

**Law No. 9/2009  
of 29 July**

**First amendment to Law No. 3/2006 of 12 April  
(Statute of the National Liberation Combatants)**

Considering the experience acquired three years after the approval of the Statute of the National Liberation Combatants through Law No. 3/2006 of 12 April, the need arises to undertake a partial revision to that Law by amending those aspects that appear to be not in line with the dignity of all those who, in one way or the other, sacrificed their lives for the liberation of the Homeland.

To this end, the amendments now introduced are aimed at dignifying and guaranteeing minimum standards of quality in line not only with National Liberation Combatants, but equally to those who may have survived them.

Thus, pursuant to articles 11, 92, and 95.1 of the Constitution of the Republic, the National Parliament enacts the following to have the force of law:

Article 1  
Amendments

Articles 3, 4, 5, 8, 10, 11, 12, 13, 16, 19, 22, 23, 24 and 25 of Law No. 3/2006 – Statute of the National Liberation Combatants – shall read as follows:

- 1 - (...)
- 2) - (...)
- a) (...)
- b) (...)
- c) *Deleted.*

#### Article 4

(...)

Any individual who has voluntarily collaborated with the enemy against the interest of national liberation, irrespective of whether such collaboration has taken place in their capacity as militants of the struggle or after they had abandoned the struggle, shall not be considered a National Liberation Struggle.

#### Article 5

(...)

For the purposes of conferring the status of National Liberation Combatant as defined in paragraphs a) and b) of article 3.1 above, the structures and organisations of the Resistance recognised by this law shall be the following:

- a) (...)
- b) (...)
- c) (...)
- d) CNRM – National Council of the Maubere Resistance;
- e) CNRT – National Council of the Timorese Resistance;
- f) The structures or organisations that integrated or that were recognised by the structures or organisations referred to in the preceding paragraphs.

#### Article 8

(...)

For the purposes of this law, National Liberation Movement Founder Combatants shall be the National Liberation Combatants who promoted, organised, and conducted the struggle for national liberation and the resistance against foreign invasion between 15 August 1975 and 31 May 1976.

## Article 10

(...)

1. For the purposes of this law and respective complementary legislation, the periods of time spent in the different fronts of the struggle as well as the periods of imprisonment and deportation suffered as a result of the participation in the struggle shall be taken into account in calculating the time of militancy in the national liberation struggle.
2. In calculating the time of militancy in the national liberation struggle for the purpose of allocating the pensions and single allowances provided for in this law, full-time dedication shall mean the sum of the following:
  - a) the periods of exclusive dedication to the national liberation struggle, upon a decision by the leading structures of the Resistance, without accumulation with student activities or regular waged labour; and
  - b) the period of imprisonment and deportation suffered by the National Liberation Combatant as a result of the participation in the struggle.
3. Imprisonment shall be construed as meaning being remanded in custody, prolonged detention and prison sentence.
4. The Government shall regulate the procedures aimed at proving full-time militancy, after hearing the national and regional structures of the organisations referred to in article 5.

## Article 11

(...)

1. The following shall forfeit the status of National Liberation Combatant:
  - a) anyone sentenced for committing crimes against the security of the State or crimes against Humanity;
  - b) anyone who makes false statements or provides false information or forges documents that are related to the evidence submitted to prove his or her militancy in the national liberation struggle and as a result is unduly considered a National

Liberation Combatant, or classified into one of the Combatant categories referred to in articles 3 and 6 to 9.

- c) anyone who has voluntarily collaborated with the enemy against the interest of national liberation under the terms provided for in article 4.
2. Forfeiting the status of National Liberation Combatant in accordance with subparagraph a) above shall imply:
    - a) forfeiting all the rights inherent to that status from the date the sentencing decision transited *in rem judicatam*; and
    - b) returning everything that may have been received by way of homage or award, namely the special identification card, the Diploma of Honour, the medal and uniform.
  3. In the cases referred to in subparagraphs b) and c) of paragraph 1 above, forfeiture of the status of National Liberation Combatant shall imply forfeiting all the rights inherent to that status from the date of the approval of the Combatant and the return of anything that may have been received pursuant to this law.

## Article 12 (...)

1. (...)
2. (...)
- 3 - The application for registration shall not imply acquiring the rights provided for in article 22.
- 4 - *previous paragraph 3*
- 5 - *previous paragraph 4*
- 6 - Any applicant's intention to register as a National Liberation Combatant shall be broadly disseminated in his or her birthplace, in the area where he or she has militated during the struggle, or in the area of his or her latest residence and, once the registration period has expired, the

applications shall be posted and made known to the public for at least 30 days and announced in daily newspaper with the widest circulation and on TV.

7 - *previous paragraph 6.*

Article 13  
(...)

Following approval of the registration, and after the period for appeals has expired, applicants shall be entitled to a certificate containing all the information relating to his or her militancy or struggle, or to the militancy of his or her relative, including the dates, the duration, the organisation in which they militated, and the functions exercised by them.

Article 16  
(...)

1 - (...)

2 - The Tribute, Registration Supervision and Appeals Commission shall be composed of thirteen members as follows:

a) four appointed by the Government and selected or not from amongst its members, of whom one shall be the Chairperson of the Commission;

b) four appointed by the President of the Republic, of whom at least two shall be selected from amongst former combatants of the struggle for national independence;

c) four appointed by the National Parliament;

d) one appointed by FALINTIL-FDTL.

3 - (...)

4 - (...)

5 - (...)

6 - (...)

7. The Tribute, Registration Supervision and Appeals Commission shall be composed of members belonging to the structures and organisations of the Resistance from all the districts.

#### Article 19

(...)

1 - Any person who provides false statements of information or falsifies documents relating to proof of militancy in the National Liberation Struggle with the objective of obtaining rights contained in this law shall be punished in accordance with the law.

