

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

LAW NO. /2007

STATUTE OF THE HOLDERS OF SOVEREIGNTY BODIES

Article 67 of the Constitution of the Republic of Timor-Leste states that the sovereignty bodies are the President of the Republic, the National Parliament, the Government and the Courts. The full exercise of the functions by the persons who hold these offices depends of the conditions that the Timorese State provides them with, as well as of the definition of their scope.

Therefore it is vital that they include guarantees, as well as personal rights and benefits, and that they define impediments and incompatibilities, so that we can implement the capacity to develop actions whose legitimacy lies on the authority of the Constitution, the further laws and the dignity of the functions held.

It is also necessary to protect and safeguard the holders against influences or specific interests of professional nature or other, so as to ensure that the functions are carried out in an exempt and independent manner.

These conditions confer dignity to their persons who, because they hold political positions and are integrated in the bodies that symbolize the independency and unity of the State, represent all Timorese citizens, respond for the conduction and execution of the policies and the public administration of the country, and administrate justice on behalf of the people. This dignity deserves to continue after the term of office has been completed, ensuring these persons the minimum living conditions.

Thus,

The National Parliament decrees, according to article 92 and article 95 paragraph 2 sub-paragraph k), to be valid as law, the following:

**CHAPTER I
GENERAL FEATURES**

**SECTION I
SCOPE OF APPLICATION**

**Article 1
Scope of Application**

1. The present diploma applies to holders and members of the sovereignty bodies of Timor-Leste mentioned in the following paragraphs, except for the law judges, who because of the nature of their functions enjoy a separate statute, and for the deputies of the National Parliament, who under article 95 paragraph 2 sub-paragraph j) of the Constitution have their own statute.

2. For the purposes of the present law, the following are considered holders of sovereignty bodies:
 - a) The President of the Republic;
 - b) The President of the National Parliament;
 - c) The Prime Minister;
 - d) The President of the Supreme Court of Justice.
3. For the purposes of the present law the members of Government are considered as members of sovereignty bodies.

SECTION II INCOMPATIBILITIES AND IMPEDIMENTS

Article 2 Exclusivity

1. The holding of the offices indicated in the previous article is incompatible with any other professional functions, whether or not remunerated, as well as with the integration in social bodies of any profit legal persons.
2. Functions or activities derived from the office, and those who are exerted by inherence, are excluded from the dispositions of the previous paragraph.
3. The holders of sovereignty bodies may not, because of the exercise of their functions, be harmed in their placement or permanent job; they shall also interrupt every public or private professional activity they had been exercising before entering into office for the duration of their mandate.
4. The period of the functions mentioned in the previous article counts as time of service rendered in the original office or activity, for all purposes, except for those that presuppose the effective exercise of the professional activity.

Article 3 Impediments applicable to societies

1. Companies whose capital belongs in a percentage over 10% to a person who holds the office at a sovereignty body will be barred from entering tenders for the supplying of goods or services, as well as for the exercise of trade or industry activities, in contracts with the State and further public legal persons.
2. The same regime applies to:
 - a) Companies whose capital, in the same percentage, belongs to the spouse of the holder, when there is no separation of persons and assets, to their ascendants and descendants in any degree and to collaterals up to the 2nd degree, as well as the person who lives with the holder in a situation akin to marriage;
 - b) Companies in which capital the holder of the office detains, directly or indirectly, alone or together with the relatives mentioned in the previous sub-paragraph, a participation not below 10%.

Article 4
Refereeing and expertise

1. The holders of sovereignty bodies may not serve as referees or experts, whether for free or remunerated.
2. This impediment remains until one year has elapsed since the end of the respective functions.

Article 5
Previous activities

1. The holders of sovereignty bodies who, during the last three years before entering into office, have detained, according to article 3, the capital percentage in companies mentioned therein, or who have integrated the social bodies of any profit legal persons, may not intervene:
 - a) In tenders for the supplying of goods or services to the State and further public legal persons to which the said companies and legal persons are candidates;
 - b) In contracts with the State and further public legal persons celebrated with them;
 - c) In any other administrative procedures in which those companies and legal persons intervene, susceptible of casting doubts over the exemption or rectitude of the said holders, namely in procedures of granting or modification of authorizations or licenses, acts of expropriation, granting of benefits of patrimonial content and donation of goods.
2. The impediment foreseen in the previous paragraph does not apply to cases where the said participation in social positions of the legal persons has occurred by appointment of the State or other public legal person.

