

**NATIONAL PARLIAMENT  
DEMOCRATIC REPUBLIC OF TIMOR-LESTE**

**LAW NUMBER 3/2007  
"MILITARY SERVICE LAW"**

**Introduction**

Defense and guarantee of the country's sovereignty are fundamental objectives of the Timorese state and are set out in the Constitution of the Democratic Republic of Timor-Leste.

Military service is a means to defend the motherland and one of the values of the Timorese nation and citizenship.

All Timorese citizens between the ages of 18 and 30 must contribute to the defense of independence, sovereignty and territorial integrity of the country and render their contribution through defense and security institutions.

In tune with the universal character of the military census, the present law provides refusal of employment in State institutions or public entities to citizens who have not fulfilled their military obligations. Those who meet their duties can not be harmed in their social benefits or employment.

The National Parliament decrees the following, pursuant to the provisions of item (o) of Paragraph 2, of Article 95 of the Constitution of the Republic, and it shall have the force of a law:

**Chapter I  
General Principles  
Article 1**

**Concept and Objective of Military Service**

1. It is the duty of all Timorese citizens to participate in the defense of the country's independence, sovereignty and territorial integrity.
2. Military Service is part of the contribution to the defense of the Country, in the military are, to be made by citizens pursuant to the present law.
3. Military service, in addition to promoting national unity and the development of patriotic awareness, also helps furthering civic, cultural, physical and professional values among serving citizens.

**Article 2  
Military Service**

Military service is universal in the census stage and all Timorese citizens between the ages of 18 and 30 may be drafted into military service and are obliged to fulfill the

ensuing military obligations.

### **Article 3 Situation of Military Service**

Military service covers the following situations:

- a) Recruitment reserve;
- b) Effective service
- c) Availability reserve
- d) Territorial reserve.

### **Article 4 Recruitment Reserve**

The recruitment reserve is made up of the citizens subject to military obligations from the time of military census to their induction into service or registration in the territorial reserve.

### **Article 5 Effective Service**

1. Effective service is the situation of citizens during the time they service in the Armed Forces,
2. Effective service includes:
  - a) Ordinary effective service;
  - b) Effective service in standing cadres;
  - c) Effective service under contract;
  - d) Effective service arising from conscription or mobilization.
3. Ordinary effective service comprises service in the Armed Forces by citizens included in the census and subject to the fulfillment of military obligations; it begins with induction and ends with the transfer to the situation of availability.
4. Effective service in standing cadres comprises services by citizens who have pursued a military career and have joined the armed forces permanently
5. Effective service under contract comprises services by citizens who have joined the Services for a limited period, to be set out in specific laws, in order to meet the requirements of the Armed Forces or possible inclusion in standing cadres, to meet contingent requirements.

6. Effective services arising from conscription or mobilization is regulated by the provisions of Articles 26 and 27 of the present law.
7. The status of the military in the several effective service situations is defined in a special law.
8. The Ministry of Defense shall determine the personal to be admitted under contract, in view of the needs of the Armed Forces.

**Article 6**  
**Availability Reserve**

1. The availability reserve is composed of citizens who have gone into effective service, from the end of effective service to the age of thirty.
2. Availability is the period subsequent to the end of effective service and its purpose is to allow the contingent of Armed Forces, to the quantities considered adequate, whether by means of conscription or mobilization.

**Article 7**  
**Territorial Reserve**

The territorial reserve is composed of the citizens that have not been in active service but are still subject to military obligations.

**Chapter II**  
**Military Recruitment**  
**Section I**  
**General Provisions**

**Article 8**  
**Military Recruitment Definition and Operations**

1. Military Recruitment refers to all the operations required to obtain the human means for induction into the Armed Forces.
2. Recruitment comprises the following operations:
  - a) Military census;
  - b) Classification and selection
  - c) Distribution and registration for draft

**Article 9**  
**Determination of Number of Persons to be Recruited**

The Council of Ministers, after hearing the Ministry of Defense, shall

- a) Determination of the number of citizens to be inducted into the Armed Forces;
- b) Orient, approve and coordinate general matters related to military recruitment.