2. Where the acts referred to in the preceding paragraph are committed by a National Liberation Combatant, he or she shall additionally be punished pursuant to article 11.

#### Article 22

(...)

1 - National Liberation Combatants shall be entitled to the following rights:

a) (...)

b) (...)

c) The right to use the title of “National Liberation Combatant” or any other titles to which he or she is entitled pursuant to this law;

d) (...);

e) (...);

f) (...);

g) The right to see the period of time entirely devoted to the struggle for national independence as time at the service of the State as defined in article 23 and respective complementary legislation;

h) (...);

1) (...);

j) (...);

k) (...);

l) (...).

2 - All National Liberation Combatants shall also be entitled to the following, which is extensive to their spouse and children, whether adults or minors:

a) The right to medical assistance in public health care facilities;

b) The right to free medical assistance in public teaching institutions.

3 - (...)

4 - (...).

### Article 23

(...)

1 - Any National Liberation Combatant who is entitled to a retirement pension or retirement pension from State service shall have his or her period of time entirely dedicated to the struggle for national liberation counted in duplicate for the purpose of his or her retirement and the computation of his or her pension.

2 - The right to have the time dedicated to the struggle counted as time at the service of the State cannot be accumulated with the Special Retirement Pension and Special Subsistence Pension.

## Article 24

(...)

1 - (...)

2 - The Special Subsistence Pension shall also be granted to National Liberation Combatants who participated on a full-time basis in the struggle for national independence for at least eight years.

3 - *Deleted*

4 - (...)

5 - (...)

6 - (...)

7 - The Government shall define the monthly amount of the Special Subsistence Pension that cannot be less than 60% of the value of the Special Retirement Pension.

8 - The Special Subsistence Pension cannot be accumulated with the Special Retirement Pension nor with the right to have the time dedicated to the struggle counted as time at the service of the State.

## Article 25

(...)

1 - National Liberation Combatants who participated on a full-time basis in the struggle for national independence for at least fifteen years shall be entitled to the Special Subsistence Pension pursuant to article 10.

2 - (...)

3 - The Special Retirement Pension for National Liberation Combatants cannot be accumulated with the Special Subsistence Pension nor with the right to have the time dedicated to the struggle counted as time at the service of the State, as provided for in this law.



4 – Deleted

## Article 26

(...)

1 - Surviving spouse, orphans regardless of age, parents or siblings shall be entitled to a survival pension.

a) (...)

b) (...)

2 - Orphans, whether adults or minors, attending basic, secondary or tertiary education on a full-time basis shall be entitled to a scholarship the amount and conditions of which shall be defined by the Government.

3 - *Previous paragraph 4;*

4 - The amount of the survival pension, which cannot be less than 50% of the Special Retirement Pension, shall be defined by the Government.

5. (...)

a) Surviving spouse;

b) (...);

c) (...);

d) (...);

6 - If, within the order of precedence provided for in the preceding paragraph, there is more than one rightful claimant to the survival pension of a deceased Martyr of National Liberation or National Liberation Combatant, the respective pension shall be divided equally between the claimants.

7 - No individual may benefit from more than one full Survival Pension.

8 - The surviving spouse may only benefit from the pension if he or she has not remarried.

9 - Siblings are only entitled to the pension if they have suffered torture, deportation or arrest as a result of the militancy of the combatant brother or if they are National Liberation Combatants who are not themselves entitled to a pension.

10 - The relatives of the National Liberation Martyrs or Combatants shall only be entitled to a Survival Pension if they have not collaborated voluntarily with the enemy against the interest of national liberation.

11 - The Survival Pension is not cumulative with the Special Subsistence Pension nor with the Special Retirement Pension.

12 - For the purpose of calculating the amount of the survival pension, death as a result of the participation in the struggle for National Liberation shall be considered equivalent to militancy over 24 years.

13 - Once the recipient of the survival pension dies, the pension shall become extinct and none of the recipient's heirs or successors nor any of the beneficiaries referred to in paragraphs 1 and 5 shall be entitled to it.

## Article 2 Amendments

The following articles are added:

### Article 2-A Definitions

For the purposes of this law, the following definitions shall apply:

a) "Preventive Detention" means the restriction of a person's movements (which requires an authorisation/travel order), house arrest during daytime and the requirement to spend the night in Indonesian military facilities, with the said person often being required to perform forced labour during such periods.

b) "Prolonged detention" means a person's constant and uninterrupted stay in prison facilities run by the Indonesian military or in concentration camps, and the requirement to perform forced labour, where such circumstances are not supported by a court decision.

- c) “Imprisonment” means the deprivation of a person’s freedom by the constant and uninterrupted stay in a prison facility as determined by a court sentence.
- d) “Deportation” means the expulsion of a person from his or her place of residence and compulsory permanence at a location designated by the authorities.
- e) “Surrender” means the act of giving in to the enemy when all means to defend oneself and resist the enemy haven’t been exhausted yet.
- f) “Demobilisation” means the administrative act of officially returning military to civilian life.
- g) “Militancy” means the active involvement, in whatever quality, in the struggle for national liberation.
- h) “Full-time dedication” means the active involvement, on an exclusive basis, in the struggle for national liberation upon a decision by the structures leading the Resistance, without accumulation with student activities or regular waged labour, as well as the periods of imprisonment and deportation suffered by the National Liberation Combatant as a result of said struggle.

Article 26-A  
(One-off cash benefit)

- 1 - National Liberation Combatants who took part on a full-time basis in the struggle for national independence for a period of four to seven years shall be entitled to a one-off cash benefit corresponding to twelve (12) minimum wages in the Civil Service.
- 2 - If there are no relatives of a National Liberation Martyr who are entitled to a Survival Pension, the relatives up to the fourth degree in the collateral line shall be entitled to a one-off cash benefit that shall correspond to the annual amount of the Survival Pension.
- 3 - The relatives of a closer degree shall take precedence over those of a more distant degree.

