

DECREE-LAW 35/2009  
of 2 December

AMENDING DECREE-LAW NO. 15/2008 OF 4 JUNE

The National Parliament has recently approved Law No. 9/2009 of 29 July, which amends Law No. 3/2006 of 12 April notably insofar as the criteria for granting special subsistence pension and survival pension, the minimum amounts thereof, and the accumulation of benefits are concerned. Those amendments also provide for the obligatoriness to divide the survival pension by the several beneficiaries of the preferential class. The amendments have dictated the need to review the regulatory regime of Pensions for National Liberation Combatants and Martyrs, provided for in Law no. 15/2008 of 4 June.

On the other hand, Law no. 3/2006 of 12 April provided, in its articles 24.7 and 25.2, that the calculation of the special subsistence pension and the special retirement pension should be made by reference to the minimum civil service wage. Nevertheless, Decree-Law no. 15/2008 of 4 June set the absolute amounts of the pensions without providing calculating formulas for the respective up-dating. For that reason, considering the increase in the civil service minimum wage that occurred in 2009, the need arises to review the said Decree-Law.

Moreover, during the first year of processing the pensions, the relevant services identified numerous lacunae and imprecisions in the applicable regulations that have been hampering the smooth development of the processes.

Finally, by failing to set any deadline for submitting applications, Decree-Law no. 15/2008 of 4 June provides that acquisition of the right to pensions refer back to 1 January 2008 irrespective of the time when they have been applied for. The combination of these two factors raises major difficulties as regards predictability of costs for the State insofar as payment of such pensions are concerned, a fact that may worsen as time goes by.

This statute seeks to address the above-mentioned needs by regulating the amendments provided for in Law no. 9/2009 of 29 July, providing for

formulas to calculate the amounts of the different pensions in consonance with the increase in the civil service minimum wage, and correcting the lacunae and imprecisions that have been identified. It also defines deadlines for applying pensions as well as the time for acquiring the right to pensions, by reference to the respective applying period.

In consonance with the principle of protection of acquired rights, the statute also provides for the safeguarding of the juridical relations established prior to its entering into force, notably as regards retroactivity of the acquisition of the right to pensions with reference to 1 January 2008 for all those who, up to 31 December 2009, submitted their applications duly initiated and meet the requirements provided for in the applicable legislation for the granting of the respective pension.

Despite Law no. 9/2009 of 29 July entering into effect only from the date of publication of the 2010 State Budget, the substantial amendments introduced lack widespread dissemination and impose major changes in the administrative procedures for granting the pensions, which is why it is imperative to regulate it.

The immediate approval of this statute is also necessary for the fact that the calculation of the amounts for the pensions provided herein are immediately applicable to the beneficiaries of the pensions, with retroactive effects from 1 January 2009 due to the reasons state above.

Thus, pursuant to article 115.3 of the Constitution, the Government enacts the following to have the force of law:

#### Article 1 Amendments

Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15, 17, 19, 21, 22, 23, 25, 26, 27, 28, 31, 34, 36, 38, 39, 40, 42, 43, 45 and 46 of Decree-Law no. 15/2008 of 4 June shall now read as follows:

“Article 1  
(...)

The object of the present statute is to define eligibility, amounts and requirements for initiating the process of attribution of pensions to the combatants and relatives of martyrs of the national liberation provided for in Law no. 3/2006 of 12 April, as amended by Law no. 9/2009 of 29 July, which defines the Statute of the National Liberation Combatants, hereinafter referred to as “Statute”.

#### Article 2

(...)

1. (...)
2. (...)
3. (Revoked)

#### Article 3

(...)

1. The right to apply for the benefits provided for in this statute shall be conditional upon:
  - a) Recognition of the status of national liberation combatant of martyr, pursuant to article 13.1 of the Statute; and
  - b) The lapse of the time referred to in article 18.1 of the Statute without an appeal having been filed, or the final decision on an appeal as referred to in article 18.2 of the Statute.
2. For purposes of granting the pensions provided for in this statute, the data contained in the registration of the national liberation combatant of martyr shall be considered.

#### Article 4

##### Non-accumulation of benefits

1. Without prejudice to article 26 - A, the financial benefits provided for in this statute shall not be cumulative.

2. Where the applicant meets the requirements for benefiting simultaneously from more financial benefits than those allowed pursuant to the preceding paragraph, he or she shall have to choose one of them at the time of initiating the process.
3. Whenever an applicant in the position provided for in the preceding paragraph fails to opt, at the time of initiating the process, for one of the benefits, he or she shall be officiously granted the higher benefit.
4. The special pension of subsistence and the special pension of retirement shall not be cumulative with the counting of time dedicated to the struggle as service rendered to the State, pursuant to article 24.2 of the Statute.
5. The national liberation combatant shall be granted the possibility to choose the special pension of subsistence or of retirement or for the counting of time dedicated to the struggle as service rendered to the State.
6. Where, at the time of initiating the process for granting the pensions provided for in this statute, no guarantee exists of the possibility to apply for a State retirement pension, the national liberation combatant shall be free to opt, in the future, for the counting of time dedicated to the struggle as service rendered to the State, thereby ceasing his or her right to special retirement pension or special subsistence pension referred to in this statute.

Article 5  
(..)

1. The entire time of participation in the struggle, including the time of imprisonment and deportation, the highest grade of the rank/position and the status of combatant or national liberation martyr shall be certified by the certification referred to in article 14 of the Statute.
2. (Revoked).

Article 6  
Determination of the military posts and the civil positions held during the  
struggle

1. For the purposes of this statute, the determination of the military rank or the civil position held during the struggle shall be made by reference to the positions and offices contained in Annex II to this statute.

2. The positions and offices shall be classified as superior, intermediate and inferior, corresponding, respectively, to grades 1, 2, and 3.

#### Article 7 Acquiring the right

The right to pensions provided for in this statute shall be acquired from the month immediately after the beginning of the application deadline period referred to in article 36.3 provided that, within that deadline, the application is initiated pursuant to article 36.4 and the conditions provided in this statute for the granting of the respective pension are met.

#### Article 8 (...)

Special subsistence pension is a financial benefit granted to national liberation combatants on the basis of their level of disability or the number of years of full time participation and the highest grade of the position/office held during the struggle.

#### Article 9 Beneficiaries of special subsistence pension

Special subsistence pension shall have the following beneficiaries:

a) Timorese citizens with mental or physical disability for participating in the national liberation struggle which determines disability to undertake any working activity, pursuant to article 23.4 and article 25.1 of the Statute.

b) National Liberation combatants with 8 or more years of full time participation in the national liberation struggle, pursuant to article 25.2 of the Statute.

