to in the present article shall be carried out at the recruitment organs or even, if necessary, at the other Armed Forces organs or services, or civil ones, pursuant to the general provisions of Chapter 1.

5. Citizens who have been classified as "Able" shall be ranked, for induction purposes, in accordance with the criteria stated in a ministerial dispatch from the Government member in charge of Defense affairs.

6. For the purposes of this article's prescription, the citizens have the right to be excused from work by their public or private employers.

#### **Article 34 Complementary tests**

1. Complementary tests for selection involving the cooperation of the specialized services of the interested branch may take place, in view of the recruits' enlistment amongst the different specialties or specific categories of that branch.

2. Complementary selection tests may be carried out by other F-ETDF's services or civil entities, as foreseen under the general provisions of Chapter 1, accordingly to specific needs.

#### **Article 35 Criteria**

The criteria for candidates' classification and selection, as well as the requirements for accessing the training courses, shall be defined by ministerial dispatch from the Government member in charge of Defense affairs, after the Chief of the Armed Forces General Staff has given his opinion thereon.

#### **Article 36 The citizen's preference**

1. Every citizen who has been considered as "Able" may express to the organ competent for classification and selection his preference towards the branch, specialty, induction group and geographic area in which he wishes to render the ordinary effective service, by filling out a proper form.

2. The expressed preferences shall be taken into account in executing the enlistment, whenever they do not affect F-ETDF's needs and provided the classification and selection results allow it.

3. Without detriment to what it is provided in the previous numbers, the military personnel, under their own request or on the Armed Forces convenience, may, after induction has occurred and as long as they keep their employment relationship with that organization, change the branch, specialty and geographic area where they perform their professional duties.

#### **Article 37 Impugnation of the conferred classification**

1. Citizens may, in terms of article 14, no 4 of MSL, submit to the Government member in charge of Defense affairs a hierarchical appeal against the classification conferred by the organ competent for classification and selection.

2. The appeal, which has to be a well-grounded one, shall be delivered at the organ competent for classification and selection where the appellant has been classified within the time limit of 10 working days after the decision notification date.

3. The appeal decision, to be issued within 30 days, shall be based upon a new appellant examination concerning only the controversial matters, and for that purpose the appellant shall be called again, either in person or by mail with acknowledgement of receipt.

4. The commanding officer of the organ competent for classification and selection shall add a note to the appeal and forward the whole process to the Government member in charge of Defense affairs, bringing it also to the knowledge of the organ competent for recruitment and mobilization within five days.

5. The Government member in charge of Defense affairs may delegate the power foreseen under this article to the CAFGS or the Director of the OSSD's NBHR.

#### **Article 38**

### **Tests repetition**

The citizen who, as a result of the classification and selection tests, is deemed to be "Awaiting classification" shall undergo the tests again within the 10 days following the prescribed deadline, and then he shall be classified as "Able" or "Unable".

### **Article 39 Tests expiration date**

The results of the classification and selection tests undergone by the citizens who have been classified as "Able" shall be, as a general rule, valid for a one-year period from the date the final result is registered in the military paper, the Government member in charge of Defense affairs being able to set, by ministerial dispatch, a different expiration date, given the circumstances that can justify a special need for an induction to be held.

### **Article 40 Tests undergone in advance**

Classification and selection tests may be undergone in advance in order to enable the citizen to render the effective service in a year prior to that in which he turns 20.

### **Article 41 Domiciliary examination**

1. He who suffers from an injury or a disease that prevents him from attending the classification and selection tests may demand to undergo a medical examination at home.

2. The demand for being released from tests attendance shall be addressed to the CAFGS through the organ competent for recruitment and mobilization, within 30 days before the date set in the calling announcement, and shall be accompanied by a medical certificate issued or ratified by the health officer or the health deputy officer or by any one who legally replaces them.

3. The demand decision shall be notified to the organ competent for classification and selection and also brought to the solicitant's knowledge, either in person or by mail with acknowledgement of receipt.