SECTION III
REGISTRATION OF INTERESTS

Article 6
Notion

1. A registry of interests is created at the Supreme Court of Justice, consisting in the inscription, in a specific book, of all activities susceptible of causing incompatibilities or impediments, as well as any acts that may generate financial profit or conflicts of interests.
2. The registration of interests covers registrations regarding the holders and members of sovereignty bodies and other persons determined by law.
3. For the purposes of the previous paragraph, particular attention will be given to the registration of the following facts:
 - a) Public or private activities, including commercial or business activities, as well as liberal professions;
 - b) Holding social offices, even if for free;

- c) Financial or material support or benefits received for the exercise of the respective activities, namely from foreign entities;
 - d) Entities to which are provided paid services of any nature;
 - e) Bank accounts and other financial assets;
 - f) Societies in which the holder, spouse or children hold capital.
4. The registry is public and may be consulted by whoever shows a legitimate interest.

Article 7

Verification by Court

1. The holders of sovereignty bodies must deposit at the Supreme Court of Justice, on the 60 days after the date when they enter into office, a declaration of inexistence of incompatibilities or impediments, indicating all professional offices, functions and activities exercised, as well as any financial participations held.
2. It is up to the Court to carry out the analysis, verification and sanctioning of the declarations of public office holders.
3. The Court may request the clarification of the content of the declarations to the depositaries, should the wording raise any doubts.
4. The Court also appreciates the formal regularity of the declarations and the compliance with the time limit for delivery, reporting any irregularities or any non-compliance with the time limit to the competent verification and sanctioning bodies.

Article 8

Applicable regime in case of non-compliance

In case of non-presentation of the declaration foreseen in the previous article, the competent entity for its deposition will notify the holder of the office covered by the present law to present it within 30 days, under penalty of, in case of guilty non-compliance, incurring in a declaration of loss of mandate, dismissal or judicial destitution, according to the legal terms.

Article 9

Indemnity for damages

1. Government members who, in the exercise of their functions or because of them, become the victims of acts that imply offence to life, physical integrity, freedom or patrimonial assets, are entitled to fair indemnities.
2. The facts justifying it are the object of an enquiry determined by the Prime Minister, who decides on the attribution and the value of the indemnity, except if the damages are covered by other means.

Article 10
Wages and other benefits

1. The holders and members of sovereignty bodies are entitled to monthly wages, allowances for representation expenses, living allowances and further complementary and extraordinary allowances foreseen by law.
2. No holder or member of a sovereignty body, civil servant or staff member from other public entities may have wages superior to those of the President of the Republic.
3. The wages of the holders of sovereignty bodies are updated according to the updates for Government members, in the case of the President of the Republic and the Prime Minister, and for deputies, in the case of the President of the National Parliament.
4. The holders and members of sovereignty bodies are entitled to, besides the wages indicated in paragraph 1:
 - a) 30 days of vacations by year, successively cumulative if they cannot be enjoyed due to service convenience, in the civil year when they become due, or payment of a corresponding remuneration, should the vacations not have been enjoyed up to the termination of functions;
 - b) Medical, medicinal, surgical and hospital assistance in the most favourable class, for themselves and for their household;
 - c) The social benefits foreseen for civil servants;
 - d) Free transit card, considered as free circulation in the exercise of their functions or because of them, in public places of conditioned access;
 - e) The living allowances set in law, during official travels outside of Dili, whether in the country or abroad;
 - f) Diplomatic passport, including spouses and descendants;
 - g) Life and luggage insurance when travelling in service.

CHAPTER II
SPECIFIC FEATURES

SECTION I
HOLDERS OF SOVEREIGNTY BODIES

Article 11
Scope

The regime foreseen in this section applies specifically to Presidents of the Republic, Presidents of the National Parliament, Prime Ministers and Presidents of the Supreme Court of Justice.

Article 12
Other rights

Government members who have worked for more than twenty-four consecutive or interpolate months and who are still in office are entitled import a light or mixed passenger vehicle, free from import fees, namely customs import duties, selective tax of consumption, sales tax and further customs duties, in the following conditions:

- a) The time in office includes the time spent in the transitory governments of the United Nations Transitory Administration in Timor-Leste;
- b) Vehicles imported with the exemptions described above cannot be transferred, donated, transmitted or onerated during the three years following their definitive import;
- c) The violation of the features of the previous sub-paragraph implies the payment of the import fees due at the time of the definitive import of the vehicle, with a subsequent discount corresponding to the use by its owner, according to the following table:

VEHICLES	Percentage/Reduction
Less than a year.....	10%
More than one year and up to two years.....	30%
More than two years and up to three years.....	40%

Article 13
Official vehicles

1. The holders of sovereignty bodies are entitled to vehicles for official and personal use.
2. These vehicles will be distributed to the entities indicated in the previous paragraph, at the ration of one official vehicle and one personal vehicle for each.