#### Article 13 Amount of the special subsistence pension

1. The amount of the special subsistence pension shall vary according to the grade granted to the national liberation combatant.
2. The grade granted shall be determined in accordance with the highest post/office held during the struggle, in accordance with Annex II.
3. Amounts of special subsistence pension shall correspond to 60% of the amounts defined for the corresponding grades for echelon 1 of the special retirement pension.
4. The amounts to be granted to each grade of the special subsistence pension shall be determined by order of the Government organ with responsibility over the national liberation combatants taking into consideration the rule provided for in the preceding paragraph, and shall be up-dated whenever there is an increase in the amounts of the special retirement pension.
5. The rounding of the amounts of special subsistence pension shall be made, whenever necessary, by default, in absolute value, up to the second decimal casa, with the balance reverting for the State.

Article 15  
(...)

1. Application for special subsistence pension shall be initiated with the following documents:
  - a) A specific form approved by the services of the relevant entity, duly filled-in and signed;
  - b) A photocopy of the Voting Card or Voting Certificate of the applicant and presentation of the respective original;
  - c) (Revoked)
2. Applicants of special subsistence pension due to disability to work shall, in addition to the documents referred to in the preceding paragraph, present a medical certificate issued by the relevant authority, pursuant to article 17 below.

Article 17  
(...)

The special retirement pension is a financial benefit granted to veteran combatants of the national liberation struggle taking into account the number of years of full time participation and the highest post/office held during the struggle.

Article 19  
(...)

Beneficiaries of the special retirement pension shall be the veteran combatants of national liberation with fifteen or more years of full time participation in the national liberation struggle, pursuant to article 26.1 of the Statute.

Article 21  
Amount of the special retirement pension

1. The amount of special retirement pension shall vary in two echelons depending on the number of years of full time participation as follows:

- a) Echelon 1, for national liberation combatants with 20 or more years of full time participation;
- b) Echelon 2, for national liberation combatants with 15 to 19 years of full time participation.

2. The echelons referred to in the preceding paragraph shall be subdivided into three grades, depending on the type of post/office held during the struggle, in accordance with Annex II to this statute, and each combatant shall be granted the grade corresponding to the highest post/office held by him or her during the struggle.

3. The formula for calculating the special retirement pension shall be the following:

- a) Where the beneficiary is under grade1 of echelon 1:  $PERIG1=5xVM$

- b) Where the beneficiary is under grade 2 of echelon 1:  $PER1G2=4,5xVM$
- c) Where the beneficiary is under grade 3 of echelon 1:  $PER1G3=4xVM$
- d) Where the beneficiary is under grade 1 of echelon 2:  $PER1G1=4xVM$
- e) Where the beneficiary is under grade 2 of echelon 2:  $PER1G2=3,5xVM$
- f) Where the beneficiary is under grade 3 of echelon 2:  $PER1G=3xVM$

5. In the formula provided for in the preceding paragraph:

- a)  $PER1G1$  shall be the amount of the special retirement pension for echelon 1, grade 1;
- b)  $PER1G2$  shall be the amount of the special retirement pension for echelon 1, grade 2;
- c)  $PER1G3$  shall be the amount of the special retirement pension for echelon 1, grade 3;
- d)  $PER2G1$  shall be the amount of the special retirement pension for echelon 2, grade 1;
- e)  $PER2G2$  shall be the amount of the special retirement pension for echelon 2, grade 2;
- f)  $PER2G3$  shall be the amount of the special retirement for echelon 2, grade 3;
- g)  $VM$  shall be the amount of the minimum wage of civil service.

6. The amounts for each echelon and the grade of the special retirement pension shall be defined by order of the Government organ in charge of national liberation combatants affairs and shall be up-dated whenever there is an increase of the minimum wage of the civil service.

7. The rounding of the amounts for the special retirement pension shall be made, whenever necessary, by default, in absolute value, up to the second decimal casa, with the balance reverting for the State.

#### Article 22

##### Application for special retirement pension

1. Applications for special retirement pension shall be initiated against presentation of the documents provided for in article 15.1.

2. (Revoked).

#### Article 23

(...)

1. The survival pension is a financial benefit intended for the family of the martyrs of national liberation and of the combatants of national liberation who benefit, at the time of their death, from the special subsistence pension or the special retirement pension, after their demise.

2. For the purposes of the preceding paragraph, beneficiary of special subsistence pension or of special retirement pension shall refer to a national liberation combatant who, up until the date of his or her death, has been notified, pursuant to article 38.2, of a favourable decision to his or her application for pension and who did loose the right to it, pursuant to article 7.

#### Article 25

(...)

1. The following may apply for survival pension:

a) The surviving spouse, provided he or she has not remarried;

b) The offspring;

c) The parents;

d) The siblings of the martyrs of national liberation, provided they have undergone torture, deportation or imprisonment inflicted due to the militancy of their brother combatant or where they are national

liberation combatants without a right to special subsistence pension or special retirement pension;

e) (Revoked).

2. For the purposes of the preceding paragraph, surviving spouse shall refer to a spouse who held a marital relationship with the martyr or the combatant as of the date of the demise of the latter.

3. Where there are two or more applicants alleging to be the surviving spouses of the martyr or combatant, preference shall be given to the applicant who produces a marriage certificate certifying the marital relationship, provided no proof of dissolution of such marriage exists.

4. The right to survival pension shall only be extended to those relatives who did not collaborate voluntarily with the enemy against the interests of national liberation.

#### Article 26

(...)

1. The right to survival pension shall be granted to the applicant or group of applicants whose kinship relation with the deceased martyr or national liberation combatant is considered to be preferential.

2. The order of preference among beneficiaries of survival pension, in which the first in the order of preference successively excludes the others, shall be the following, in accordance with paragraph 5 of Article 27 of the Statute:

a) Surviving spouse;

b) Offspring;

c) Parents;

d) Siblings;

3. Review of all applications referring to the same martyr or national liberation combatant deceased shall take place in one sole process.

4. Applications shall be reviewed in accordance with the order of preference provided for in paragraph 2, with applications referring to the classes of beneficiaries excluded pursuant to paragraphs 1 and 2 being excluded.

#### Article 27

##### Amount of the survival pension

1. The amount of the survival pension shall vary depending on the grade attributed to the martyr or national liberation combatant.

2. The grade attributed shall be determined on the basis of the highest post/office grade during the struggle, in accordance with Annex II to this statute.