4 - The relatives referred to in paragraph 2 above are only entitled to the one-off payment if they suffered torture, deportation or imprisonment as a consequence of the militancy of their National Liberation Combatant relative, and as long as they have not voluntarily collaborated with the enemy against the interest of national liberation.

5 - A person is only entitled to a single one-off cash benefit and may opt, if entitled to more than one such payment, for the payment of the highest amount.

Article 26-B  
(Higher pensions)

1. The Government may decide to single out certain prominent individuals from amongst National Liberation Combatants for their merit in the Struggle for National Liberation.

2. The Government may define higher amounts for the Special Retirement Pension, the Special Subsistence Pension and the Survival Pension to which the National Liberation Combatants referred to in the preceding paragraph of their relatives are entitled.

Article 3  
(*Ad hoc* Commission for Data Verification)

1. Within a maximum period of 60 days from the entry into force of this law, the Government shall establish an *ad hoc* Committee to check the data that have already been processed.

2. The nature, composition and rules of procedure of the Committee shall be set out in a regulation to be adopted by the Government.

3. The composition of the Committee shall reflect the composition of the national and regional structures of the Resistance in all the districts.

Article 4  
(Re-publication)

Law no. 3/2006 of 12 April, as amended, is re-published herewith as anew to this law, of which it is an integral part.

Article 5  
(Entry into force)

This law shall enter into force on the same day as the State Budget for 2010.

Approved on 7 July 2009.

The Speaker of the National Parliament,

**Fernando La Sama de Araújo**

Enacted on 20 July 2009.

For publication.

The President of the Republic,

**Dr José Ramos-Horta**

**ANNEX**

**Law no. 3/2006 of 12 April**

**STATUTE OF THE NATIONAL LIBERATION COMBATANT**

Expressing the will of its people as represented by the members of the Constituent Assembly, the State of Timor-Leste took on as its own responsibility to recognise and value the contribution of those who fought for national independence. It also took on as its own duty to protect those who participated in that struggle, particularly those who became invalid as a result of their participation, as well as the dependants of those who gave their lives for the liberation of the Motherland.

The present law establishes the necessary legal framework for the development of actions and policies hitherto undertaken by the organs of sovereignty in view of the valorisation and social protection of the National Liberation Combatants and constitutes a fundamental benchmark in the pursuance of the objectives enshrined in Article 11 of the Constitution of the Republic. Nevertheless, the present law should not be regarded as an instrument that marks the beginning of actions intended for the militants of the national liberation struggle, but rather be seen as the corollary of the efforts initiated more than three years ago by both the President of the Republic and the Government.

In terms of its scope, the present law is intended to all those who militated in the struggle for national independence regardless of the front from which they operated. It is for this very reason that, where applicable, any period of time spent in any of the fronts shall be taken into account when calculating the total period of participation in the struggle.

The present law encompasses the three dimensions to be incorporated by any public policies aimed at valorising those who participated in the national liberation struggle:

- 1) Recognition and valorisation, which translates the moral dimension;
- 2) Social or socio-economic protection, which translates the material or retributive dimension;
- 3) Memory preservation, which translates the need to preserve and disseminate the values and deeds of the resistance to foreign occupation, hereinafter referred to simply as Resistance, as a major historic feat of the Timorese people in the last century.

Although a minimum period of participation in the national liberation struggle has been established as one of the requirements for someone to be conferred the title of National Liberation Combatant, attention has also been paid to the need to protect those who, having participated in the struggle without however meeting the minimum-time criterion, are unable, as a result of the war, to carry out any productive activity to ensure their own subsistence.

A whole set of rights are thus extended to the National Liberation Combatants falling into this category. The Government has been left with an important sphere of action to implement the necessary policies and measures contained in the present law as it has been granted the power to regulate and make decisions on the establishment of priorities for their execution in accordance with its own possibilities and capabilities.

Thus, pursuant to articles 11, 92 and 95.1 of the Constitution of the Republic, the National Parliament enacts the following, to have the force of law:

## **Chapter I General provisions**

### **Article 1 Object**

1 - The present law establishes the general juridical regime for the recognition, valorisation and social protection of the National Liberation Combatants by determining the rights and duties, as well as the measures to preserve the memory of the National Liberation struggle.

2 - For the purposes of this law, the phrases “struggle for national liberation”, “struggle for national independence” and “struggle” shall have the same meaning.

### **Article 2 Objectives**

The objectives of the present law are:

- a) To pursue the constitutional objectives of recognizing and valorizing the contribution given by all those who fought for national independence as well as ensure a special protection to those who dedicated their lives to the struggle for the liberation of the Motherland;
- b) To preserve and honor the memory of the Martyrs of National Liberation;
- c) To preserve and disseminate the traditions and the values of the

resistance and the heroism of the national independence struggle;

d) To gather and preserve the heritage of the Resistance in the struggle for national independence against foreign domination in order to transmit the historic memory to future generations.

### Article 3 Definitions

For the purposes of this law, the following definitions shall apply:

- a) “Preventive Detention” means the restriction of a person’s movements (which require an authorisation/travel order), house arrest during daytime and the requirement to spend the night in Indonesian military facilities, said person often being required to perform forced labour during such periods.
- b) “Prolonged arrest” means a person’s constant and uninterrupted stay in prison facilities run by the Indonesian military or in concentration camps, and the requirement to perform forced labour, where such circumstances are not supported by a court decision.
- c) “Imprisonment” means the deprivation of a person’s freedom by the constant and uninterrupted stay in a prison facility as determined by a court sentence.
- d) “Deportation” means the expulsion of a person from his/her place of residence and compulsory permanence at a location designated by the authorities.
- e) “Surrender” means the act of giving in to the enemy when all means to defend oneself and resist the enemy have not been exhausted yet.
- f) “Demobilisation” means the administrative act of officially returning military to civilian life.
- g) “Militancy” means the active involvement, in whatever quality, in the struggle for national liberation.