Article 14
Official residence

1. The holders of sovereignty bodies are entitled to official residence.
2. The law determines the public buildings allocated to the holders of sovereignty bodies for the exercise of their respective functions, namely those of representation.
3. The charges resulting from the operation of the official residences shall be liquidated according to the terms to be defined by a Government diploma.

Article 15
Security

The holders of sovereignty bodies are entitled, for the duration of their respective mandates, to permanent security for themselves, their residences, their workplaces and during travels inside the country or abroad.

Article 16
Lifelong monthly pension

1. The formal holders of the office of President of the Republic, President of the National Parliament, Prime Minister and President of the Supreme Court of Justice are entitled to a lifelong monthly payment equal to 100% of their wages.
2. The right to the pension indicated in the previous paragraph is acquired on the day immediately after the termination of functions.

Article 17
Death of the beneficiary

In case of death of any of the persons indicated in the previous article, during or after office, the respective persons, the surviving spouse, the minor or disabled children and parents included in the household are entitled, together, to a monthly pension in the amount of 75% the pension the former holder in question would be entitled to.

Article 18
Other benefits

Should the functions have been performed for a period corresponding to at least forty-two months, the former holders of sovereignty bodies also receive the following benefits supported by the State:

- a) Adequate residence;
- b) State vehicle, for personal service, with driver and fuel;
- c) Right to personal and residential protection;
- d) Right to a work office, with two telephones, internet, cellular phone, personal secretary and advisor, appointed by request in regime of requisition from the staff and other agents of the State;
- e) Right to living allowance according to the law applicable to travels by the President of the Republic, President of the National Parliament and Prime Minister, whenever they have to travel outside their normal residing area for official purposes, for a period not superior to fifteen days;
- f) An annual International Travel, with two companions, in a class that is adequate to the office held;
- g) Right to free transit and diplomatic passport for themselves and their direct relatives, in travels inside and outside the country;
- h) Right to medical assistance inside and, whenever considered necessary, outside the country; in the latter case a previous medical opinion shall be required;
- i) Right to import a vehicle for personal use every five years, along with the material required for building a furnishing a private residence, without paying customs fees and other taxes;
- j) Places of honour, for themselves and their families, in official ceremonies of the State.

Article 19
Partial pension

The former holders of the positions indicated in article 1 paragraph 2 that do not complete forty-two months of service in their functions shall receive a pension calculated in proportion to the effective time in office, as well as the benefits mentioned in sub-paragraphs g) to i) of the previous article.

Article 20
Non-accumulation

The pensions foreseen in the previous articles are not cumulative with one another nor with any wages the respective beneficiaries of the pension receive from the State against the performance of functions as holder or member of a sovereignty body; they are to choose one of the regimes.

Article 21
Temporary substitution

The regime foreseen in the present law does not apply to former holders who did not perform the function in a permanent manner, or to former holders who were dismissed judicially, except in case of physical impossibility.

SECTION II
MEMBERS OF GOVERNMENT

Article 22
Exclusion

1. The regime foreseen in this section applies to Government members.
2. The regime foreseen in the present section applies to Prime Ministers in all that is not covered in the previous section.
3. The present law does not cover persons who are equivalent to Government members, namely in the respective organic laws and in the organic law of the Government.

Article 23
Start and conclusion of the mandate

1. The functions of the Government members start upon entering into office.
2. The conclusion of the functions happens with the entering into office by a new Government, with death or with the entering into office by a replacing Government member.

Article 24
Suspension of functions

1. Government members may only suspend functions in the cases allowed by law.
2. Government members may delegate their competences on subordinate Government members.

Article 25
Restriction of functions

From the date of elections for the National Parliament, the resignation of the Prime Minister or the resignation of the Government member itself, the latter shall abstain from taking political and legislative initiatives, except for those that have a character of urgency or emergency.

