

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

DECREE-LAW No. 7/2004 Of May 5

Organic Structure of the Falintil – East Timor Defense Force (Falintil-FDTL)

The East-Timor Defense Force, also known by the acronym Falintil-FDTL, is the legitimate successor to the glorious Armed Forces for the National Liberation of East Timor – FALINTIL.

The FALINTIL, Armed Forces for the Liberation of East Timor, are the repository and witness of the courage of our People who cherish Peace, Liberty and Human Dignity, values which we proudly adopted as ours, ever since our memory as a Nation can attest. They are ancestral values that were set forth as basic rights in the language of the Constitution of the Democratic Republic of East Timor.

The Constitution defines the intrinsic nature and broad parameters that established the creation of the Armed Forces of East Timor, in the set of values that guided the action of the FALINTIL- Armed Forces for the Liberation of East Timor, even during the most difficult moments of the military conflict and occupation, and during the international isolation which, for some time, we were subjected to.

Once the independence of the Falintil-FDTL was restored, the responsibilities were increased and broadened in terms of communicating and working with the other defense and security institutions and other State institutions to guarantee and safeguard the sovereignty of the country, to defend the Constitution, defend the law and the democratically elected institutions. And, just as before, currently the Falintil-FDTL must continue to respect the People they serve and be an example of courage and a reason for pride.

Thus, it is important to describe in greater detail the mission of the Falintil-FDTL, its command structure and institutional communication mechanisms, in order to honor the memory of all who gave their lives to create the Democratic Republic of East Timor.

Therefore, by Government decree, under the terms of Article 116, paragraph d) of the Constitution, the following will become law:

CHAPTER I

General Principles

Article 1

Nature of the FDTL

1. The Falintil-FDTL are the Armed Forces of the Democratic Republic of East Timor, whose mission is to provide the military component of national defense.

2. The Falintil - FDTL are strictly non-partisan and are a single organization for the whole country.

Article 2

Allegiance to the Flag

1. All duly qualified young adults who join the ranks of the Falintil - FDTL shall pledge allegiance to the flag, according to the previously approved formula stated above.

2. The pledge of allegiance is a commitment to serve and act according to that pledge, subject to military discipline, civil or criminal law.

Article 3

Mission of the Armed Forces

1. The general mission of the Falintil - FDTL is to:

- (a) take up military defense of the Democratic Republic of East Timor against any foreign aggression or threat;
- (b) guarantee national independence, territorial integrity, freedom and security of the population, against any kind of foreign threat or aggression.

2. The Falintil – FDTL, aside from their general mission referred to in the previous paragraph, shall also by law:

- (a) support the PNTL, in case of serious or widespread disruption to public order, which would not justify immediately declaring a state of siege or state of emergency, in order to avoid the suspension of basic rights;

- (b) provide assistance, at government request, to the civilian population and cooperate with the executive authorities in missions to protect and assist the population in cases of catastrophe and natural or man-made disasters, which do not justify immediately declaring a state of emergency, in order to avoid the suspension of basic rights.

3. The conditions for the use of the Armed Forces when a state of siege or a state of emergency is confirmed shall be set according to national regulations governing the state of siege or state of emergency.

4. The Falintil – FDTL, may also be involved, according to the law, in military technical cooperation, within the scope of our national cooperation policies and in accordance with our country’s international commitments.

Article 4 Exclusivity Principle

1. The military component to our national defense shall be exclusively provided by the Falintil - FDTL, except in the case of an invasion by foreign forces, whereupon each Timorese citizen has the duty to engage in preemptive or passive resistance in the areas of the national territory invaded or occupied by foreign forces.

2. All armed military-type, militarized or paramilitary groups are outlawed.

3. Any violations to the above provision will constitute willful disregard under criminal law, where does not constitute a more serious offense.

Article 5 FDTL Uniforms

1. All members of the Falintil - FDTL in service must wear mandatory uniform according to the terms of upcoming regulations.

2. No other person may wear a military uniform, whether the Falintil - FDTL uniform, or similar uniform, for such action will constitute willful disregard, as stipulated by law.

Article 6 Weapons and Military Equipment

1. The Falintil - FDTL are authorized to purchase, keep and use weapons and equipment for military purposes under the law.

2. The members of the Armed Forces have the right to use weapons and military equipment in accordance to internal regulations for its use and control.

Article 7 Integration of the Falintil – FDTL as part of the Executive Branch of Government

1. The Falintil - FDTL are integrated into the Executive Branch of Government through the Secretariat of State for Defense, and under the terms of the Constitution and the law they are subordinate to the competent sovereign authorities.

2. The Head of National Defense is politically responsible for developing and implementing the military component of national defense, the management of the Armed Forces, the readiness of military resources and the results of their use.

