

DECREE LAW NO. 32/2009
OF 25 NOVEMBER

REGIME FOR THE PROMOTION OF F-FDTL OFFICERS TO THE
RANK OF GENERAL OFFICER AND THE PROMOTION OF HOLDERS
OF HIGH MILITARY POSITIONS

Considering that article 9 of the Organic Statute of the Defense Force of Timor-Leste, FALINTIL-FDTL, approved by Decree-Law No. 15/2006 of 8 November, provides that the Deputy-Chief of General Staff of the Defense Force shall be a general officer and an immediate collaborator of the Chief of General Staff of the Defense Force;

Considering that article 27 of the Regime of Military Promotions, approved by Decree-Law No. 18/2006 of 8 November, provides for the competence to appoint the Chief of Staff and the Deputy-Chief of Staff of the Defense Force, in compliance with articles 8 and 9 of the Statute of F-FDTL;

Considering that, in its article 27, the Regime for Military Promotions only provides for the competence to promote up to the rank of colonel, which is incumbent upon the Chief of General Staff of the Defense Force, but not to the rank of general officer, a requisite required to enable the appointment of the Chief and the Deputy-Chief of General Staff of the Defense Force;

Considering that paragraph 2 of article 2 of Decree-Law 18/2006 of 8 November establishes that promotions to the rank of general officer, appointments, and dismissals of the Chief of General Staff of the Defense Force, the Deputy-Chief of the Defense Force, and the Component Commanders shall take place pursuant to specific provisions;

The need arises to establish the juridical regime that enables the promotion of F-FDTL officers to the rank of general officer as well as the promotion of general officers, and to determine the holder of such competence to promote. The need also arises to establish the modality for such promotions as well as the personal requirements to be met, including the adequate procedure.

It is equally important to develop the regime for the appointment and dismissal of the Chief of General Staff of the Defense Force, the Deputy-

Chief of General Staff of the Defense Force, the Component Commanders and the Chief of Staff of the Defense Force.

Thus,

Pursuant to article 115.3 of the Constitution of the Republic, the Government enacts the following to have the force of law:

Article 1

Competence to promote F-FDTL officers to the rank of general officer and to promote general officers

It shall be the exclusive competence of the President of the Republic, on proposal of the Council of Ministers, to promote F-FDTL military members to the rank of general officer and to promote F-FDTL general officers.

Article 2

Transitional regime of promotion to the rank of general

1. The present regime shall constitute the transitional regime for promotions to the rank of general officer and promotions of general officers and it shall remain in force until such time as a general review of the regime of military promotions is conducted.
2. Promotion to the rank of general officer and promotion of general officers, as provided for in paragraph 2 of article 2 of Decree-Law No. 18/2006 of 8 November may, with the necessary adaptations, take place according to any of the modalities enunciated in article 7 of that statute, except promotion on the grounds of seniority.
3. The proposal of the Council of Ministers shall consist in the substantiated nomination of an officer from among those designated by the Government member responsible for Defense.
4. For purposes of promotion, the Government member responsible for Defense may only nominate officers meeting the general and specific requirements for promotion to the rank of general, pursuant to the following paragraphs:

5. The following shall be considered general requirements for promotion to the rank of general officer:

- a) Accomplishment of the military duties;
- b) An excellent curriculum as a military, particularly efficiency and effectiveness in the exercise of the functions pertaining to his or her post;
- c) Personal qualities and skills, including intellectual and professional skills required for the immediate post, particularly integrity, character, work quality and acceptability by his or her peers;

6. The following shall constitute special access requirements:

- a) To have remained a minimum of one year in the post of colonel where the promotion is based on selection and appointment;
- b) To have successfully completed a training course for general officers imparted in Timor-Leste or in a country having technical-military cooperation ties with Timor-Leste, without prejudice to article 11.3 of Decree-Law No. 18/2006 of 8 November;
- c) To have experience as an officer appointed to exercise relevant functions, missions and miscellaneous services;
- d) To be the recipient of medals awarded on the basis of merit and personal bravery;
- e) To be the holder of academic degrees, to be valued on the basis of their order of importance.

7. Failure to meet the general requirements for promotion, as well as failure to meet the specific accessing requirements provided for in subparagraphs a) and b) of paragraph 6, shall constitute a reason for not including the aspirants on the list of officers susceptible to promotion,

pursuant to paragraph 4. The other specific requirements shall constitute elements for valorizing and substantiating the decision.

Article 3

Appointment and dismissal of the Deputy-Chief of General Staff of the Defense Force

1. The Chief of General Staff of the Defense Force shall be a general officer appointed and dismissed by the President of the Republic on proposal of the Government after hearing the Superior Council for Military Defense and the Superior Council for Defense and Security through the Government member with competence on matters of National Defense.

2. The Deputy-Chief of General Staff of the Defense Force shall be appointed and dismissed by the President of the Republic on proposal of the Government after hearing the Chief of General Staff of the Defense Force.

Article 4

Appointment and dismissal of Component Commanders and the Chief of Staff

The Component Commanders and the Chief of Staff of F-FDTL shall be appointed and dismissed by the Government member with competence on matters of National Defense on proposal of the Chief of General Staff of the Defense Force after hearing the Superior Council for Military Defense.

Article 5

Settlement of omitted cases

It shall be incumbent upon the Government member responsible for the area of defense to settle any omitted case and to establish the regulation necessary to the implementation of the present statute.

Article 6

Entry into force

The present statute shall enter into force on the day immediately after its publication in the Official Gazette.

Article 7
Revocatory norm

Any provision that is contrary to the present statute is hereby revoked.

Approved by the Council of Ministers on 16 September 2009

The Prime Minister,
Kay Rala Xanana Gusmão

The Minister for Defense and Security,

Kay Rala Xanana Gusmão

Promulgated on 19 November 2009

For Publication

The President of the Republic,

José Ramos-Horta