**Section II**  
**Recruitment**  
**Article 10**  
**Military Census**

1. Military census is the recruiting operation the purpose of which is to obtain information on all citizens that reach military age each year.
2. It is the obligation of every citizen to register for the census during the year they become 18 years of age; the obligation can be met either by the citizens themselves or by their legal representatives.
3. The media of social communication shall give the maximum possible publicity to the duty to register for the military census, through the following entities:
  - a) Appropriate departments of the Ministry of Defense;
  - b) District administrations;
  - c) Timor-Leste embassies and consulates.

**Article 11**  
**Military Census Posts**

Citizens shall report to the following places either personally or through their legal representatives:

- a) District administration headquarters;
- b) Territorial delegations of the Ministry of Defense, if any;
- c) Consular mission of their place of residence, in the case of citizens resident in foreign countries.

**Article 12**  
**Information to be Supplied when Reporting for the Census**

When reporting for the census, citizens must be informed on the purpose of Military service and the resulting duties.

**Article 13**  
**Failure to Report for the Census**

Citizens who fail to report for the census in the appointed places during the appropriate period must report to the appropriate census department or respective consular posts, as applicable to those residing within the country or abroad and those who fail to justify their failure within 30 days after the deadline shall be considered in violation of the census.

**Article 14**  
**Classification and Selection**

1. Citizens included in the census shall go through physical and psycho-technical classification and selection tests and shall be called to take such tests no less than 45 days in advance.
2. The purposes of the selection and classification tests shall be:
  - a) Determination of the degree of psychophysical ability for military service, which will result in one of the following classifications:
    - i) Able-bodied;
    - ii) Not able-bodied.
    - iii) Awaiting classification
  - b) Grouping citizens classified as able-bodied in families of specialties, according to their physical, psychical, technical professional and other capabilities, having in view their future distribution through the different forces, levels, special sties or classes in the Armed Forces.
3. Citizens considered able-bodied are allowed t express their military service preferences in terms of forces, specialties and geographical area and such preferences shall always be taken into consideration, provided they do not result in loss to the Armed Forces.
4. An appeal from the classification referred to under item (a) f Paragraph 2 of the present Article may be filed under the conditions set out in the appropriate regulation.
5. At the end of the classification and selection tests, citizens considered able-bodied will be deemed to be recruits.
6. For the purposes of items (a) and (b) of Paragraph 2 of the present, public and private entities are required to grant appropriate leave to citizens depending from them who are included in the census.

**Article 15**  
**Failure to Report for Classification and Selection Tests**

Citizens considered able-bodied who fail to report for the classification and selection tests to which they were called and to justify their failure to report within 30 days or who refuse to take any of the tests shall be inducted into and shall sever for the ordinary period.

**Article 16**  
**Allocation**

Allocation consists in the quantitative and qualitative distribution of recruits among the

forces of the Armed Forces, according to the needs of each force, considering the provisions of Paragraph 3, of Article 14 to the extent possible.

### **Article 17 Registration**

1. Registration is defined as the nominal allocation of citizens to each individual force of the Armed Forces or territorial reserve.
2. The criteria applicable to the allocation of citizens to the territorial reserve shall be dealt with in separate regulations.

### **Article 18 Postponement of Military Obligations**

The following shall be deemed reasons for postponing classification and selection tests:

- a) Attendance to college courses or equivalent within the country or above, until 31 December of the year in which the citizen attains 28 years of age;
- b) Being a permanent and continual resident in a foreign country as from a date before the year in which the citizen attains 18 years of age.
- c) Invoking a quality protected by a specific legal status.

### **Article 19 Exemption from military obligations**

The following may apply for exemptions from military service and will be directly registered in the territorial reserve:

- a) Children or siblings of citizens died in the fulfillment of their military obligations;
- b) Only children who are the only means of support of parents suffering from physical or psychical deficiencies.
- c) Citizens who are the sole means of support of spouses, ascendants or descendants, sibling or nephews/nieces under the age of 18 or of any person whom they have raised and educated.
- d) Lengthy illness attested by an appropriate public authority

### **Article 20 Temporary Exclusion**

Citizens serving time in prison or subject to security measures of a nature incompatible with a presence in the ranks shall be temporarily excluded from military service.

**Chapter II**  
**Effective Service in the Armed Forces**  
**Article 21**  
**Ordinary Effective Service**

Ordinary effective service comprises:

- a) Induction;
- b) General military preparation;
- c) Service time.