CHAPTER II THE FALINTIL-FDTL STRUCTURE

Article 8 Superior State Organs

The State Organs directly answerable for the Falintil-FDTL are as follows:

- (a) the President;
- (b) the National Parliament;
- (c) the Government; and,
- (d) the Joint Chief of Staff of the Falintil - FDTL.

Article 9 The Commander in Chief of the Armed Forces

The President, under his powers, is inherently the Commander in Chief of the Armed Forces and in that capacity has the following rights and duties:

- (a) a duty to contribute, under the scope of its constitutional powers, to ensure loyalty of the Armed Forces to the Constitution and to the democratic institutions, and to make public that loyalty in the name of the Armed Forces;
- (b) the right to be informed by the Government about the status of the Armed Forces and their components;
- (c) the right to privately advise the Government about the application of national defense policies;
- (d) the right to consult with the Joint Chief of Staff of the Armed Forces and the Chiefs of Staff of the different services;
- (e) in case of war, the right to assume its leadership together with the Government and the duty to contribute to the morale and combat readiness of the Armed Forces.
- (f) the right to award, on his own initiative, military decorations; and,
- (g) the right to hold the highest position in the Armed Forces hierarchy.

Article 10 The National Parliament

The National Parliament, as a sovereign body of the Democratic Republic of East Timor, and as representative of all Timorese citizens, has the right to oversee Government action concerning the Armed Forces.

Article 11

The Government

1. The Government is the executive arm for national defense policy and the highest administrative office for the Armed Forces

2. The Prime Minister is politically responsible for the implementation of national defense, and his duties include:

(a) coordinating and guiding government action in issues related to the Armed Forces;

(b) leading inter-ministerial activities for the implementation of national defense policy;

(c) participating in the State Council and the High Council for Defense and Security.

(d) keeping the President informed on issues related to the Armed Forces and to the implementation of national defense policies.

3. When there is a declaration of war, the Prime Minister plays his role as Head of Government, with the President as his immediate superior.

Article 12

Ministry of State for Defense

The Ministry of State for Defense is the government structure in charge of designing, implementing, coordinating and assessing the policy defined and approved by the Council of Ministers for the purpose of national defense. Namely, administration and oversight of the Falintil - FDTL, as well as training and preparing military resources and military cooperation under the terms of the Constitution and the laws.

Article 13

EDTF Military Command

1. The military authority in command of the Falintil - FDTL is the Chief of the Joint Chiefs of Staff of the Armed Forces assisted by the Deputy Joint Chief of Staff.

2. The general guidelines for the organization of the Falintil - FDTL shall be approved and regulated by Government decree.

Article 14

FDTL Composition

1. The Falintil - FDTL are exclusively made up of citizen volunteers, eligible for military service under the nationality law and other applicable legislation.
2. No person under 18 years of age may be recruited for military service in the Falintil - FDTL.
3. The Falintil - FDTL are made up of regular forces that perform as combat and support units.
4. The Combat units are organized as a land component with infantry battalions, and a naval component with marine units.
5. Other specialized units may be created when deemed necessary.

Article 15

Joint Chief of Staff of the Falintil – FDTL

1. The Joint Chief of Staff of the Armed Forces is the military chief with the highest authority in the Falintil - FDTL hierarchy and the military advisor to the Minister of State for Defense.
2. The Joint Chief of Staff of the Armed Forces is appointed and removed by the President, upon recommendation by the Government.
3. The Joint Chief of Staff is responsible, within the scope of his powers, for the execution of Government decisions in matters concerning national defense and the Armed Forces.
4. The Joint Chief of Staff is at all times responsible to the Government, through the Minister of State for Defense, for the readiness, discipline and use of the forces and resources that make up the operational component.
5. In times of peace, the Joint Chief of Staff of the Falintil - FDTL has the operational command of the forces, and to that effect, the Falintil - FDTL unit commanders are his subordinates.
6. In a state of war, the Joint Chief of Staff of the Falintil - FDTL has joint authority, together with the President and the Government, through the Prime Minister, over the total command of the Falintil - FDTL.
7. The Joint Chief of Staff is also responsible for:

(a) planning, leading, and overseeing the execution of previously approved military defense strategy, that is, the operational use of the forces;

(b) ensuring that the recruitment strategy, training and promotions within the forces are conducted in accordance to the law;

(c) assessing the readiness, availability, efficiency and combat sustainability of the forces, as well as planning corrective measures, if they become necessary;

(d) ensuring the operational integration of the command, control and communications system and coordinating its territorial range;

(e) managing the units placed under his organizational structure, in other words, managing the military and civilian personnel staffing those units, without detriment of the authority of the unit chiefs.

8. The Joint Chief of Staff of the Armed Forces is replaced, in case of his absence or impediment, by the Deputy Joint Chief of Staff of the Armed Forces.