3. The amounts of survival pension shall correspond to 50% of the amounts defined for the corresponding grades of echelon1 of the special retirement pension.

4. The amounts to be granted to each grade of the special subsistence pension shall be determined by order of the Government organ with responsibility over the national liberation combatants taking into consideration the rule provided for in the preceding paragraph, and shall be up-dated whenever there is an increase in the amounts of the special retirement pension.

5. The rounding of the amounts of special subsistence pension shall be made, whenever necessary, by default, in absolute value, up to the second decimal casa, with the balance reverting for the State.

#### Article 28

(..)

The survival pension shall cease with the demise of the sole beneficiary or of all the beneficiaries pertaining to the same preferential category.

#### Article 31

(..)

1. Applications for survival pension shall ne initiated together with the following documents:

- a) A specific form approved by the services of the relevant entity, duly filled-in and signed;
- b) A photocopy of the Voting Card or Voting Certificate of the applicant and the respective original;
- c) Marriage certificate or, where the latter is justifiably not available, a declaration of the Suco Chief, certified by the District Administrator, certifying the marital relationship with the martyr or combatant of national liberation in case the applicant is his or her surviving spouse;
- d) A birth certificate or baptism certificate of the applicant, in case the applicant is an offspring of the martyr or combatant of national liberation;
- e) Birth certificate or baptism certificate of the applicant and the martyr or national liberation combatant in case the applicant is the father, mother, or sibling;
- f) A document, subscribed and signed by the applicant, in which he or she solemnly declares not to have collaborated with the enemy against the interests of the national liberation, pursuant to article 27.10 of the Statute;
- g) A photocopy of a document containing the data on the bank account of the applicant.

2. Applicants of survival pension provided for in subparagraph b) of article 27.1 of the Statute shall have to certify the death of the national liberation combatant beneficiary of the special subsistence pension or special retirement pension through presentation of a death certificate.

3. Where the applicant of the survival pension is a sibling of the deceased martyr or combatant and he himself is not a national liberation combatant, he or she shall have to present a declaration certifying the imprisonment, torture or deportation inflicted against the militancy of the brother martyr or combatant through a specific form approved by the services of the relevant

entity and signed by two witnesses and certified by a former leader of the resistance who have held an intermediary or superior post/office.

Article 34  
(...)

1. The Government body in charge of the national liberation combatants, in close collaboration with the Commission for Homage and Supervision of the Registration and Resources, shall be the entity responsible for the administrative process for dealing with the benefits provided for in this statute.
2. (...)

Article 36  
Initiating of the process

1. The process for granting the benefits regulated in this statute shall be conditional upon application made by the interested party.
2. The process shall be initiated in the offices of the relevant entity or in the headquarters of sub-district administration.
3. Applications for pensions shall be presented within a maximum period of 90 days from:
  - a) The date of official opening of the period for receiving applications by the relevant entity;
  - b) The date of death of the national liberation combatant beneficiary of the special subsistence pension or special retirement pension; or
  - c) The date of forfeiture of the right to survival pension by the sole holder of that right pursuant to article 4.3 (previously article 3).

Article 38  
Decision

1. The decision on the granting of the pensions provided for in this statute shall be the competence of the Government body in charge of National Liberation Combatants affairs.

2. The decision shall notified by EDITAIS, to be affixed at the headquarters of the sub-district of residence of the applicant within a maximum period of thirty days from the end of the period referred to in article 37A.3 of this statute.
3. In case of dismissal, such decision shall be duly substantiated.

Article 39  
(...)

1. Any person who feels aggrieved has the right to complain against the decision in writing.
2. The complaint shall be addressed to the Government body in charge of National Liberation Combatants affairs, which may reformulate de decision.
3. The complaint shall be filed within sixty days from the date of publication of the notices referred to in article 38.2 and shall be accompanied by reasons and evidence justifying the reversibility of the decision.
4. The decision on the claim shall be handed down within sixty days from the date of the filing of the complaint and shall be disseminated by notice to be affixed at the headquarters of the district of residence of the applicant.

Article 40  
(...)

1. Any person who feels aggrieved by the decision or the outcome of the claim proceeding has the right to file an administrative appeal.
2. (...)
3. The administrative appeal shall be filed within sixty days from the date of publication of the notices referred to in article 38.2 and article 39.4 and shall be accompanied by reasons and evidence justifying the reversibility of the decision.
4. The decision on the administrative appeal shall be handed down within sixty days from the date of the filing of the administrative appeal and shall be

published by notice to be affixed at the district headquarters of residence of the applicant.

5. (...)

#### Article 42

(...)

1. Any person may object to the decision made pursuant to article 38 by alleging the falsity of the information contained in the proceeding.

2. The objection shall be addressed to the Government body in charge of the affairs of the National Liberation Combatants.

3. The objection shall be presented within sixty days from the date of publication of the notices referred to in article 38.2 and shall be accompanied by reasons and evidence justifying the reversibility of the decision.

4. The decision on the objection shall be handed down within sixty days from the date of presentation of the objection and shall be published by notice to be affixed at the district headquarters of residence of the applicant.

5. (Revoked).

#### Article 43

(...)

1. Payment of the pensions shall take place on a monthly basis by bank transfer to the account indicated by the applicant.

2. Where no claims, appeals, or objections exist, the first payment shall take place in the month after the end of the deadlines for presenting claims, appeals or objections.

3. Claims, appeals and objections shall cause the suspension of the payment of the respective pension until a decision has been made on them.

4. The payment shall include retroactive payments from the month of the acquisition of the right pursuant to article 7.

Article 45  
(...)

1. Without prejudice to the criminal legislation, the provision of false information within the process for establishing a benefit shall constitute a violation of this statute.
2. The violation provided for in the preceding paragraph shall be punished by administrative fine of up to 500 dollars and shall imply the forfeiture of the benefits provided for in this statute, pursuant to article 7A.
3. The procedures for application of administrative fines shall be regulated by the Government.
4. (Revoked).
5. (Revoked).

Article 46  
(...)

1. Funding for the administrative system and the benefits to be granted to national liberation combatants and their relatives shall be provided for, in its entirety, in the State Budget.
2. (...)
3. (Revoked).

Article 2  
Addition

The following articles are added to Decree-Law no. 15/2008 of 4 June:

“Article 7 - A  
Forfeiture of right

1. The right to the pensions provided for in this statute shall cease, notably, in the following cases:

- a) Following the death of the beneficiary;
- b) Following forfeiture of the status of National Liberation Combatant, pursuant to the Statute and other applicable legislation;
- c) Following the provision of information that do not correspond to the reality and which results in the undue granting or maintenance of the pension;
- d) Following express renunciation of the right to pension made in writing by the respective beneficiary.