- h) “Full-time dedication” means the active involvement on an exclusive basis in the struggle for national liberation upon a decision by the structures leading the Resistance, without accumulation with student activities or regular waged labour, as well as the periods of imprisonment and deportation suffered by the National Liberation Combatant as a result of said struggle.

## Chapter II National Liberation Combatants

### Article 4

#### Citizens considered as National Liberation Combatants

1. The following shall be considered National Liberation Combatants:
  - a) Timorese citizens who have militated for at least three years in the struggle for national independence between 20 August 1975 and 25 October 1999 and were affiliated in the structures or organizations of the Resistance;
  - b) Timorese citizens who have militated in the struggle for national independence between 20 August 1975 and 25 October 1999, were affiliated in the structures or organizations of the Resistance and perished due to their participation in the referred struggle before completing three years of militancy;
  - c) National Liberation Veteran Combatants as defined in Article 8 of the present law;
  - d) National Liberation Movement Founder Combatants, pursuant to article 9 of the present law.
  - e) National Liberation Martyrs as defined in Article 10 of the present law;
  - f) Foreign citizens, pursuant to article 7 of the present law.
2. The following shall also be considered National Liberation

Combatants:

- a) Timorese citizens who were not affiliated in the structures and organizations referred to in paragraphs a) and b) of paragraph 1 above but who performed relevant tasks at the service of those structures and organizations as assigned or recognized by the respective leading organs, namely those of a logistical, humanitarian, messaging and information nature;
- b) Timorese citizens integrated in the population clusters which have provided FALJNTIL\_in the bush with information service, logistical support, or humanitarian and social assistance;
- c) deleted.

#### Article 5

Citizens not recognized as National Liberation Combatants

The following shall not be considered National Liberation Combatants:

- a) Any individual who has voluntarily collaborated with the enemy against the interest of national liberation irrespective of whether such collaboration has taken place in their capacity as militants of the struggle or after they had abandoned the struggle;

#### Article 6

Structures and organizations of the Resistance

For the purposes of conferring the statute of National Liberation Combatant as defined in paragraphs a) and b) of Article 4.1 above, the structures and organizations of the Resistance recognized by the present law shall be the following:

- a) FRETILIN — Revolutionary Front for an Independent Timor-Leste;
- b) FALLNTIL — Armed Forces for the National Liberation of TimorLeste;
- c) CRRN —Revolutionary Council of the National Resistance;

- d) CNRM — National Council of the Maubere Resistance;
- e) CNRT — National Council of the Timorese Resistance;
- f) The structures and organizations that integrated or that were recognized by the structures or organisations referred to in the previous subparagraphs.

#### Article 7 Foreign citizens

1. Exceptionally, the status of National Liberation Combatant may be conferred to foreign citizens falling within any of the categories provided for in paragraphs a) to e) of Article 4.1 above;
2. The recognition of foreign citizens pursuant to paragraph 1 above shall be made by the National Parliament on proposal by the President of the Republic or the Government or by at least one fifth of the elected Members of Parliament.

#### Article 8 National Liberation Veteran Combatants

1. The following shall be considered National Liberation Veteran Combatants:
  - a) National Liberation Combatants who have militated in the struggle for at least fifteen years;
  - b) National Liberation Combatants who have belonged to the superior cadres of the structures or organizations of the Resistance as listed in Article 5 above and perished or disappeared as a result of their participation in the struggle for national independence before completing fifteen years of participation in the struggle;
2. For the purposes of paragraph b) of paragraph 1 above, the military as well as civilian posts pertaining to the superior cadres shall be determined by decree of the President of the Republic after hearing the opinion of the Tribute,

Registration Supervision, and Appeals Commission.

#### Article 9

##### National Liberation Movement Founder Combatants

For the purposes of the present law, National Liberation Movement Founder Combatants shall be the National Liberation Combatants who promoted, organized, and conducted the Resistance against foreign invasion between 15 August 1975 and 31 May 1976.

#### Article 10

##### National Liberation Martyrs

For the purposes of the present law, National Liberation Martyrs shall be all militants of the struggle for national independence who have perished or disappeared between 15 August 1975 and 25 October 1999 as a result of their participation in that struggle.

#### Article 11

##### Calculation of the time of militancy in the national liberation struggle

1. For the purposes of the present law and respective complementary legislation, the periods of time spent in the different fronts of the struggle as well as the periods of imprisonment and deportation suffered as a result of the participation in the struggle shall be taken into account in calculating the time of militancy in the national liberation struggle.
2. In calculating the time of militancy in the national liberation struggle for the purpose of allocating the pensions and single allowances provided in this law, full-time dedication shall be considered the sum of the following:
  - a) the periods of exclusive dedication to the national liberation struggle, upon a decision by the structures leading the Resistance, without accumulation with student activities or waged labour; and
  - b) the period of imprisonment and deportation suffered by the National Liberation Combatant a result of the participation in the struggle.
3. Imprisonment shall be construed as meaning being remanded in preventive detention and prison sentence.

4. The Government shall regulate the procedures aimed at proving full-time militancy, having sought the national and regional structures of the organisations provided in article 6.