Article 26
Criminal accountability

1. No Government member may be detained or arrested without authorization by the National Parliament, except for a crime to which corresponds a penalty of imprisonment with a maximum limit of more than two years and if caught in the act.
2. A Government member accused definitively for a crime punishable with imprisonment for more than two years is suspended from office for the duration of the proceedings.
3. In case of definitive accusation for crime punishable with imprisonment up to two years, the National Parliament shall decide whether or not the Government member should be suspended, for the purposes of the previous paragraph.

Article 27
Conditions for carrying out the function

1. Government members are entitled to proper conditions for carrying out their functions effectively, i.e.:
 - a) Adequate residence;
 - b) State vehicle, for official use, including driver, fuel and maintenance;
 - c) Personal and residential protection adequate to the situation;
 - d) Personal assistance office;
 - e) Proper working facilities and conditions;
 - f) Social security, namely medical and medicinal assistance and payment of hospital stays in the country.
2. During their terms, Government members also enjoy the following rights:
 - a) Diplomatic passport issued for the legislation period, to be returned at the termination of the respective functions;
 - b) Postponement of the obligation to serve in the military;
 - c) Postponement of the civil mobilization;

- d) Free transit, considered as free circulation in public places of conditioned access, against the presentation of a special identification card.

Article 28
Work guarantees

1. Government members cannot be harmed in their positions or their permanent jobs because of the work they do in the Government.
2. Government members are entitled to being exempt from all public or private professional activities during the period when they hold governing functions.

Article 29
Subvention in case of disability

1. If a Government member becomes physically or psychologically disabled to continue working, while carrying out its role or because of it, it is entitled to a monthly subvention, the sum of which is 75% of the net monthly wages it earned.
2. The disability pension is not cumulative with the lifelong monthly pension foreseen in article 31.

Article 30
Survival pension

1. In case of death while working for the Government, if the Government member is not entitled to the lifelong monthly pension foreseen in the next article, the surviving spouse or the minor or disable descendants shall receive a survival pension.
2. The amount of the survival pension is 75% the monthly remuneration earned by the Government member at the time of death.

Article 31
Lifelong Monthly Pension

1. Government members are entitled to a lifelong monthly pension in the amount of 100% the wages of the role they performed for a minimum period of forty-two months, whether consecutive or interpolated.
2. The right to the pension indicated in the previous paragraph is acquired on the day immediately after the termination of functions.
3. The persons mentioned in paragraph 1 are also entitled to the benefits foreseen in article 18 sub-paragraphs g) to i).

Article 32

Suspension

The pension indicated in the previous paragraph is suspended if the beneficiary starts working as a member of any sovereignty body or in the direct or indirect administration of the State, and whenever the sum of the wages earned in the new functions is more advantageous.

Article 33

Reintegration allowance

1. Government members who have worked more than six months and less than forty-two months are entitled at the end of their terms to a reintegration allowance, equivalent to 100% of the wages corresponding to one year.
2. The right to this allowance is acquired on the day immediately after the termination of functions.

Article 34

Extinction

The right to the reintegration allowance foreseen in article 10 is terminated after one year or if the holder starts to perform one of the following functions:

- a) Attorney-General of the Republic;
- b) Purveyor of Human Rights and Justice;
- c) Inspector-general of the State;
- d) Ambassador;
- e) Manager of Public Company or equivalent;
- f) President and board member of a Public Institute or equivalent;
- g) Administrator and director appointed by the State in a commercial society or public company.

Article 35

Fiscal regime

The remunerations and allowances for holders of public offices covered by the present law are subjected to the fiscal regime applicable to civil servants.

Article 36

Counting of the time

For purposes of counting of the time in office or performing work in sovereignty bodies it is considered:

- a) Offices performed in the Government, those that have been exercised during the transitional Governments of UNTAET;
- b) Offices performed in the National Parliament, those that have been exercised in the National Consulting Council, created by Regulation UNTAET/REG/1999/2 of December 2nd, and in the National Council, created by Regulation UNTAET/REG/2000/24, of July 14th;

- c) For members who performed part of their functions in the National Parliament and part in the Government, their time of service is considered to be the sum of the time spent in both functions, receiving the pension or allowance according to the function where they spent the most time.

Article 37

Loss of quality and of the rights

The regime set in the present law ceases to apply to former holders condemned for the practise of crimes against the security of the State and against humanity, counting from the date when the condemning judicial decision is passed into judgement.

Article 38

Entry into force

The present law enters into force on the day after its publication in the *Jornal da República*.

Approved on 17 July 2007.