2. The forfeiture of the right to pension shall become effective from the month immediately after the facts that determined the forfeiture have occurred.

3. Unduly made payments shall refer to payments made at a time after forfeiture of pension pursuant to the preceding paragraph.

4. The entity in charge shall notify the forfeiture of the right within a maximum period of thirty days after knowledge of the facts which have determined it and shall request, within an equal period of time, the return of the payments unduly made.

5. Where a pension has multiple beneficiaries, forfeiture of the right by one of them shall imply an increase on the amount of the pension received by the remaining beneficiaries of the same category from the time in which the forfeiture of the right becomes effective, pursuant to paragraph 2.

6. Forfeiture of the right to pension by the beneficiary or by one of the beneficiaries shall not imply acquisition of any rights by the respective successors or, in the case of survival pension, by other people in the situation enumerated in subparagraphs a) to d) of article 26.2

7. Without prejudice to the preceding paragraph, forfeiture of the right to survival pension by the sole beneficiary for the reasons indicated in subparagraphs c) or d) of paragraph 1 shall imply the opening of a new application process to which the people in the situation enumerated in subparagraphs a) to d) of article 26.2 may apply.

Article 36 - A  
Legitimacy

1. Every person meeting the respective legal conditions shall have legitimacy to undertake all relevant acts for acquiring, maintaining and enjoying the rights provided for in this statute.
2. Without prejudice to the preceding paragraph, legitimacy of other individuals shall be recognised whenever the person referred to in the preceding article:
  - a) Is less than 17 years of age and is represented by the holder of paternal power or, subsidiarily, by the tutor, pursuant to the law;
  - b) Cannot appear before representatives of the relevant entity and is represented by a person designated by him or her through a letter of attorney written or recognised by notary or other public official and containing public faith.
  - c) Shows to be incapable of governing in his or her own self and property due to physical anomaly, deaf-and-dumbness or blindness, being represented by a tutor, pursuant to the law.
3. The representatives referred to in the preceding paragraphs shall duly certify the facts substantiating the representation.

Article 46 - A  
Higher amount pensions

1. Distinction of prominent figures and definition of higher amounts for their respective pensions referred to in article 29 of the Statute shall be decreed by Government Resolution.
2. Granting of higher amount pensions shall follow the regime provided for in this statute, with the following adaptations:

3. Where the prominent figure is a living national liberation combatant, the services of the relevant entity shall undertake contacts with the same prominent figure in order to facilitate the application process.

4. All deadlines or effects which, pursuant to this statute, result from the opening of the application process or from the submission of the application shall count, for purposes of higher amount pensions, from the date of publication of the Government Resolution referred to in paragraph 1.

5. Whenever, at the time the Government Resolution referred to in paragraph 1 is published, the national liberation combatant or the relatives of the national liberation martyr distinguished as a prominent figure, is already benefiting from the respective pension, the new period for application shall not be opened, and the amount of the pension shall be updated officiously from the month following the date of publication of the resolution.

6. The provisions of paragraphs 2, 3, 4, and 5 of article 26 - A shall not apply to the higher amount pensions.

### Article 3 Revoking norm

Articles 10, 11, 12, 14, 18, 20, 24, 30, and 41 of Decree-Law no. 15/2008 of 4 July are hereby revoked.

### Article 4 Entry into force

1. The regime established in this statute shall be applicable from the date of entry into force of Law no. 9/2009 of 29 July as regards the payments applied from that date and to the juridical relations established previously and which are in force, having due respect for the acquired rights.

2. Without prejudice to the preceding paragraph, the following shall apply retroactively to payments applied for until 31 December 2009 and to juridical relations established previously and which remain in force:

a) The contents of articles 13, 21 and 27 of this statute, to the payment of benefits referring to the period between 1 January 2009 and 31 December 2009;

b) The contents of Annex I to this statute, to the payment of benefits referring to the period between 1 January and 31 December 2008.

3. Without prejudice to article 7, the right to pensions relating to on-going processes shall refer to 1 January 2008.

4. For the purposes of the preceding paragraph, on-going processes shall refer to those processes in relation to which duly initiated applications have been, or are, submitted up to 31 December 2009 and the conditions provided for in prior legislation for granting the respective pension have been met.

5. As regards the survival pension, the existence of an on-going process shall benefit the other applicants of the same pension.

#### Article 5 Republication

Decree-Law No. 15/2008 of 4 June is republished in Annex, and is an integral part of this Decree-Law.

#### Article 6 Entry into force

This statute shall enter into force on the day after its publication, except as provided in article 4.

Approved by the Council of Ministers on 4 November 2009.

The Prime Minister

Kay Rala Xanana Gusmao

The Minister for Social Solidarity

Maria Domingas Fernandes Alves

Enacted on 23/11/2009

For publication

The President of the Republic

José Ramos-Horta

**ANNEX**  
**DECREE-LAW NO. 15/2008**

of 4 June

**Pensions of the Combatants and Martyrs of National Liberation**

The Statute of the Combatants of the National Liberation (Law no. 3/2006, of April 12) represented a historical step towards acknowledging the contribution of those who fought for the liberation of our Homeland, as consecrated in article 11 of the Constitution of the Democratic Republic of East Timor, which, besides defining the obligation to fulfill the duties implied in the statute, grants the combatants of the national liberation a set of rights, namely the attribution of financial and social benefits. This Law granted the Government the competency to process, attribute and regulate pensions, in accordance with the State's institutional capacity and financial possibilities, as stipulated in Article 37.

The current document regulates the different types of pensions foreseen in the Statute of the Combatants of the National Liberation, identifying the respective criteria for the attribution of such pensions, as well as the amounts and the processes of how to apply for them.

Aiming to guarantee the potential beneficiaries legal access and certainty, it also establishes the role of the governmental organ in charge of processing the pension requests.

Thus,

Pursuant to subparagraph j) of article 115.1 of the Constitution of the Republic and of article 36 of Law No. 3/2006 of April 12, the Government enacts the following to have the force of law:

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Object**

The object of the present statute is to define eligibility, amounts and requirements for initiating the process of attribution of pensions to the combatants and relatives of martyrs of the national liberation provided for in Law no. 3/2006 of 12 April, as amended by Law no. 9/2009 of 29 July, which defines the Statute of the National Liberation Combatants, hereinafter referred to as “Statute”.