## Article 12

### Forfeiting the status of National Liberation Combatant

1. The following shall forfeit the status of National Liberation Combatant:
  - a) anyone found guilty of committing crimes against the security of the State or crimes against Humanity;
  - b) anyone who makes false statements or provides false information or forges documents that are related to the evidence submitted to prove his/her militancy in the national liberation struggle and as a result is unduly considered a National Liberation Combatant, or classified into one of the Combatant categories referred to in articles 4 and 7 to 10.
  - c) Anyone who has voluntarily collaborated with the enemy against the interest of national liberation under the terms provided in article 5.
2. Forfeiting the status of National Liberation Combatant in accordance with subparagraph a) above shall imply:
  - a) forfeiting all the rights inherent to that status from the date the sentencing decision transited in rem judicatam; and
  - b) returning everything that may have been received by way of homage or award, namely the special identification card, the Diploma of Honour, the medal and the uniform.
3. In the cases referred to in sub-paragraphs b) and c) of paragraph 1, the forfeiture of the status of National Liberation Combatant shall imply forfeiting all the rights inherent to that status from the date of the approval of the registration and the return of anything that may have been received pursuant to this law.

CHAPTER III  
REGISTRATION, ARCHIVES AND DATABASE

SECTION I  
REGISTRY

Article 13  
Registration as National Liberation Combatant

1. Recognition of the status of National Liberation Combatant shall depend upon the applicant's registration.
2. The registration shall be made at the request of the applicant or, where the latter is dead, at the request of somebody in his or her behalf who shall present the necessary proof.
3. The application for registration shall not imply acquiring the rights provided in article 23.
4. The entity in charge of registration shall organize and undertake registration campaigns throughout the national territory.
5. Proof of militancy during the struggle either on an individual basis or in the framework of a structure or organization of the Resistance may be presented by any valid means.
6. Any applicant's intention to register as a National Liberation Combatant shall be broadly disseminated in the area of his or her habitual residence as well as in the areas where he or she has militated during the struggle and, once the registration period is expired, the applications shall be made known to the public for at least 30 days and announced in the widest daily newspaper and on TV.
7. Any citizen may file substantiated complaints for impeachment of applications for registration.

Article 14  
Certificate

Following approval of the registration, and after the period for appeals has

expired, applicants shall be entitled to a certificate containing all the information relating to his or her militancy or struggle, or to the militancy of his or her relative, including the dates, the duration, the organization in which they militated, and the functions exercised by them.

#### Article 15 Registration period

1. The registration period shall expire twelve months after the effective commencement of the respective activities.
2. No applications for registration shall be accepted after the registration period referred to in paragraph 1 above has expired.
3. Following a substantiated request by the entity responsible for registration and after hearing the opinion of the Tribute, Registration Supervision and Appeals Commission, the registration period may be renewed by Government decree for a period not exceeding twelve months.

#### Article 16 Competence for registration

The Ministry or the Secretariat of State in charge of the issues of the National Liberation Combatants shall be the competent entity to undertake the registration and it shall have the responsibility to accept the applications for registration, analyze the proofs presented, investigate the facts and make the necessary decisions.

#### Article 17 Tribute, Registration Supervision and Appeals Commission

- I. A Tribute, Registration Supervision and Appeals Commission is hereby established. It shall be incumbent upon it:
  - a) Study all issues relating to decorations, demobilization ceremonies as well as other tribute-paying acts and make a proposal thereof to the President of the Republic and the Government;
  - b) Supervise the registration process and guide the relevant entity in all

- matters relating to the said process by deciding on the methodological and procedural issues, including issues relating to forms and questionnaires, as well as dissemination and information activities;
- c) Decide on appeals against decisions on registration and on requests for curing of errors or omissions.
2. The Tribute, Registration Supervision and Appeals Commission shall be composed of thirteen members as follows:
    - a) Four appointed by the Government and selected or not from amongst its members, of whom one shall be the Chairperson of the Commission;
    - b) Four appointed by the President of the Republic, of whom at least two shall be selected from amongst former combatants of the struggle for national independence;
    - c) Four appointed by the National Parliament;
    - d) One appointed by FALINTIL-FDTL.
  3. The members of the Tribute, Registration Supervision and Appeals Commission shall be sworn in by the Prime Minister.
  4. The Tribute, Registration Supervision and Appeals Commission shall prepare its own internal regulation.
  5. The Tribute, Registration Supervision and Appeals Commission shall depend administratively and financially upon the Government.
  6. It shall be incumbent upon the Government to decide on the dissolution of the Tribute, Registration Supervision and Appeals Commission if it deems that the purpose of the latter has been accomplished.
  7. The Tribute, Registration Supervision and Appeals Commission shall be composed of members belonging to the structures and organisations of the Resistance from all the districts.



Article 18  
Appeal and claim against registration

1. Applicants whose requests for registration have been denied may appeal to the Tribute, Registration Supervision and Appeals Commission within sixty days from the date they have been notified of such decision.
2. The Commission's decision with respect to any such appeal shall be final.
3. National Liberation Combatants may at any time file claims against omissions, inaccuracies, or constant errors in their registration with the competent entity as provided for in the present law.

Article 19  
Previous registrations

For the purposes of their use, existing registrations undertaken by the Commissions established by the President of the Republic before the present law entered into force shall be recognized as valid and all those individuals contained in the respective lists shall be considered as registered without prejudice to the right of claim against errors and omissions of information and to complementary adjusting measures necessary for the smooth execution of the present law.

Article 20  
Falsity

1. Any person who provides false statements or information or falsifies documents relating to proof of militancy in the National Liberation Struggle with the objective of obtaining rights contained in the present law shall be punished in accordance with the law.
2. Where the acts referred to in paragraph 1 above are committed by a National Liberation Combatant, he or she shall additionally be punished under the provision in article 12.