Article 16

Deputy Joint Chief of Staff of the Falintil - FDTL

1. The Deputy Chief of Staff of the Armed Forces is the immediate assistant to the Joint Chief of Staff of the Armed Forces in everything regarding the Falintil – FDTL Joint Staff duties.

2. The Deputy Joint Chief of Staff of the Armed Forces is appointed and removed by the President, upon being nominated by the Government and recommended by the Joint Chief of Staff of the Armed Forces.

Article 17

Headquarters

1. Headquarters is the planning and support component to the Joint Chief of Staff and it is made up of:

(f) the Staff Divisions, and

(g) General Support Divisions.

2. In times of war it can be structured to exert total command.

CHAPTER III

CIVILIAN AUTHORITY SUPPORT MISSION

Article 18

Crisis Situation

1. A “crisis situation” shall be declared by the Government, together with the President, when there are serious or widespread disruptions of public order, which may cause imminent institutional instability but do not justify immediately declaring a state of siege or a state of emergency, to avoid suspending the rights of citizens and at the same time quickly restoring the peace that was threatened.

2. During such a crisis, the Falintil - FDTL shall assist the PNTL and other civil authorities under the terms defined in the declaration of crisis.

Article 19

Catastrophes or Public Disaster Situation

1. The catastrophe or public disaster situation shall be declared when, due to an act of man or nature, namely fire, flooding, or earthquake, there is a need to adopt exceptional measures to provide immediate support to the population and restore normalcy to the living conditions in the areas that were hit.

2. During the catastrophe or public disaster situations, the Falintil - FDTL shall cooperate with the PNTL and other civilian authorities, under the terms defined in the declaration of catastrophe or public disaster.

Article 20

Crisis Cabinet

1. The Crisis Cabinet is the inter-ministerial organ with authority to declare the state of crisis and catastrophe or public disaster situations, who defines the extent of intervention by the Falintil - FDTL, the mechanisms for action and force command in civilian authority support missions.

2. The Crisis Cabinet is chaired by the Prime Minister and is made up of:

- (a) the Vice-Prime Ministers and Ministers of State, if any;
- (b) the Cabinet members in charge of Defense and the Interior;
- (c) the Joint Chief of Staff of the Falintil – FDTL;
- d) the General Commander of the PNTL.

3. The Prime Minister, at his discretion, may call on other Ministers or members of Government to participate Cabinet meetings.

Article 21

Process for Declaring a Crisis Situation

1. The crisis situation or the situation of catastrophe or public disaster shall be declared after an agreement reached between the Crisis Cabinet and the President.

2. The President shall be appraised, as early as possible, of the Crisis Cabinet meetings and invited to participate in them.

3. The Prime Minister, at all times, must keep the President informed of the matters discussed, the decisions made and the progress of the situation.

Article 22

Declaring a Crisis Situation and Catastrophe or Public Disaster Situation

1. The declaration of a crisis situation or situation of catastrophe or public disaster will clearly contain the following items:

- (a) characteristics and basis for the state to be declared;
- (b) territorial scope;
- (c) decision on the degree of intervention by military authorities and powers conferred;
- (d) decision on the terms of cooperation between the Falintil - FDTL and the PNTL, if this were the case;
- (e) decision on the field operations command.

Article 23

Duration

The intervention by the Falintil - FDTL foreseen in this chapter shall not exceed 30 days without declaring a state of siege or state of emergency under the terms of the Constitution and specific laws.

Article 24

Report on the Use of the Falintil - FDTL

Once the intervention by the Falintil - FDTL has ended and within the following 15 days, the Government shall send the National Parliament a detailed report and as much documentation as possible about the intervention.

CHAPTER IV FINAL PROVISIONS

Article 25

Identification Cards

1. Higher-ranking officers, sergeants and other members of the Falintil - FDTL must bear a personal military identification card.

2. The design of the identification card shall be approved by decree by the Minister of State for Defense and published in the Official Journal.

Article 26

Military Statutes and Discipline

1. The personnel statute and the military career system shall be approved by a specific by a specific Government decree.

2. The disciplinary norms applicable to the military in the exercise of their duties shall also be approved by a specific decree.

3. Until the above-mentioned decrees are approved, the norms in place are those related to the statute and military career included in the UNTAET Regulations, without prejudice to all the other provisions of such UNTAET Regulations that are expressly considered as repealed.

Article 27

Entry into Force

This Decree-Law on the Organic Structure of the Falintil - FDTL shall come into effect on the day after it is published in the Official Journal.

Approved by the Council of Ministers on the 30th of April of 2004.

*The Prime Minister
Mari Bim Amude Alkatiri*

*Promulgated on May 4, 2004
To be published.*

*President of East Timor
Kay Rala Xaxana Gusmão*