

DECREE-LAW NO. 37/2011
OF 17 AUGUST

Ceremonies for Demobilisation and Recognition of National Liberation combatants of the
Armed Front

In its article 11.4, the Constitution of the Democratic Republic of Timor-Leste provides for the establishment of legal mechanisms for paying tribute to national heroes.

In March 2006, the National Parliament approved Law No. 3/2006 of 12 April, which defines the Statute of the National Liberation Combatants. The Statute establishes three dimensions for public policies geared towards the National Liberation Combatants, as follows: (1) the moral dimension of recognition and valorisation; (2) the material dimension, of a solidarity/retributive nature aimed at their socio-economic protection; (3) and the memory preservation dimension, with a view to safeguarding and disseminating the values and deeds of the resistance.

In the framework of the moral dimension, Law No. 3/2006, as amended by Law No. 9/2009 of 29 July, and Law No. 2/2011 of 23 March, provides in its article 38 that “The State of Timor-Leste shall organize an official, public and solemn ceremony to confer military ranks and demobilize former FALINTIL combatants who were on active duty on 25 October 1999”.

Article 38 also provides in its paragraphs 2 and 3 that the “The Government shall define the ranks to be conferred to each and every former FALINTIL combatant on proposal of the Chief of General Staff of the Defense Force and observing a criterion identical to the one applied to the former combatants incorporated in the FALINTIL-FDTL, and that “The President of the Republic shall preside over the demobilization ceremony”.

The Statute of the National Liberation Combatants provides in its article 39 that “In addition to the foregoing, it shall be incumbent upon the Government to legislate on every matter deemed necessary to enable it to comply with the provisions of the present law”. In this connection, the present decree-law establishes the rules that will govern the demobilisation acts.

Thus,

In developing the legal regime established by Law no. 2/2006 of 12 April, as amended by Law no. 9/2009 of 29 July, and by Law no. 2/2011 of 23 March, and pursuant to subparagraph p) of article 115.1 and subparagraph d) of article 116 of the Constitution, the Government enacts the following to have the force of law:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Object**

The present decree-law is intended to regulate the demobilisation process provided for in article 38 of Law no. 3/2006 of 12 April, as amended by Law no. 9/2009 of 29 July, and by Law no. 2/2011 of 23 March, which approves the Statute of the National Liberation Combatants, hereinafter referred to as “Statute”, extending it to all National Liberation Combatants of the Armed Front of the Timorese Resistance.

Article 2

Scope

1. The demobilisation process is extensive to National Liberation Combatants who fought in the Armed Front of the Struggle and who were on active service by 25 October 1999.
2. The demobilisation ceremonies may include, simultaneously, acts of recognition and tribute-paying to National Liberation Combatants who, although not on active service by 25 October 1999, have participated in the struggle as part of the Armed Front for a considerable period of time.

Article 3

Demobilisation and recognition ceremonies

1. The ceremonies for demobilisation and recognition shall take place in a phased manner, and priority shall be given to National Liberation Combatants with more years of participation in the struggle.
2. It shall be incumbent upon the President of the Republic to approve by Decree the day and the venue for undertaking the ceremonies, the nominal list of the National Liberation Combatants to be demobilised or recognised and the ranks to be awarded to them.

Article 4

Determination of the ranks to be awarded

1. For the purposes of the present decree-law, the determination of the ranks to be awarded shall take place in accordance with “Annex A” attached to the present decree-law, which is an integral part thereof, and each post or office held during the liberation struggle shall correspond to one degree and, where applicable, to an echelon.
2. The last post or office held by a National Liberation Combatant in the Armed Front shall be considered for the purposes of the preceding paragraph.

Article 5

Uniforms

1. Each National Liberation Combatant shall be granted two uniforms, one consisting of a dolman-type jacket and the other of a safari-type jacket and both including long trousers in the case of men and traditional-type skirts in the case of women, in addition to a white shirt, a belt containing a symbol of FALINTIL, a tie with the emblem of FALINTIL flag and a bivouac.

2. The uniform for the military cadres shall be dark gray while that for civilian cadres shall be light gray.
3. The bivouac shall have the colour of the suit and shall contain the flag of FALINTIL and an edging in the extremity of the fold in gold for senior ranking officers, silver for medium ranking officers, and red for the lower ranking officers.
4. The models of the uniforms shall be those contained in the images attached to the present decree-law (Annex B).

