

Government Resolution no. 8-2010

Closure of the “Hamatuk Hari’i Uma” program

Considering that the “Hamatuk Hari’i Uma” program, created by Government Resolution no. 16/2007 of December 31, aims to “provide the Displaced with a variety of options that allow their return or resettlement with due respect for their human rights and dignity”;

Keeping in mind the range of options given to the family units registered under the “Hamatuk Hari’i Uma” program, namely the allotment of recuperation packages, the offer of temporary shelters for a limited period of time and the support to their return home;

Considering that 17,287 family units are registered under the “Hamatuk Hari’i Uma” program, 17,000 of these having so far returned to their original communities, of which 15,942 have already received their recuperation package;

Taking into consideration that there are around 500 files still pending for several reasons, with no deadline having so far been established for their completion by the concerned parties;

Considering that, during the years 2008 and 2009, about 5,000 requests entered the Ministry of Social Solidarity without complying with the minimum requirements for registration in the “Hamatuk Hari’i Uma” program;

Considering that more than 1,000 files were excluded for not meeting the minimum requirements for the attribution of recuperation packages or for showing signs of criminal practice, namely document falsification and corruption;

Bearing in mind that, of the 436 family units that resorted to the temporary shelters made available by the Government, only 50 continue to live in these locations, and 28 of these have already received their recuperation package;

Considering that resorting to temporary shelters constituted a temporary measure, and that the Ministry of Social Solidarity defined and publicly announced, last year, that these would be closed by November 30, 2009;

The Government decides the following, according to items o) of no. 1 of article 115 and c) of article 116 of the Constitution of the Republic:

1. The family units registered under the “Hamatuk Hari’i Uma” program, but whose cases are still pending, must provide the lacking information until February 28 of the present year.
2. Once the deadline referred to in the previous number is reached, no additional documents or information shall be accepted from the family units whose cases are pending, and their analysis will be solely based on the information received thus far and on the verification of this information by the program teams.
3. Additional documents or information should be presented by the person named “Head of the Family” in the file, except in situations where this person is proved to have died, be abroad or, for serious reasons, be unable to go to the public service bureau of the “Hamatuk Hari’i Uma” program; in such cases, another adult member of the family unit, registered in the respective record, may act as “Head of the Family”.
4. The decisions of all pending cases are notified to the respective applicants until March 16 of the present year, through notices affixed in the building of the Ministry of Social Solidarity. These applicants may file a complaint or appeal against the decision within 15 days, according to articles nos. 72 and 76 of Decree-Law no. 32/2008 of August 27.
5. All payments regarding the recuperation packages of phases I and II of the “Hamatuk Hari’i Uma” program must be made to the respective beneficiaries until May 31, 2010, with the exception of what is established in no. 7 of the present resolution.
6. All the cases in which there are signs of criminal practice, namely of falsification, corruption or other crimes committed in the course of public functions, crimes of physical bodily harm, among others, are communicated to the General Attorney of the Republic.
7. In the cases the previous number refers to, whenever the General Attorney of the Republic orders the start of criminal procedures, and whenever the alleged practice of a crime might interfere with the final decision regarding the corresponding case under the “Hamatuk Hari’i Uma” program, this very decision should be suspended until completion of the criminal procedure.
8. Those duly registered family units occupying temporary shelters created within the “Hamatuk Hari’i Uma” program, who refused to leave them until November 30, 2009, according to what had been established in the Notice of the Ministry of Social Solidarity of November 4, 2009, must do so until February 28 of the present year.
9. With respect to the family units mentioned in the previous number, only those who comply with the deadline defined in the same number are entitled to receive the corresponding recuperation package.
10. The teams of the remaining pillars of the “Hamatuk Hari’i Uma” program should assist the duly registered family units in temporary shelters in moving their belongings to the place they indicate. They should also help promote dialogue with the communities,

with a view to resolving disputes, in the case of family units that own a house they are afraid to go back to.

11. From March 1 of the present year onwards, the land where the temporary shelters are installed will no longer pertain to the Ministry of Social Solidarity, and will be administered once again by the National Board of Lands and Properties of the Ministry of Justice, according to Law no. 1/2003 of March 10 and to Decree-Law no. 19/2004 of December 29.
12. The family units that are not registered but who, during 2008 and 2009, sent requests for support to the Ministry of Social Solidarity, will be evaluated so as to assess their specific situation, and a decision will then be made regarding the solution to be adopted in relation to those who actually fit within this program.
13. Registration requests received in the services after the deadline established for this purpose, that is, after December 31, 2009, will not be considered.

Approved by the Council of Ministers, on February 10, 2010.

To be published.

The Prime Minister,

Kay Rala Xanana Gusmão