## **Article 2**

### **General principles**

1. Regulation of the benefits shall be governed by principles of objectivity, transparency, financial rationality and legal certainty.
2. Processing of applications for benefits shall be governed by principles of legitimacy, accessibility and procedural simplicity, taking into account the administrative reality of the country.
3. (Revoked).

## **CHAPTER II**

### **PENSIONS**

#### **SECTION I**

#### **GENERAL**

### **Article 3**

#### **Recognition**

1. The right to apply for the benefits provided for in this statute shall be conditional upon:
  - a) Recognition of the status of national liberation combatant of martyr, pursuant to article 13.1 of the Statute; and
  - b) Observance of the period of time referred to in article 18.1 of the Statute without an appeal being filed, or of the final decision referred to in article 18.2 of the Statute.

2. For purposes of granting the pensions provided for in this statute, the data contained in the registration of the national liberation combatant of martyr shall apply.

#### Article 4 Non-accumulation of benefits

1. Without prejudice to article 26 - A, the financial benefits provided for in this statute shall not be cumulative among them.

2. Where the applicant meets the requirements for benefiting simultaneously from more financial benefits than those allowed pursuant to the preceding paragraph, he or she shall have to choose one of them at the time of initiating the process.

3. Whenever an applicant in a position provided for in the preceding article fails to opt for one of the benefits at the time of initiating the process, he or she shall be officiously granted the higher benefit.

4. The special pension of subsistence and the special pension of retirement shall not be cumulative with the counting of time dedicated to the struggle as service rendered to the State, pursuant to article 24.2 of the Statute.

5. The national liberation combatant shall be granted the possibility to opt for the special subsistence pension or the retirement pension, or for the counting of time dedicated to the struggle to be considered as service rendered to the State.

6. Where, at the time of initiating the process for granting the pensions provided for in this statute, no guarantee exists of the possibility to apply for a State retirement pension, the national liberation combatant shall be free to opt, in the future, for the counting of time dedicated to the struggle as service rendered to the State, thereby ceasing his or her right to the special retirement pension or to the special subsistence pension referred to in this statute.

#### Article 5 Confirmation of individual data and other data relating to militancy

1. The entire time of participation in the struggle, including the time of imprisonment and deportation, the highest grade/position, and the status of

combatant or national liberation martyr shall be certified by the certification referred to in article 14 of the Statute.

2. (Revoked).

#### Article 6

Determination of the military ranks and civil positions held during the struggle

1. For the purposes of this statute, the determination of the military rank or the civil position held during the struggle shall be made by reference to the positions and ranks contained in Annex II to this statute.

2. The positions and ranks shall be classified as high, intermediate and low, corresponding, respectively, to grades 1, 2, and 3.

#### Article 7

##### Acquiring the right

The right to pensions provided for in this statute shall be acquired from the month immediately after the beginning of the deadline period referred to in article 36.3 provided that, within that deadline, the application is initiated pursuant to article 36.4 and the conditions provided for in this statute for the granting of the respective pension are met.

#### “Article 7 - A

##### Forfeiture of right

1. The right to the pensions provided for in this statute shall cease, notably, in the following cases:

- a) Following the death of the beneficiary;
- b) Following forfeiture of the status of National Liberation Combatant, pursuant to the Statute and other applicable legislation;
- c) Following the provision of information that do not correspond to the reality and which results in the undue granting or maintenance of the pension;

d) Following express renunciation of the right to pension made in writing by the respective beneficiary.

2. The forfeiture of the right to pension shall become effective from the month immediately after the facts that determined the forfeiture have occurred.

3. Unduly made payments shall refer to payments made at a time after forfeiture of pension pursuant to the preceding paragraph.

4. The entity in charge shall notify the forfeiture of the right within a maximum period of thirty days after knowledge of the facts which have determined it and shall request, within an equal period of time, the return of the payments unduly made.

5. Where a pension has multiple beneficiaries, forfeiture of the right by one of them shall imply an increase on the amount of the pension received by the remaining beneficiaries of the same category from the time in which the forfeiture of the right becomes effective, pursuant to paragraph 2.

6. Forfeiture of the right to pension by the beneficiary or by one of the beneficiaries shall not imply acquisition of any rights by the respective successors or, in the case of survival pension, by other people in the situation enumerated in subparagraphs a) to d) of article 26.2

7. Without prejudice to the preceding paragraph, forfeiture of the right to survival pension by the sole beneficiary for the reasons indicated in subparagraphs c) or d) of paragraph 1 shall imply the opening of a new application process to which the people in the situation enumerated in subparagraphs a) to d) of article 26.2 may apply.

## SECTION II SPECIAL SUBSISTENCE PENSION

### Article 8 Definition

Special subsistence pension is a financial benefit granted to national liberation combatants on the basis of their level of disability or the number of years of

full time participation and the highest grade of the position/office held during the struggle.

#### Article 9

##### Beneficiaries of special subsistence pension

Special subsistence pension shall have the following beneficiaries:

- a) Timorese citizens with mental or physical disability for participating in the national liberation struggle which determines disability to undertake any working activity, pursuant to article 23.4 and article 25.1 of the Statute.
- b) National Liberation combatants with 8 or more years of full time participation in the national liberation struggle, pursuant to article 25.2 of the Statute.

#### Article 10

Beneficiaries of the special subsistence pension due to incapacity for work

1. The beneficiaries of the special subsistence pension due to incapacity for work are combatants of the national liberation with a mental or physical disease caused by their participation in the national liberation struggle and determines their incapacity for work.
2. The right to the pension does not depend on time of participation in the struggle or age.

#### Article 11

##### Beneficiaries of the special subsistence pension for the elderly

The beneficiaries of the special subsistence pension for the elderly are citizens aged 55 or over when they apply for the pension, who participated full-time in the struggle for a period over 8 and under 15 years.

#### Article 12

##### Combatants of the Clandestine Front and of the Diplomatic Front

1. The Combatants of the Clandestine Front and of the Diplomatic Front who devoted their lives exclusively to the Resistance and had no normal, paid, academic or work activity during the period of the Struggle, according to no. 3 of article 23 of the Statute, are in the same conditions as the Armed Front Combatants as regards Pension payment.

2. Classification and comparison of the combatants of the Clandestine Front and Diplomatic Front exclusively devoted to the Struggle is carried out by the former heads of the Resistance Structures/Organizations, in close articulation with the State's real financial capacities.

### Article 13

#### Amount of the special subsistence pension

1. The amount of the special subsistence pension shall vary according to the grade granted to the national liberation combatant.