Article 6 Insignias

1. Each National Liberation Combatant to be demobilised or recognised shall receive an insignia corresponding to the rank awarded to him or her, which is placed on the collar of the uniform.
2. The insignia shall be composed of two palm branches with 24 leaves united by a rope, in accordance with the images attached to the present decree-law (Annex C) and shall be gold in colour for the high-ranking officers, silver for the medium-ranking officers and red for the lower-ranking officers.
3. In the insignias:
 - a) The palm branches shall symbolise the “bush”, the *milieu* where FALINTIL confronted the occupation troops, the plants from which they used to extract produce used by the combatants while in the “bush”, and the resistance and persistence before the difficulties endured during the occupation;
 - b) The 24 leaves of the palm branches shall symbolise the 24 years of struggle;
 - c) The rope that unites the branches shall symbolise national unity and the union of the three Struggle Fronts.

Article 7 Commemorative Medals

1. Each National Liberation Combatant to be demobilised or recognised shall receive a commemorative medal which symbolises the period of time spent by the National Liberation Combatant in the struggle.
2. The commemorative medal shall be composed of a metallic and pendant medal with a suspension ribbon, to be used with the dolman-type jacket in commemorative ceremonies and on special days, and by a ribbon, to be used with any uniform on less solemn occasions, replacing the medal, in accordance with the images attached as annex to the present decree-law (Annex D).

3. The suspension ribbon of the medal shall have three vertical lists with the colours of FALINTIL, with the left list being blue, the right list being green, and the central list being white, and a set of horizontal red traits embroidered over the white list representing the number of years spent in the struggle, with the large trait corresponding to 10 years, the medium trait corresponding to 5 years and the thin trait corresponding to 1 year.
4. The metallic medal has a star engraved on it where it is intended for a base Combatant, two stars where it is intended for the other Combatants to whom a lower degree rank is awarded, three stars where it is intended for Combatants to whom the medium-degree rank is awarded, and four stars where it is intended for Combatants to whom a higher rank is awarded.
5. The pendant of the medal is gold, silver or copper in colour, depending on whether the corresponding ranking is superior, medium or lower.
6. The pendant of the medal shall have the form of a star with the following elements:
 - a) A round at the centre containing flag of Timor-Leste surrounded by representations of Timorese typical houses, symbolising the thirteen districts involved in the struggle for national independence;
 - b) Five sets of rays surrounding the circle with the colours of FALINTIL for the military posts, and with the colours of FRETILIN for the civilian posts, which represent the rays of the Sun, the rays of light, symbolising the hope in the final victory;
 - c) Five pentagons among the five set of rays, one of them containing an inscription of an animal, representing the Armed Front, two with the inscription of books, representing the Diplomatic Front, and two with the inscription of food stuff, plants and seeds, representing the Clandestine Front.
 - d) Two sets of other rays on the two sides of each pentagon, representing the several objectives of each front and the convergence of all towards the common objective.
7. The ribbon of the commemorative medal shall have the colours of the suspension ribbon and red vertical lists shall be engraved at the centre in a number equal to the number of stars inscribed at the base.

Article 8
Diploma of honour

Each National Liberation Combatant to be demobilised or recognised shall be awarded a diploma of honour, in accordance with the model attached to the present decree-law (Annex E).

CHAPTER II
TRANSITIONAL AND FINAL PROVISIONS

Article 9

Funding

The funding of the ceremonies provided for in the present decree-law shall be ensured by the budget of the Government's department with powers on matters relating to the National Liberation Combatants.

Article 10 Organization

It shall be incumbent upon the Government in charge of the National Liberation Combatants and the Commission for Tribute-Paying, Supervision of Registration and Resources to organise the ceremonies for the demobilisation and recognition in close collaboration with the Presidency of the Republic and the General Staff of FALINTIL-FDTL.

Article 11 Entry into force

The present decree-law shall enter into force on the day immediately after its publication.

Approved by the Council of Ministers on 10 August 2011.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister for Social Solidarity,

Maria Domingas Fernandes Alves

Enacted on 16 August 2011.

For publication.

The President of the Republic,

José Ramos-Horta