## SECTION II ARCHIVES AND DATABASES

### Article 21

#### Previous archives and databases

- 1 - The archives consisting of forms and other relevant documents relating to registrations undertaken by the Commissions established by the President of the Republic before the present law entered into force shall be considered official archives and the property of the State.
- 2 - Databases established on the basis of the archives referred to in paragraph I above shall also be considered official databases of the State.
- 3 - Any documentation contained in electronic file carriers shall also be considered part and parcel of the archives and databases.

### Article 22

#### Competence to maintain and manage the archives and databases

- 1 - The Museum and Archives of the National Resistance established by the present law shall be the competent entity for maintaining and preserving the documentation produced by the Commissions established by the President of the Republic before the present law entered into force, including the documentation produced in accomplishing the purpose of the present law.
- 2 - The documentation referred to in paragraph 1 above shall be transferred to the Museum and Archives of the National Resistance once the registration process and the tribute-paying ceremonies are completed.
3. The electronic database produced in the framework of the registration activities carried out by the Commissions referred to in paragraph 1 above shall be immediately transferred to the entity responsible for registration as defined in the present law.
4. The Government shall regulate the use of, and access to, information

contained in the archives and databases.

## CHAPTER IV RIGHTS AND DUTIES OF NATIONAL LIBERATION COMBATANTS

### Article 23 Rights

1. National Liberation Combatants shall be entitled to the following rights:
  - a) The right to a Special Identification Card;
  - b) The right to a Diploma of Honour;
  - c) The right to use the title of “National Liberation Combatant” or any other titles to which he or she is entitled under this law;
  - d) The right to an outstanding place in ceremonies for the commemoration of historical dates;
  - e) The right to use their uniforms in ceremonies for the commemoration of the National Independence;
  - f) The right to funeral honors and to burial in special cemeteries following decision by the President of the Republic;
  - g) The right to see the period of time entirely devoted to the struggle for national independence counted as time at the service of the State as defined in article 24 and respective complementary legislation;
  - h) The right to a Special Subsistence Pension as defined in article 25 and respective complementary legislation;
  - i) The right to free prosthetic devices for those physically disabled as a result of their participation in the Struggle for National Liberation;
  - j) The right to participate in, and benefit from, social reinsertion programs and other programs aiming at supporting National Liberation Combatants, namely in the areas of education, technical-

- professional training, employment, as well as the right to access to credits and to income generating activities in accordance with the terms regulated by law for accessing to such programs;
- k) The right to decoration by the State in accordance with the present law and complementary legislation.
  - 1) The right to sit on the Consultative Council of the National Liberation Combatants pursuant to article 35.
2. All National Liberation Combatants shall also be entitled to the following, which is extensive to their spouse and children, whether adults or minors:
- a) The right to free medical assistance in public health care facilities;
  - b) The right to free access to public teaching institutions.
3. The National Liberation Veteran Combatants are entitled to a Special Retirement Pension pursuant to article 26.
4. Citizens meeting the requirements listed in paragraph a) of paragraph 1 and paragraph b) of paragraph 2, Article 3, of the present law, but who have participated in the struggle for national independence for less than three years, shall enjoy the rights provided for in paragraphs h), i), and j) of paragraph 1 above in case they are physically or mentally disabled as a result of that participation.

#### Article 24

##### Time dedicated to the struggle

1. Any National Liberation Combatant who is entitled to a retirement pension or retirement pension from State service shall have his or her period of time entirely dedicated to the struggle for national liberation counted in duplicate for the purpose of his or her retirement and the computation of his or her respective pension.
2. The right to have the time dedicated to the struggle counted as time at the service of the State cannot be accumulated with the Special Retirement Pension and Special Subsistence Pension.

Article 25  
Special Subsistence Pension

1. The Special Subsistence Pension shall be granted to National Liberation Combatants who are incapable of work due to physical or mental disabilities resulting from their participation in the struggle for national independence.
2. The Special Subsistence Pension shall also be granted to National Liberation Combatants who participated on a full-time basis in the struggle for national independence for at least eight years
3. deleted
4. Where the beneficiary of the Special Subsistence Pension is deceased, his or her successors shall be entitled to the Survival Pension provided for in article 27.
5. Competence to grant the Special Subsistence Pension shall rest with the Government, on proposal of the Ministry or the Secretariat of State in charge of the affairs of the Combatants of the National Liberation Struggle.
6. The Special Subsistence Pension shall be paid in accordance with the terms to be regulated by the Government, which shall define the criteria and the manner in which to determine the physical and mental incapacity of the beneficiary, as well as the corresponding amount to be paid and the payment modality.
7. The Government shall define the monthly amount of the Special Subsistence Pension that cannot be less than 60% of the value of the Special Retirement Pension.
8. The Special Subsistence Pension cannot be accumulated with the Special Retirement Pension nor with the right to have the time dedicated to the struggle counted as time at the service of the State.

Article 26  
Special Retirement Pension for National Liberation Veteran Combatants

1 - National Liberation Combatants who participated on a full-time basis in the struggle for national independence for at least fifteen years shall be entitled to the Special Subsistence Pension pursuant to article 11.

2 - The amount of the special retirement pension for National Liberation Veteran Combatants shall be defined by the Government, but it shall not be less than the equivalent to three minimum wages established for the civil service or than the salary, wage, or any other remuneration earned by a National Liberation Veteran Combatant who was, or continues to be, at the service of the State after 25 October 1999.

3 - The Special Retirement Pension of National Liberation Veteran Combatants cannot be accumulated with the Special Subsistence Pension nor with the right to have the time dedicated to the struggle counted as time at the service of the State, as provided by this law.