4. Once the decision has been known, the organ competent for classification and selection shall make sure that a special examination team comes to the solicitant's home to directly verify his ability and write a conclusive report.

5. The organ competent for classification and selection may ask the citizen to attend a civil or military health service for undergoing complementary examinations, the transportation, the food and the accommodation expenses therefor being paid by the State.

6. In case domiciliary examination is not feasible, the provisions regarding the non-attendance of the tests shall apply.

### **Article 42 Non-attendance of the tests**

1. The absence justification referred to in article 15 of MSL shall be requested to the CAFGS through the organ competent for recruitment and mobilization, the solicitant having to offer evidence, and a documentary one as possible, for the alleged reason.

2. Once the justification is delivered and regardless of the decision to which the demand will give rise, the citizen shall be immediately called to undergo the tests.

3. The following ones shall be deemed to be compelling reasons for justifying an absence:

a) A serious disease or accident having made the citizen unable to report to the organ competent for classification and selection;

b) The birth of a child, within the last three days prior to the date set for undergoing the tests;

c) A serious disease or accident affecting a close relative, when the solicitant's support is essential;

d) The death of the spouse, an ascendant, a descendant, a brother or sister, within the last four days prior to the absence date or on the very day of absence;

e) Marriage within the last 10 days before the absence date;

f) Serving time in prison;

g) To undergo an exam at a public school or at a private or cooperative one which has been officially authorized, on the same date set for undergoing the classification and selection tests or within the first two days thereafter;

h) Transport strike affecting the transport network to be used in going to the seat of the organ competent for classification and selection;

i) Other extraordinary motives.

4. The citizen shall be informed, within the time limit of 30 days, either in person or by mail with acknowledgement of receipt, of the decision concerning the demand he has submitted and be assigned a new date for undergoing the tests.

5. In case the absence from the classification and selection tests is not deemed to be justified, the following shall take place:

a) In case the question is the absence from tests related to the recruitment process for the rendering of ordinary (compulsory) effective service, then the citizen shall be deemed to be compelled to render military service and shall be called again for undergoing the classification and selection tests as being part of the next contingent;

b) In case the point is the absence from tests related to the recruitment process for the rendering of effective service under a voluntary regime, then it shall apply the provisions regarding application forfeiture.

6. Those that have been registered as compelled ones can neither benefit from an anticipated access to the availability situation nor be considered as surplus personnel.

7. In case the compelled citizens relapse into their absence from the tests, the provisions on public employment restrictions shall apply to them, as long as a different sanction, particularly of a criminal or administrative nature, is not foreseen, in the following terms:

a) In case the question is a citizen without any employment relationship inside a public organization or institution, then he shall be denied any access to public employment, in terms of article 3;

b) In case the point is a citizen with an employment relationship inside a public organization or institution, then he shall be put in a situation of leave without salary for a period of time equivalent to the period of compulsory military service which he has not rendered, shall not receive any pay and shall bear a cut in his length of service for career, retirement and survival purposes.

## **SUBSECTION 2 RECRUITMENT FOR THE RENDERING OF MILITARY SERVICE UNDER CONTRACT REGIME**

### **Article 43 Selection for contract purposes**

1. The selection process shall obey to the following criteria:

a) More relevant qualifications and school background on the part of the interested people, given the Armed Forces general and specific needs;

b) A higher time of service previously rendered as a military one;

c) The assessment obtained as a military one;

d) A lower comparative age among the interested ones;

e) Other conditions that might be determined by the competition opening dispatch.

2. The competition opening dispatch shall objectively prescribe the way the different factors shall be weighed.

## **SUBSECTION 3 SPECIAL RECRUITMENT FOR THE PERMANENT CADRES**

### **Article 44 Selection for the permanent cadres**

1. The selection process shall obey to the following criteria:

a) More relevant qualifications and school background on the part of the interested people, given the Armed Forces general and special needs;

b) A higher time of service previously rendered as a military one;

c) The assessment obtained as a military one;

d) A lower comparative age among the interested ones;

e) Other conditions that might be determined by the competition opening dispatch.