2. The grade granted shall be determined in accordance with the highest rank/position held during the struggle, in accordance with Annex II.

3. Amounts of special subsistence pension shall correspond to 60% of the amounts defined for the corresponding grades for echelon 1 of the special retirement pension.

4. The amounts to be granted to each grade of the special subsistence pension shall be determined by order of the Government organ with responsibility over the national liberation combatants taking into consideration the rule provided for in the preceding paragraph, and shall be up-dated whenever there is an increase in the amounts of the special retirement pension.

5. The rounding of the amounts of special subsistence pension shall be made, whenever necessary, by default, in absolute value, up to the second **decimal casa**, with the balance reverting for the State.

### Article 15

#### (Application for special subsistence pension)

1. Application for special subsistence pension shall be initiated with the following documents:

- a) A specific form approved by the services of the relevant entity, duly filled-in and signed;
- b) A photocopy of the Voting Card or Voting Certificate of the applicant and presentation of the respective original;
- c) (Revoked)

2. Applicants of special subsistence pension due to disability to work shall, in addition to the documents referred to in the preceding paragraph, present a medical certificate issued by the relevant authority, pursuant to article 17 below.

#### Article 16

#### Medical examination to obtain a statement of physical and/or mental incapacity for work

1. The statement of physical and/or mental incapacity for work must be issued by doctors registered with the Ministry of Health, in accordance with the applicable legislation.
2. The statement of mental incapacity must be issued by a doctor specialising in mental health.
- 6
3. The statement must be based on a medical examination of the applicant for the pension and must be accessible in the national health services all over the Country.

### SECTION III SPECIAL RETIREMENT PENSION FOR THE VETERAN COMBATANT OF THE NATIONAL LIBERATION

#### Article 17 Definition

The special retirement pension is a financial benefit granted to veteran combatants of the national liberation struggle taking into account the number

of years of full time participation and the highest post/office held during the struggle.

Article 18  
Categories

(Revoked).

Article 19  
Beneficiaries of special retirement pension

Beneficiaries of the special retirement pension shall be the veteran combatants of national liberation with fifteen or more years of full time participation in the national liberation struggle, pursuant to article 26.1 of the Statute.

Article 20  
Combatants of the Clandestine and Diplomatic Fronts

(Revoked).

Article 21  
Amount of the special retirement pension

1. The amount of special retirement pension shall vary in two echelons depending on the number of years of full time participation as follows:
  - a) Echelon 1, for national liberation combatants with 20 or more years of full time participation;
  - b) Echelon 2, for national liberation combatants with 15 to 19 years of full time participation.
2. The echelons referred to in the preceding paragraph shall be subdivided into three grades, depending on the type of post/office held during the struggle, in accordance with Annex II to this statute, and each combatant shall be granted the grade corresponding to the highest post/office held by him or her during the struggle.

3. The formula for calculating the special retirement pension shall be the following:

- a) Where the beneficiary is under grade 1 of echelon 1:  $PER1G1=5xVM$
- b) Where the beneficiary is under grade 2 of echelon 1:  $PER1G2=4,5xVM$
- c) Where the beneficiary is under grade 3 of echelon 1:  $PER1G3=4xVM$
- d) Where the beneficiary is under grade 1 of echelon 2:  $PER1G1=4xVM$
- e) Where the beneficiary is under grade 2 of echelon 2:  $PER1G2=3,5xVM$
- f) Where the beneficiary is under grade 3 of echelon 2:  $PER1G=3xVM$

5. In the formula provided for in the preceding paragraph:

- a)  $PER1G1$  shall be the amount of the special retirement pension for echelon 1, grade 1;
- b)  $PER1G2$  shall be the amount of the special retirement pension for echelon 1, grade 2;
- c)  $PER1G3$  shall be the amount of the special retirement pension for echelon 1, grade 3;
- d)  $PER2G1$  shall be the amount of the special retirement pension for echelon 2, grade 1;
- e)  $PER2G2$  shall be the amount of the special retirement pension for echelon 2, grade 2;
- f)  $PER2G3$  shall be the amount of the special retirement for echelon 2, grade 3;
- g)  $VM$  shall be the amount of the minimum wage of civil service.

6. The amounts for each echelon and the grade of the special retirement pension shall be defined by order of the Government organ in charge of national liberation combatants affairs and shall be up-dated whenever there is an increase of the minimum wage of the civil service.

7. The rounding of the amounts for the special retirement pension shall be made, whenever necessary, by default, in absolute value, up to the second decimal casa, with the balance reverting for the State.

#### Article 22

#### Application for special retirement pension

1. Applications for special retirement pension shall be initiated against presentation of the documents provided for in article 15.1.

2. (Revoked).

### SECTION IV

### SURVIVAL PENSION

#### Article 23

#### Definition

1. The survival pension is a financial benefit intended for the family of the martyrs of national liberation and of the combatants of national liberation who benefit, at the time of their death, from the special subsistence pension or the special retirement pension, after their demise.

2. For the purposes of the preceding paragraph, beneficiary of special subsistence pension or of special retirement pension shall refer to a national liberation combatant who, up until the date of his or her death, has been notified, pursuant to article 38.2, of a favourable decision to his or her application for pension and who did loose the right to it, pursuant to article 7.

#### Article 24

#### Categories

(Revoked)

Article 25  
Beneficiaries of survival pension

1. The following may apply for survival pension:
  - a) The surviving spouse, provided he or she has not remarried;
  - b) The offspring;
  - c) The parents;
  - d) The siblings of the martyrs of national liberation, provided they have undergone torture, deportation or imprisonment inflicted due to the militancy of their brother combatant or where they are national liberation combatants without a right to special subsistence pension or special retirement pension;
  - e) (Revoked).
2. For the purposes of the preceding paragraph, surviving spouse shall refer to a spouse who held a marital relationship with the martyr or the combatant as of the date of the demise of the latter.
3. Where there are two or more applicants alleging to be the surviving spouses of the martyr or combatant, preference shall be given to the applicant who produces a marriage certificate certifying the marital relationship, provided no proof of dissolution of such marriage exists.
4. The right to survival pension shall only be extended to those relatives who did not collaborate voluntarily with the enemy against the interests of national liberation.

Article 26  
Preference

1. The right to survival pension shall be granted to the applicant or group of applicants whose kinship relation with the deceased martyr or national liberation combatant is considered to be preferential.