4 - deleted

#### Article 27 Survival Pension

1 - Surviving spouse, orphans regardless of age, parents or siblings shall be entitled to a survival pension:

- a) National Liberation Combatants deceased as a result of their participation in the National Liberation Struggle;
- b) National Liberation Combatants beneficiaries of the Special Subsistence Pension or the Special Retirement Pension after their demise;

2. Orphans, whether adults or minors, attending basic, secondary or tertiary education on a full-time basis, shall be entitled to a scholarship the amount and conditions of which shall be defined by the Government.

3. The competence for granting survival pensions shall rest with the Government on proposal by the Ministry of Secretariat of State in charge of the matters relating to National Liberation Combatants.

4. The amount of the survival pension, which cannot be less than 50% of the Special Retirement Pension, shall be defined by the Government.

5. The amount of the survival pension shall be defined by the Government.

6. The order of preference among beneficiaries shall be as follows:

a) surviving spouse;

b) children;

c) parents;

d) siblings.

6 - If, within the order of precedence provided in the previous paragraph, there is more than one rightful claimant to the survival pension of a deceased Martyr of National Liberation or National Liberation Combatant, the respective pension shall be divided equally between the claimants.

7 - No individual may benefit from more than one full Survival Pension.

8 - The surviving spouse may only benefit from the pension if he or she has not remarried.

9 - Siblings are only entitled to the pension if they have suffered torture, deportation or arrest as a result of the militancy of the combatant brother or if they are National Liberation Combatants who are not themselves entitled to a pension.

10 - The relatives of National Liberation Martyrs or Combatants shall only be entitled to a Survival Pension if they have not collaborated voluntarily with the enemy against the interest of national liberation.

11 - The Survival Pension is not cumulative with the Special Subsistence Pension nor the Special Retirement Pension.

12 - For the purpose of calculating the amount of the survival pension, death as a result of the participation in the struggles for National Liberation shall be considered equivalent to militancy over 24 years.

13- Once the recipient of the survival pension dies, the pension shall become extinct and none of the recipient's heirs or successors nor any of the beneficiaries referred to in paragraphs 1 and 5 shall be entitled to it.

#### Article 28

##### One-off cash benefit

1 - National Liberation Combatants who took part on a full-time basis in the struggle for national independence for a period of four to seven years shall be entitled to a one-off cash benefit corresponding to twelve (12) minimum wages in the Civil Service.

2 - If there are no relatives of a National Liberation Martyr who are entitled to a Survival Pension, the relatives up to the fourth degree in the collateral line shall be entitled to a one-off cash benefit that shall correspond to the annual amount of the Survival Pension.

3 - The relatives of a closer degree shall take precedence of those of a more distant degree.

4 - The relatives referred to in paragraph 2 above are only entitled to the one-off payment if they suffered torture, deportation or imprisonment as a consequence of the militancy of their National Liberation Combatant relative, and as long as they have not voluntarily collaborated with the enemy against the interest of national liberation.

5 - A person is only entitled to a single one-off cash benefit and may opt, if entitled to more than one such payment, for the payment of the highest amount.

#### Article 29

##### Increased pensions

1 - The Government may distinguish prominent figures from amongst the Combatants of the National Liberation for their outstanding contribution to the struggle for National Liberation.

2 - The Government may determine a higher amount for the Special Retirement Pension, Special Subsistence Pension and Survival Pension for



the Combatants of the National Liberation for those individuals mentioned in the preceding paragraph or their families.

### Article 30 Diploma of Honour

1 - All National Liberation Combatants are entitled to a Diploma of Honour to be conferred by the State in recognition of their contribution to the cause of National Independence.

2 - Deceased National Liberation Combatants shall be conferred the Diploma of Honour posthumously.

### Article 31 Decorations

1 - The following individuals shall be entitled to decorations:

- a) National Liberation Veteran Combatants;
- b) National Liberation Combatants with eight or more years of participation;
- c) National Liberation Movement Founder Combatants;
- d) The National Liberation Martyrs;
- e) Foreigners recognized as National Liberation Combatants;
- f) National Liberation Combatants who, having participated in the struggle for less than eight years, have nevertheless exercised functions as military and civilian cadres of the Support Base.

2 - The Tribute, Registration Supervision and Appeals Commission may propose to the President of the Republic the establishment of decorations for National Liberation Combatants not falling in any of the categories listed in paragraph 1 above.

3 - The decorations shall be conferred by decree of the President of the Republic after hearing the opinion of the Government.

- 4 - The decorations shall take place at public and solemn ceremonies.
- 5 - Deceased National Liberation Combatants shall be decorated posthumously.
- 6 - For the purposes of the present law, Support Base shall mean the stage of the National Liberation Struggle that occurred between 7 December 1975 and 31 December 1978 and that took place in the bush or the mountains .
- 7 - The principle of non-accumulation shall be observed in conferring decorations.

### Article 32 Orders and Degrees

- 1 - The following Orders are hereby established:
  - a) Order of the Guerilla, to be conferred to National Liberation Veteran Combatants and National Liberation Combatants who participated in the struggle as military for eight or more years, as well as to National Liberation Combatants who exercised their functions as military cadres of the Support Base;
  - b) Nicolau Lobato Order, to be conferred to National Liberation Veteran Combatants and National Liberation Combatants with participated in the struggle as civilians for eight or more years, as well as to National Liberation Combatants who exercised their functions as civilian cadres of the Support Base.
  - c) D. Boaventura Order, to be conferred to National Liberation Movement Founder Combatants;
  - d) Funu Nain Order, to be conferred to the National Liberation Martyrs;
  - e) Laran Luak Order, to be conferred to foreign citizens recognized as National Liberation Combatants;
2. The Order of the Guerilla as well as the Nicolau Lobato and the Funu Nain Orders shall have three degrees, following an ordinal numeration, and the first, second, and third degrees shall correspond respectively to the

upper, intermediate, and lower posts and functions.