2. The competition opening dispatch shall objectively prescribe the way the different factors shall be weighed.

## **SUBSECTION 4 EXCEPTIONAL RECRUITMENT ARISING FROM CONSCRIPTION AND MOBILIZATION**

### **Article 45 Selection**

1. The selection of citizens in the situation of availability reserve shall obey to the Armed Forces needs, which the ministerial dispatch from the Government member in charge of Defense affairs shall describe, taking into account the factors and circumstances determining the exceptional recruitment.

2. Given the conscription needs, there may be selection criteria established on the basis of the academic qualifications made known before the conscription date and of the citizens' physical condition.

## **SECTION 3 DISTRIBUTION AND ENLISTMENT**

### **Article 46 Goal**

Distribution and enlistment constitute general recruitment operations aiming to assign the recruits to the F-ETDF's branches and units.

### **Article 47 Distribution**

1. Distribution is the quantitative and qualitative assignment of recruits to the F-ETDF's branches and units.

2. According to the distribution criteria approved by the Government member in charge of Defense affairs, after the CAFGS has given his opinion thereon, the head of the F-ETDF's organ competent for human

resources management shall approve the annual distribution plan, based on the amounts of personnel to be inducted into the branches.

3. Citizens in the situation of availability reserve who have been called for rendering military service in terms of article 26 of MSL shall be distributed among the respective branches, taking into account the category, combat arm, service or specialty where they have rendered military service, and they may be reclassified in accordance with the academic and professional qualifications they have obtained after moving into the situation of availability reserve.

#### **Article 48 Enlistment**

1. Enlistment is the recruits' nominal assignment to each F-ETDF's branch or to the territorial reserve.

2. The enlistment result shall be published in the induction announcements.

3. Enlistment shall be undertaken by the F-ETDF's organ competent for human resources management, taking into account the general criteria defined by the CAFGS, the specialties for which the recruits have been selected, the aptitude levels they have showed, the criteria laid down in article 25, no 4 and 5 of MSL, the assigned MIN and the expressed preferences.

4. The surplus recruits shall be enlisted in the territorial reserve once the amounts of personnel to be inducted have already been filled.

5. The amounts of personnel to be assigned to the Armed Forces branches shall be added with an induction reserve intended to make up for eventual drops or additional needs concerning the personnel to be inducted.

6. Once the last group of the annual contingent to which they belong has been inducted, recruits who have not been inducted shall be enlisted in the territorial reserve.

#### **Article 49 Pledge of honor**

Once the classification and selection tests have been undergone and the citizens classified as "Able" have been distributed and enlisted, they shall be inducted and announced as recruits and shall make a pledge of honor in writing before the officer in charge for the recruitment organ, in terms of the following formula: "As a citizen of East Timor, I pledge my honor to faithfully fulfill my military duties, in terms of the Constitution and the law."

### **CHAPTER 3 THE RENDERING OF THE EFFECTIVE SERVICE**

#### **SECTION 1 COMMON PROVISIONS**

#### **Article 50 Induction**

1. In order to undergo induction, the citizen shall report on the set date to the military units or premises of the Armed Forces branch in which he has been enlisted or to which he has been distributed for rendering effective military service.

2. When reporting thereto, the citizen shall hold his identity card, as well as his military paper and the notification in question.

#### **Article 51 Non-attendance of induction**

1. Citizens who, for the purposes of ordinary recruitment, in order to render the compulsory military service, or for exceptional recruitment purposes, have not reported for induction to the military unit or premises for which they have been called, without justifying their absence within the time limit of 30 days, shall be deemed as refractory.

2. The same justifying events applicable to the absence from classification and selection tests, as well as to the absence from induction arising from conscription shall apply to the absence from induction.