2. The order of preference among beneficiaries of survival pension, in which the first in the order of preference successively excludes the others, shall be the following, in accordance with paragraph 5 of Article 27 of the Statute:

- a) Surviving spouse;
- b) Offspring;
- c) Parents;
- d) Siblings;

3. Review of all applications referring to the same martyr or national liberation combatant deceased shall take place in one sole process.

4. Applications shall be reviewed in accordance with the order of preference provided for in paragraph 2, with applications referring to the classes of beneficiaries excluded pursuant to paragraphs 1 and 2 being excluded.

#### Article 26 - A Division of the survival pension

1. Once the category of preferential beneficiaries has been established, should more than one beneficiary be identified in the same category, the respective pension shall be divided in equal proportion among the beneficiaries, with exception of the provision contained in paragraphs 4 and 5.

2. Pursuant to paragraph 7 of article 27 of the Statute, the same individual cannot benefit from more than full survival pension.

3. For the purposes of this statute, beneficiary of full survival pension shall refer a person who is the sole beneficiary or who benefits from fractions of various survival pensions whose total amount is equal to the amount established for the grade 1 of the survival pension.

4. Whenever, in accordance with the provisions of the preceding paragraphs, a person benefits from fractions of several survival pensions whose total amounts exceed the limit established in paragraph 3 of this article, the exceeding amount shall be determined in proportion to each pension

received, and the excessive amount shall revert, equitably, to the other beneficiaries of the same pension.

5. Once the possibilities of division provided for in the preceding paragraph have been exhausted, should one or more beneficiaries of the pension continue to benefit from fractions whose total amount exceeds the amount established for the grade 1 survival pension, the respective excess shall revert to the State.

6. The rounding of the amounts of the fractions of the survival pension resulting from the calculations provided for in the preceding paragraphs shall be made, whenever necessary, by default, in absolute value, up until the second decimal casa, with the rest reverting to the State.

#### Article 27

#### Amount of survival pension

1. The amount of survival pension shall vary depending on the grade attributed to the martyr or national liberation combatant.

2. The grade attributed shall be determined on the basis of the highest post/office grade during the struggle, in accordance with Annex II to this statute.

3. The amounts of survival pension shall correspond to 50% of the amounts defined for the corresponding grades of echelon1 of the special retirement pension.

4. The amounts to be granted to each grade of the special subsistence pension shall be determined by order of the Government organ with responsibility over the national liberation combatants taking into consideration the rule provided for in the preceding paragraph, and shall be up-dated whenever there is an increase in the amounts of the special retirement pension.

5. The rounding of the amounts of special subsistence pension shall be made, whenever necessary, by default, in absolute value, up to the second decimal casa, with the balance reverting for the State.

Article 28  
Cessation of the right to survival pension

The survival pension shall cease with the demise of the sole beneficiary or of all the beneficiaries pertaining to the same preferential category.

Article 29  
Exclusion of the succession of the survival pension

The subsistence pension cannot be transmitted after the death of the beneficiary.

Article 30  
School support

(Revoked).

Article 31  
Application for survival pension

1. Applications for survival pension shall be initiated together with the following documents:
  - a) A specific form approved by the services of the relevant entity, duly filled-in and signed;
  - b) A photocopy of the Voting Card or Voting Certificate of the applicant and the respective original;
  - c) Marriage certificate or, where the latter is justifiably not available, a declaration of the Suco Chief, certified by the District Administrator, certifying the marital relationship with the martyr or combatant of national liberation in case the applicant is his or her surviving spouse;
  - d) A birth certificate or baptism certificate of the applicant, in case the applicant is an offspring of the martyr or combatant of national liberation;
  - e) Birth certificate or baptism certificate of the applicant and the martyr or national liberation combatant in case the applicant is the father, mother, or sibling;

- f) A document, subscribed and signed by the applicant, in which he or she solemnly declares not to have collaborated with the enemy against the interests of the national liberation, pursuant to article 27.10 of the Statute;
- g) A photocopy of a document containing the data on the bank account of the applicant.

2. Applicants of survival pension provided for in subparagraph b) of article 27.1 of the Statute shall have to certify the death of the national liberation combatant beneficiary of the special subsistence pension or special retirement pension through presentation of a death certificate.

3. Where the applicant of the survival pension is a sibling of the deceased martyr or combatant and he himself is not a national liberation combatant, he or she shall have to present a declaration certifying the imprisonment, torture or deportation inflicted against the militancy of the brother martyr or combatant through a specific form approved by the services of the relevant entity and signed by two witnesses and certified by a former leader of the resistance who have held an intermediary or superior post/office.

### CHAPTER III ON HOW PENSIONS ARE PROCESSED

#### Article 32 General principles

1. In accordance with the institutional and financial capacities of the Government, speed and simplicity are guaranteed in processing the applications for pensions regulated in this document.
2. Access to the Government organ in charge of processing financial benefits is guaranteed to the pension applicants, whether directly or through the State Administration of each District.
3. The organism in charge of processing applications will organize and carry out promotion and information campaigns all over the Country.

Article 33  
Tax exemption

The process of requesting and granting benefits, as well as the issue of the declarations necessary for that purpose, are not subject to the payment of taxes.

**SECTION I  
ENTITY IN CHARGE**

Article 34  
Entity in charge

1. The Government body in charge of the national liberation combatants, in close collaboration with the Commission for Homage and Supervision of the Registration and Resources, shall be the entity responsible for the administrative process for dealing with the benefits provided for in this statute.
2. In order to guarantee access to these services, the District and Sub-District administrations shall operate as delegations of the entity responsible for contacting the beneficiaries, namely as regards pension applications.

Article 35  
Duty of co-operation

Government entities and authorities, as well as bank institutions, should co-operate with zeal, equity and speed with the organ in charge of processing the benefits provided for in this statute.

**SECTION II  
PROCESS**

Article 36  
Initiating of the process

1. The process for granting the benefits regulated in this statute shall be conditional upon application made by the interested party.
2. The process shall be initiated in the offices of the relevant entity or in the headquarters of sub-district administration.

3. Applications for pensions shall be presented within a maximum period of 90 days from:

- a) The date of official opening of the period for receiving applications by the relevant entity;
- b) The date of death of the national liberation combatant beneficiary of the special subsistence pension or special retirement pension; or
- c) The date of forfeiture of the right to survival pension by the sole holder of that right pursuant to article 4.3 (previously article 3).

#### Article 36 - A Legitimacy

1. Every person meeting the respective legal conditions shall have legitimacy to undertake all relevant acts for acquiring, maintaining and enjoying the rights provided for in this statute.