3 - The classification of the posts and functions referred to in paragraph 2 above shall be the competence of the President of the Republic after hearing the opinion of the Tribute, Registration Supervision and Appeals Commission.

4 - The Order of the Guerilla and the Nicolau Lobato Order shall also have an hierarchy in accordance with the following periods of participation in the struggle:

- a) Between three and less than fifteen years of participation, pursuant to paragraph f), paragraph 1, of Article 30 above;
- b) Between eight and less than fifteen years of participation;
- c) Between fifteen and less than twenty years of participation;
- d) Between twenty and less than twenty-four years of participation;
- e) Twenty-four or more years of participation.

5 - It shall be mandatory for the medals to incorporate visual and symbolic representation elements allowing a distinction between the different degrees on the one hand, and the different periods of participation in the struggle on the other hand.

6 - For the purposes of establishing a hierarchy in accordance with the time of participation in the struggle, the National Liberation Veteran Combatants referred to in paragraph b), paragraph 1, of Article 7 above shall be classified in the group of twenty-four or more years of participation.

7 - The insignias or emblems of the medals and the remaining elements constituting the physical representation of orders established by this law shall be approved by decree of the President of the Republic on proposal of the Tribute, Registration Supervision and Appeals Commission and after hearing the opinion of the Government.

8 For the preparation of the proposals referred to in paragraph 7 above, the Tribute, Registration Supervision and Appeals Commission may resort

to the services of companies or institutions specialized in the design and production of medals.

9 - In determining whether a National Liberation Combatant should be decorated as a military or as a civilian, consideration shall be given to the capacity in which he or she participated in the struggle for the longest period of time.

### Article 33 Supporters of the National Liberation Struggle

1 - Governments and institutions, including national or foreign citizens, who have given a relevant contribution to the struggle for national independence outside the purview of Articles 3 to 9 of the present law may be recognized the honorific title of “Supporter of the National Liberation Struggle”.

2 - The recognition of governments, institutions and citizens in accordance with paragraph 1 above shall be made by the National Parliament on proposal of the President of the Republic, of the Government, or of at least one fifth of the elected Members of Parliament.

### Article 34 Duties

The following are duties of the National Liberation Combatant:

- a) To contribute to national development, peace, and social stability;
- b) To honor and perpetuate the traditions of the National Liberation Struggle and the memory of the Heroes and Martyrs of the Motherland;
- c) To demonstrate an exemplary social conduct that is in line with the dignity of a National Liberation Combatant;
- d) To uphold the good name and reputation of the National Liberation Combatants;

- e) To collaborate in the education of the new generations on the spirit and values of the Resistance and the Struggle for National Independence.

### Article 35

#### Consultative Council of the National Liberation Combatants

- 1 - The Consultative Council of the National Liberation Combatants shall be a consultative organ of the Government for matters relating to the provisions contained in the present law and for other matters of interest to the National Liberation Combatants.
- 2 - It shall be incumbent upon the Government to decide on the opportunities and matters on which to hear the Consultative Council of the National Liberation Combatants the opinion of which shall under no circumstance bind the Government.
- 3 - Consultative Council of the National Liberation Combatants shall be composed of seven to fifteen members nominated by the Prime Minister from among the National Liberation Combatants.
- 4 - Consultative Council of the National Liberation Combatants shall be convened and presided over by the Prime Minister or by a member of the Government delegated by him.
- 5 - The exercise of the function of member of the Consultative Council of the National Liberation Combatants shall not be remunerated. The Prime Minister may grant an allowance whenever a National Liberation Combatant travels to participate in a meeting of the Consultative Council.
- 6 - So long as the Tribute, Registration Supervision and Appeals Commission is in function, no opinion of the Consultative Council of the National Liberation Combatants shall be sought with respect to matters falling under the competencies of that Commission.

CHAPTER V  
HISTORY OF THE RESISTANCE AND THE NATIONAL LIBERATION  
STRUGGLE

Article 36  
History of the National Liberation Struggle

The Government shall establish an Independent Scientific National Commission for the History of the National Liberation Struggle composed of personalities of recognized competence and scientific merit whose mandate shall be to draft the recent history of the Timorese Resistance against foreign occupation.

Article 37  
Museum and Archives of the National Resistance

- 1 - The Museum and Archives of the National Resistance is hereby established as a means to preserve and disseminate the traditions, values, and heroic feats of the National Liberation Struggle.
- 2 - The Government shall regulate and decide on all the necessary measures for the installation and functioning of the Museum and Archives of the National Resistance.

CHAPTER VI  
FINAL PROVISIONS

Article 38  
Demobilization of the Former FALINTIL Combatants

- 1 - 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.
- 2 - The Government shall define the ranks to be conferred to each and every former FALINTIL combatant on proposal by 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.
- 3 - The President of the Republic shall preside over the demobilization ceremony.

Article 39  
Power to regulate

In addition to the foregoing, it shall be incumbent upon the Government to legislate on every matter it deems necessary to enable it to comply with the provisions of the present law.

Article 40  
Implementation measures

1 - The rights and other measures contained in the present law shall be the object of gradual implementation, depending on the financial possibilities and institutional capacity of the State, and it shall be the responsibility of the Government to determine the priorities in accordance with criteria based on the degree of the needs or vulnerabilities of the beneficiaries as well as on other relevant reasons.

2 - The Government is hereby immediately authorized to adopt the budgetary measures deemed necessary for the execution of the present law and respective regulatory norms.

Article 41  
Entry into force

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

Approved on 13 March 2006

The Speaker of the National Parliament

Francisco Guterres (Lu-Olo).

Promulgated on 5 April 2006

To be published.

The President of the Republic

**Kay Rala Xanana Gusmão**