3. The provisions on public employment restrictions shall apply to the citizens deemed to be refractory, as long as a different sanction, particularly of a criminal or administrative nature, is not foreseen, in the following terms:

a) In case the question is a citizen without any employment relationship inside a public organization or institution, then he shall be denied any access to public employment, in terms of article 3;

b) In case the matter is a citizen with an employment relationship inside a public organization or institution, then he shall be put in a situation of leave without salary for a period of time equivalent to twice the missing period, shall not receive any pay and shall bear a cut in his length of service for career, retirement and survival purposes.

#### **Article 52 Military identity card**

1. The military identity card is aimed to identify the military personnel who renders effective service and shall not replace the civilian identity card or any other way of identification under law.

2. The military identity card shall be given to his holder at the unit where induction has taken place and shall be taken by the unit where he has been rendering military service when this one is over.

3. The military identity card model shall be approved by ministerial dispatch from the Government member in charge of Defense affairs.

#### **Article 53**

### **Failure in the military training program**

1. In case recruits or military personnel, when rendering military service under a voluntary regime, have not been able to succeed during the period of military training, the following shall occur:

a) In case the subject matter is the basic training period, then they may choose between moving into the situation of territorial reserve or, if the failure has arisen from an accident or a disease, undergoing a new training period;

b) In case the question is the complementary training period, then they shall undergo a new training period if the failure has arisen from a disease or an accident, as soon as the cause giving rise to the situation has ceased;

c) In case the matter is the complementary training period, then they shall move into the situation of territorial reserve if the lack of performance has not arisen from a disease or an accident, unless, under their own request, they will be reclassified in new categories, combat arms, services or specialties;

d) They shall move into the recruitment reserve if the lack of performance has been due to disciplinary motives.

2. The recruit's or military one's option shall be expressed in an appropriate document, whose model shall be approved by the Government member in charge of Defense affairs.

3. In the situation of rendering the ordinary/compulsory effective service, the failure in the training program shall compulsorily lead to doing it again in a new group, for which the recruits shall be called.

4. In the situations foreseen in the previous numbers, the recruits who have to undergo the training again shall go on leave of absence until the beginning date for the new training group for which they shall be called.

5. The repetition of the basic training period for lack of performance due to disciplinary motives shall be done to the detriment of the ordinary effective service duration.

### **Article 54 Oath of allegiance**

1. At the end of the basic training period and prior to the beginning of the complementary training one, and in a public ceremony, all military personnel shall pledge allegiance to the national flag, which binds them both during the effective service and after moving into the availability reserve, in terms of the following formula: "I \_\_\_\_\_ swear to God and on my honor to devote all of my energies and my own life to the defense of Motherland, the Constitution of the Republic and national sovereignty."

2. The military person who, for health reasons or other impediment, cannot pledge allegiance to the flag in a public ceremony shall do it in the office of the commanding officer or director of the unit where he has undergone the basic training in the presence of at least two witnesses.

## **SECTION 2 LEGAL NATURE OF THE EMPLOYMENT RELATIONSHIP UNDER A VOLUNTARY REGIME AND UNDER A CONTRACT REGIME**

### **Article 55 Voluntary regime**

1. Effective service under a voluntary regime shall cover the rendering of voluntary military service for an 18-month period, in order to satisfy the Armed Forces needs.

2. Employment relationship provisions under the contract regime shall apply to the voluntary one, with the pertinent adaptations.

3. After serving for a period of 18 months under a voluntary regime, the citizen shall get access to the availability reserve in case he has not entered into a contract in terms foreseen in this statute.

### **Article 56 Contract regime**

1. For all legal purposes, the contract regime shall be equivalent to the administrative contract of appointment with a fixed term and the contracted military person shall be treated as an administrative agent.

2. All of the rules relating to the Armed Forces military personnel shall apply, together with the pertinent adaptations, to the military ones under contract regime.

3. Effective service under a contract regime shall cover the rendering of military service for a minimum period of 18 months, renewable for two-year periods until a maximum of seven years military service, herein included the previous period of ordinary or voluntary effective service.

4. The duration of each individual contract and the corresponding renewals shall arise from the competition opening announcement.