**Article 22**  
**Induction**

1. Induction consists in the citizen recruits reporting in their respective forces and military installations of the Armed Forces where they were registered.
2. Induction normally takes place during the year in which the citizen attains 20 years of age.
3. Citizen recruits who fail the report for induction into the unit or military installation to which they were called and fail to justify their failure within 30 days shall be deemed refractory to induction.

**Article 23**  
**General Military Preparation**

1. General military preparation consists in basis training for the inductees in accordance with the respective force and ends with the pledge of allegiance.
2. The pledge is a solemn act, with parading troops, always before the National Flag.

**Article 24**  
**Service Time**

Service time begins with induction and covers general military training and complementary preparation if any and time served in the related units of installations.

**Article 25**  
**Duration of Effective Service**

1. Ordinary effective service has a duration of 18 months and begins with induction, without prejudice to the provisions of Paragraphs 2 and 4 of the present Article.
2. The date classes, categories or specialties are transferred to the situation of availability can be advanced, in case of excess personnel.

3. Whenever national defense needs are not sufficiently guaranteed by the service regimes referred to above, the Council of Ministers, after submission of a proposal by the Ministry of Defense, may exceptionally extend the ordinary service time provided in Paragraph 1 of the present Article, up to a maximum of 12 months.

4. For the purposes of the preceding paragraph, the citizens to be held in the ranks after the period in Paragraph 1 of the present Article shall exclude, in their priority, those who are:

- a) Married;
- b) In charge of supporting a family;

5. If needed, the selection within each group referred to in items (a) and (b) above will follow age criteria and the older will be preferred to the younger.

### **Article 26** **Effective Service Arising from Conscription.**

1. Citizens in the situation of availability may be called to effective service under the following conditions:

- a) For the purpose of recycling, training, exercises or maneuvers.
- b) To deal with situations where there is the danger of war or aggression, whether imminent or effective, by foreign forces, until a general mobilization is decreed.

2. Citizens who perform functions legally considered indispensable to the operation of essential public services and private activities indispensable to the life of the Country may be exempted from effective service, in addition to such cases as dealt with in specific laws.

3. During service pursuant to item (a) of Paragraph 1 of the present Article, citizens will retain rights to their working positions, including the right to compensation and holidays.

### **Article 27** **Effective Service Arising from Military Mobilization**

1. Citizens in the situation of availability may be mobilized into effective service in the Armed Forces if a state of siege is declared.

2. The provisions of Paragraph 2 of the preceding article apply to citizens in effective service as a result of military mobilization.



**CHAPTER IV**  
**Complementary Provisions**  
**Article 28**  
**General Obligations of the Citizens**

As long as they are subject to the military obligations defined herein, citizens in the ages of 18 and 30 have the following obligations:

- a) Report changes of address to the appropriate military authority;
- b) Report to the same authority referred to above the acquisition of literary, technical professional and other abilities that may be of interest to the Armed Forces;
- c) Report for duty at the times and places legally determined by the competent military authorities.

**Article 29**  
**Other Rights and Obligations**

1. Citizens shall not suffer harm to their places of work, social benefits or jobs by reason of the military obligations as set out in the present law.
2. Citizens in effective work shall have such other rights and obligations as found in the respectively statutes.

**Article 30**  
**Conditions for Employment**

Citizens who fail to comply with the provisions of the present law shall be denied admission or access to employment in State institution or other public entities.

**Article 31**  
**Exemption from Fees**

No fees shall be charged for the performance of such acts as required by military procedures, including those performed by teaching and public service establishments.

**Article 32**  
**Civil and Criminal Status**

Civil and criminal registries shall provide authorities with jurisdiction such information as they may request for the purposes of the present law.

**Article 33**  
**Pledge of Allegiance**

Citizens inducted into military service pledge allegiance to the flag which shall bind them during effective service or after transferred to availability for service, as follows:

"I swear by God and on my honor to devote all of my energies and my own life to the defense of the Motherland, the Constitution of the Republic and national sovereignty."

**CHAPTER V**  
**Final and Transitional Provisions**  
**Article 34**  
**Regulation of Application**

The Government shall regulate application of the present law.

**Article 35**  
**Repealed Legislation**

All legislation contrary to the provisions of the present law is hereby repealed.

**Article 36**  
**Date of Application**

The present law will come into force 60 days after publication.

Approved 31 January 2007

The President of the National Parliament, acting

Jacob Fernandes

Promulgated on 21 December 07

Publication ordered