2. Without prejudice to the preceding paragraph, legitimacy of other individuals shall be recognised whenever the person referred to in the preceding article:

- a) Is less than 17 years of age and is represented by the holder of paternal power or, subsidiarily, by the tutor, pursuant to the law;
- b) Cannot appear before representatives of the relevant entity and is represented by a person designated by him or her through a letter of attorney written or recognised by notary or other public official.
- c) Shows to be incapable of governing his or her own self and property due to psychical anomaly, deaf-and-dumbness or blindness, being represented by a tutor, pursuant to the law.

3. The representatives referred to in the preceding paragraphs shall duly certify the facts substantiating the representation.

#### Article 37

## Verification of information

While processing the request of any of the benefits regulated by this document, the entity in charge has the right to check the veracity of the documents submitted.

### Article 37 - A Rejection of application

1. If the application is not duly filled in or is not accompanied by all the necessary documents for initiating the process, the applicant shall be invited to address the existing deficiencies.
2. Without prejudice to the preceding paragraph, the entity in charge shall make an attempt to officiously address the deficiencies amounting to simple irregularities.
3. Applications shall be rejected whenever the applicant, having been invited to address the deficiencies existing pursuant to paragraph 1, does not do so within sixty days.
4. Applications submitted beyond the period of time provided for in article 36.3 or whose applicants lacks legitimacy to apply shall be outrightly dismissed.

## SECTION III DECISIONS ON APPLICATIONS

### Article 38 Decisions

1. Decisions on the granting of the pensions provided for in this statute shall be the competence of the Government body in charge of National Liberation Combatants affairs.
2. Decisions shall notified by notices to be affixed at the headquarters of the sub-district of residence of the applicant within a maximum period of thirty days from the end of the period referred to in article 37 - A of this statute.

3. In case of dismissal, such decision shall be duly substantiated.

### Article 39

#### Claim

1. Any person feeling aggrieved has the right to complain against the decision in writing.
2. Complaints shall be addressed to the Government body in charge of National Liberation Combatants affairs, which may reformulate the decisions.
3. Complaints shall be filed within sixty days from the date of publication of the notices referred to in article 38.2 and shall be accompanied by reasons and evidence justifying the reversibility of the decisions.
4. Decisions on claims shall be handed down within sixty days from the date of the filing of complaints and shall be disseminated by notice to be affixed at the headquarters of the district of residence of applicants.

### Article 40

#### Administrative and judicial appeals

1. Any person feeling aggrieved by a decision or outcome of a claim proceeding has the right to file an administrative appeal.
2. Administrative appeals shall be addressed to the Head of Government.
3. Administrative appeals shall be filed within sixty days from the date of publication of the notices referred to in article 38.2 and article 39.4 and shall be accompanied by reasons and evidence justifying the reversibility of the decisions.
4. Decisions on administrative appeals shall be handed down within sixty days from the date of the filing administrative appeals and shall be published by notice to be affixed at the district headquarters of residence of applicants.
5. Decisions on administrative appeals are susceptible of judicial appeal.

### Article 42

#### Allegation of falsity of information

1. Any person may object to the decision made pursuant to article 38 by alleging the falsity of the information contained in the proceeding.
2. Objections shall be addressed to the Government body in charge of the affairs of the National Liberation Combatants.
3. Objections shall be presented within sixty days from the date of publication of the notices referred to in article 38.2 and shall be accompanied by reasons and evidence justifying the reversibility of the decisions.
4. Decisions on objections shall be handed down within sixty days from the date of presentation of objections and shall be published by notice to be affixed at the district headquarters of residence of applicants.
5. (Revoked).

## SECTION IV PAYMENT OF BENEFITS

### Article 43 Payment of Pension

1. Payment of the pensions shall take place on a monthly basis by bank transfer to the account indicated by the applicant.
2. Where no claims, appeals, or objections exist, the first payment shall take place in the month after the end of the deadlines for presenting claims, appeals or objections.
3. Claims, appeals and objections shall cause the suspension of the payment of the respective pension until a decision has been made on them.
4. The first payment shall include retroactive payments from the month of the acquisition of the right pursuant to article 7.

## CHAPTER IV VIOLATIONS AND SANCTIONS

Article 44  
General principles

1. Single persons are accountable for the infractions mentioned in this document.
2. Accountability for violations provided for in this document shall not exclude criminal accountability pursuant to the applicable penal law.

Article 45  
Violations

1. Without prejudice to the criminal legislation, the provision of false information within the process for establishing a benefit shall constitute a violation of this statute.
2. The violation provided for in the preceding paragraph shall be punished by administrative fine of up to 500 dollars and shall imply forfeiture of the benefits provided for in this statute, pursuant to article 7 - A.
3. Procedures for application of administrative fines shall be regulated by the Government.
4. (Revoked).
5. (Revoked).

CHAPTER V  
TRANSITIONAL AND FINAL PROVISIONS

Article 46  
Budget

1. Funding for the administrative system and the benefits to be granted to national liberation combatants and their relatives shall be provided for, in its entirety, in the State Budget.

2. The Government may establish a special fund to be administered by the Ministry of Finance for the management and payment of the benefits regulated by this statute.

3. (Revoked).

#### Article 46 - A Higher amount pensions

1. Distinction of prominent figures and definition of higher amounts for their respective pensions referred to in article 29 of the Statute shall be decreed by Government Resolution.

2. Granting of higher amount pensions shall comply with the regime provided for in this statute, with the following adaptations:

3. Where the prominent figure is a living national liberation combatant, the services of the relevant entity shall undertake contacts with the same prominent figure in order to facilitate the application process.

4. All deadlines or effects which, pursuant to this statute, result from the opening of the application process or from the submission of the application shall be effective, as regards the higher amount pensions, from the date of publication of the Government Resolution referred to in paragraph 1.

5. Whenever, at the time the resolution referred to in paragraph 1 is published, the national liberation combatant or the relatives of the national liberation martyr distinguished as a prominent figure, are already benefiting from the respective pension, a new period for application shall not be opened, and the amount of the pension shall be updated officiously from the month following the date of publication of the resolution.

6. The provisions of paragraphs 2, 3, 4, and 5 of article 26 - A shall not apply to the higher amount pensions.

#### Article 47 Entry into force

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

Approved by the Council of Ministers on 26 March 2008.

The Prime Minister

Kay Rala Xanana Gusmao

The Minister for Social Solidarity

Maria Domingas Fernandes Alves

Enacted on 8/05/2008

For publication

The President of the Republic

José Ramos-Horta