### **Article 57 Contract formalization**

1. The contract beginning date shall correspond to the induction date or, in case of a contract renewal, to the previous contract end date.

2. When signing his contract, the citizen shall be given written information containing the Armed Forces' national objectives, its organization and that of the respective branch, as well as his rights and

obligations and a copy of the Military Discipline Regulation and the Military Justice Code, if available.

3. The contract model shall be approved by ministerial dispatch from the Government member in charge of Defense affairs.

#### **Article 58** **Trial period**

1. For the purpose of rendering effective service under a voluntary regime, herein included the voluntary recruitment of technical staff, the trial period shall be deemed to be the time period corresponding to the first third of the basic training, but it shall not be lower than 15 days.

2. For the purpose of rendering effective service under a contract regime, the trial period shall be deemed to be the time period corresponding to twice the time referred to in the previous number.

3. During the trial period and without detriment to the provision of the next number, any of the parties may unilaterally terminate the contract, with prior written notice to the other party of at least five days.

4. Termination notice referred to in the previous number, when coming from the Armed Forces side, shall be fundamented.

#### **Article 59** **Contract termination by the military person's initiative**

The recruit or military person who, by his own initiative, terminates the contract relationship during the basic or complementary training period or before the end of the minimum period to which he is bound shall be forbidden to apply for, to be admitted for or to get access to a job in State institutions or other public entities, regardless of the kind of employment relationship in question, for a period corresponding to twice the missing period.

### **SECTION 3** **CONSCRIPTION**

#### **Article 60** **Induction date**

The induction of the citizens who have been called in terms of article 26 of MSL shall take place on the dates set by dispatch from the Chief of the Armed Forces General Staff.

#### **Article 61** **Service period**

1. The rendering of effective service arising from conscription shall have the duration determined by ministerial dispatch from the Government member in charge of Defense affairs, in case it is intended for situations as recycling or military training, exercises or maneuvers, or by a Government decree, in case it is intended to tackle a situation of war danger or of imminent or actual aggression by foreign forces, as

long as the competent authority has not yet called for a general military mobilization.

2. When the evolution of the needs for military personnel allows it, and at the moment of choosing the military persons who will remain on duty as a result of the extension of conscription time, the ones to be excluded shall be, by priority order, those who:

- a) Are married;
- b) Have dependants for whom they are responsible;
- c) Are only children.

3. In case it shall be necessary to choose within each of the groups referred to in the previous number's paragraphs, it shall be used the age criterion, in whose terms the younger ones shall prefer to the older ones.

4. The proof of the requirements indispensable for checking up the situations referred to in the previous numbers shall be made through an authentic document, which shall be presented in the unit where the military person is serving at least 15 days ahead of the date foreseen for the conscription time extension.

#### **Article 62** **Non-attendance of induction**

1. Citizens who have not reported for induction to the military unit or premises for which they have been called shall justify their absence within the time limit of 48 hours and successfully report as soon as the alleged motives have ceased.

2. The absence justification referred to in article 26 of MSL shall be requested to the Chief of the Armed Forces General Staff through the military unit for which the citizen has been called, the solicitant having to offer documentary evidence for the alleged reason.

3. The decision to which the demand referred to in the previous number will give rise shall be brought in written form to the recruit's knowledge within the time limit of 30 days.

4. The following ones shall be deemed to be compelling reasons for justifying an absence from induction:

- a) A serious disease or accident having made the citizen unable to report to the indicated unit;
- b) The birth of a child, within the last three days prior to the date set for undergoing induction;
- c) A serious disease or accident affecting a close relative, when the solicitant's support is essential;
- d) The death of the spouse, an ascendant, a descendant, a brother or sister, within the last four days prior to the absence date or on the very day of absence;



e) Marriage within the last 10 days before the absence date;

f) Serving time in prison;

g) To undergo an exam at a public school or at a private or cooperative one which has been officially authorized, on the same date set for undergoing induction or within the first two days thereafter;

h) Transport strike affecting the transport network to be used in going to the seat of the organ competent for classification and selection;

i) Other extraordinary motives.

5. Citizens who, for health reasons, have not reported on the date set for induction shall be liable to a domiciliary check of their illness by a military physician.

6. Citizens who have not justified their absence or whose justifying motives are not reasonable shall be deemed to be refractory, and the sanctions prescribed in this statute shall apply to them.

#### **CHAPTER 4 AVAILABILITY RESERVE**

##### **Article 63 Requirements to get access to the availability reserve**

The following citizens move into the situation of availability reserve, where they remain until they turn 30:

a) Citizens under ordinary or voluntary recruitment who have just rendered effective military service;

b) Citizens under exceptional recruitment who have just rendered effective service arising from conscription or mobilization;

c) Citizens who have been deducted from the permanent cadres of the Armed Forces branches and keep the conditions for rendering effective service arising from conscription or mobilization.

#### **CHAPTER 5 RIGHTS AND PRIVILEGES**

##### **SECTION 1 RELEASE FROM, POSTPONEMENT OF AND EXEMPTION FROM MILITARY DUTIES**

##### **SUBSECTION 1 RELEASE FROM AND POSTPONEMENT OF MILITARY DUTIES IN THE RECRUITMENT RESERVE**

##### **Article 64 Release and postponement motives**

1. The following ones shall be deemed to be motives for the postponement of classification and selection tests:

a) To hold a qualification allowing to apply for high school until the year citizens turn 20 or to attend a high school or equivalent with a minimum performance in the country or abroad;

b) To be under an apprenticeship program or to attend a training course or a professional traineeship.

2. The following ones shall be deemed to be motives for the release from classification and selection tests:

a) To have a legal domicile of a permanent and continuous nature abroad;

b) To be a native East Timor citizen, although with another citizenship, provided that the fulfillment of military duties abroad has been proved;

c) To be a student of an ecclesiastical school, a member of a religious order or a minister of any legally acknowledged religion;

d) To have children or stepchildren under 10 years old who are on his own responsibility.

3. Having a brother or sister inducted at the same time as a result of the conscription foreseen in article 26 of MSL shall be deemed to be a motive for the release from induction.

4. The following ones shall be deemed to be motives for the release from classification and selection tests as well as from induction:

a) Invocation of a capacity whose legal provisions so determine;

b) To be a child or a brother or sister of a military person deceased on active duty or of a citizen qualified as a disabled person of the Armed Forces with a disability degree of 60 percent or above, in terms to be regulated;

c) In case of a non-volunteer, to serve time or to be under a coercive measure which, by its nature, is not compatible with military service;

d) A long time illness verified by the competent public authority.

##### **Article 65 Release and postponement procedure**

The execution regulation of the release and postponement regime shall be accomplished by ministerial dispatch from the Government member in charge of Defense affairs, which shall establish the documents to be presented and the respective deadlines, the organization, assessment of proofs and course of the procedures, the competences of the participating organs, as well as the processing relative to the granting of the respective subsidies.

**SUBSECTION 2  
RELEASE FROM MILITARY DUTIES IN THE  
AVAILABILITY RESERVE**

**Article 66  
Activity of national interest**

For the purposes of article 26 of MSL, conscription dispatch may determine the citizens to be released from military duties while fulfilling any function deemed to be crucial to the functioning of essential public services or developing any private activity considered as indispensable to the Country life or the Armed Forces needs.

**Article 67  
Release procedure**

1. Citizens in the situation of availability reserve may demand to the Chief of the Armed Forces General Staff to be released from rendering the effective service referred to in article 26 of MSL within the deadline of 15 days from the date of the respective notification.

2. Requests referred to in the present article shall be accompanied by the documents suitable to prove the facts determining the demand.

3. The decision on the release requests shall be issued within the time limit of 10 days from the date of the request submission.

**SECTION 2  
SUPPORT PERSONS**

**Article 68  
Support persons regime**

1. Citizens who are exclusively responsible for their spouse, an ascendant, a descendant, a brother or sister or a nephew or niece who is incapable or under 18 provided he or she is not emancipated, or for a person who has raised and brought up them, shall be deemed to be in charge of supporting a family, as long as it has been proved that such people have no means to provide for their own subsistence.

2. Citizens who are entitled to be qualified as support persons may only be called in the case foreseen under article 26, no 1, paragraph b) of MSL.

3. The qualification as a support person has the following outcomes:

a) The immediate access to the situation of territorial reserve, in case qualification has occurred before military training has ended;

b) The immediate access to the situation of availability reserve, in case qualification has occurred after military training has ended.

4. Citizens who fulfill the conditions set in the previous article and whose effective service rendering has been considered as indispensable shall be entitled to a subsidy to be granted by the State, in terms to be

regulated according to the provision of the next number, which may amount, in duly fundamented cases, to the pay that the citizen received at the date he has been called.

5. The execution regulation of the support persons regime shall be made by ministerial dispatch from the Government member in charge of Defense affairs, which shall establish the documents to be presented and the respective deadlines, the organization, assessment of proofs and course of the procedures, the competences of the participating organs, as well as the processing relative to the granting of the respective subsidies.

**SECTION 3  
COMPLEMENTARY RIGHTS AND  
PRIVILEGES**

**Article 69  
Pensions due to an accident or disease arising  
from military service**

1. Citizens who, as a result of the fulfillment of the military duties prescribed in MSL or of the rendering of effective military service, bear a permanent and absolute impairment or a permanent decrease in their general ability to work due to an accident occurred or a disease caught or gotten worse for the same reasons shall be entitled to be awarded an extraordinary retirement pension or a disability one, in terms of the law regulating such granting.

2. In case of death arising from one of the facts mentioned in the previous number, the persons for whom the deceased was then responsible shall be awarded a pension for shed blood, in terms of the law regulating such granting.

3. The beneficiaries of the pensions referred to in the previous numbers shall also be granted the remaining rights and privileges resulting from their situation and set in specific statutes.

**Article 70  
Process reopening and review**

Citizens may request the reopening and review of the processes related to accidents or diseases occurred on duty, within the deadline stated in specific legislation, based on supervening evidence or for a reason of worsening or reappearing of a disease that has been declared as medically overcome.

**Article 71  
Accommodation, food and transport for the  
citizens having been called and the volunteers**

1. Citizens living in national territory have the right to accommodation, food and transport at State expense, in terms of law, namely for the following purposes:

- a) Undergoing classification and selection tests;
- b) Induction;

c) Reporting, as a result of having been called.

2. In connection with the purposes referred to in the previous number, either the Armed Forces may provide the means of transport therefor or the Office of the Secretary of State for Defense may in turn bear its cost, the citizens having to be informed thereof when they are notified for the fulfillment of the obligations inherent to the mentioned expenses.

## **CHAPTER 6 COMPLEMENTARY AND FINAL PROVISIONS**

### **Article 72**

#### **Fulfillment of military duties by ecclesiastics and religious people**

The members of religious orders and the ministers of any legally acknowledged religion may be released from undergoing the classification and selection tests, and, when called to render military service, they shall be since then classified as "Able" in order to provide religious assistance in the Armed Forces.

### **Article 73**

#### **Change in personal data**

Citizens in recruitment reserve and availability reserve shall inform the OSSD's NBHR, in person or by registered letter, of the changes occurred in their domicile, academic qualifications and marital status.

### **Article 74**

#### **Exemption from emoluments**

Notarial acts and other acts necessary for the organization and documentation for the purposes of the present statute, including those performed by schools and public services, shall be exempt from emoluments.

### **Article 75**

#### **Exemption of stamps**

Every mail concerning notices, announcements, calls and notifications addressed to citizens for the purposes of fulfilling military duties shall be exempt from stamps.

### **Article 76**

#### **Means of communication**

Communications foreseen under the present Regulation shall take place by all possible means, including fax and email, whenever they are available and there is a way, supported by technical knowledge, to prove that those communications have been made.