

**LAW NO° 12 /2009.**  
**of 21 October**

**USAGE AND PROTECTION OF THE EMBLEM OF THE  
RED CROSS IN TIMOR-LESTE**

**The present law is aimed at the regulation and protection of the Red Cross, Red Crescent and Red Crystal emblems, as well as the names "Red Cross", "Red Crescent" or "Red Crystal". It is also aimed at protecting the distinctive emblems that identify medical units and means of transport.**

The approval of the present law provides for the compliance with the Geneva Convention, ratified on 12 August 1949, and its additional protocol of 8 June 1977, including Annex I to Additional Protocol I providing for the identification of medical units and transportation means, as well as the III Additional Protocol of 8 December 2005, providing for the Additional Distinctive Emblem.

The present law is equally aimed at providing for the observation of Regulations on the Usage of the Red Cross or Red Crescent Emblems by National Societies adopted during the 20th International Conference of the Red Cross and the Red Crescent, as well as their subsequent amendments.

It is also aimed at complying with Resolution I of the 29th International Conference of the Red Cross and the Red Crescent. Additionally, it provides for the implementation of Decree-Law n° 6/2005 of 14 September, recognizing the Red Cross in Timor-Leste. Thus, pursuant to articles 92 and 95.1 of the Constitution of the Republic, the National Parliament enacts the following to have the force of law:

**CHAPTER 1**  
**EMBLEMS AND PURPOSES**

**SECTION 1**  
**GENERAL PROVISIONS**

**Article 1**  
**Object**

The present statute regulates the usage and protection of the emblems of the Red Cross.

**Article 2**  
**Purposes and dimensions of the emblem**

**1.** Emblems used in periods of armed conflict as protection instruments for medical teams, facilities and means of transport pursuant to the terms and conditions of the present statute shall be easily visible and identifiable and shall be as large as appropriate.

**2.** The purpose of emblems used as indicative instruments is to identify a person or asset that is part of or belongs to the Red Cross, Red Crescent or Red Crystal. Such emblems shall be small enough so that they are not mistaken by emblems used as instruments of protection.

## **SECTION II USAGE FOR PROTECTION PURPOSES**

### **Article 3 Armed Forces**

1. Medical personnel, medical facilities and land, air or maritime means of transportation intended for medical services and humanitarian assistance by the Armed Forces shall bear the emblem of the Red Cross so that they are distinguishable during periods of peace as well as in times of armed conflict.
2. It shall be incumbent upon the Ministry of Defence and Security to authorize and monitor the use of the Red Cross emblem.
3. *Medical teams and religious people incorporated in the Armed Forces in times of armed conflict shall wear armbands and carry identification bearing the proper emblem. Both items shall be made available by the Ministry of Defense and Security.*
4. Medical and religious personnel incorporated in the Armed Forces may temporarily utilize other emblems recognized by the Geneva Conventions and respective additional protocols without prejudice to the use of their habitual emblem and to their status if the use of such other emblems increases the level of their protection.

### **Article 4 Civilian Medical Services**

1. Civilian medical personnel, facilities and means of transportation specifically assigned for transport and treatment of the wounded, sick or shipwrecked shall be made distinguishable through the use of the Red Cross emblem, which shall be employed as an instrument of protection.
2. It shall be incumbent upon the Ministry of Health to authorize and monitor the use of the emblem for the purposes of the preceding paragraph.
3. Civilian medical personnel shall wear armbands and badges displaying the proper emblem.
4. Armbands and badges provided for in the preceding paragraph shall be issued by the Ministry of Health.
5. Members of religious groups that have been incorporated in hospitals or other medical units shall wear the identification items described in paragraph 3.

### **Article 5 Timor-Leste's Red Cross**

1. Timor-Leste's Red Cross (CVTL) is authorized to place medical personnel, medical units and means of transportation at the disposal of the Armed Forces medical services, as long as this is requested by the competent authority.
2. Personnel, units and means of transportation referred to in the preceding paragraph are subject to

military legislation and regulations, and shall bear the emblem of the Red Cross as a device for their protection.

3. Personnel mentioned in the preceding paragraph shall wear armbands and bear proper identification, pursuant to article 3.3.

### **SECTION III INDICATIVE USAGE**

#### **International Organizations of the International Movement of the Red Cross and the Red Crescent**

The International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies may use the emblems for all of their activities.

#### **Article 7 National Society**

1. CVTL and its assets, as well as its staff members, shall display the emblem of the organization as an indication of their connection to CVTL.
2. CVTL shall be governed by the “Regulations on the use of the Red Cross or Red Crescent emblems by Local Institutions.”
3. The Red Cross, Red Crescent and Red Crystal Societies from other countries located in Timor-Leste may use the emblem under similar conditions following prior approval by.

### **CHAPTER II MONITORING AND PENALTIES**

#### **Article 8 Monitoring measures**

1. The competent entities shall ensure strict compliance with the norms regulating the use of the Red Cross, Red Crescent and Red Crystal emblems, as well as the use of the Red Cross, Red Crescent or Red Crystal nomenclature and their respective distinctive emblems.

The competent entities shall also ensure strict control over people authorized to bear the aforementioned emblems, names and symbols.

3. The competent entities shall enforce proper measures in order to prevent the improper use of distinctive emblems, with particular attention to the highest possible levels of dissemination of the relevant norms amongst the Armed Forces, police, authorities and civil society.
4. The competent entities shall also instruct local civil and military authorities on the use of the distinctive emblems and enforce penal, administrative and disciplinary sanctions in case of improper use of such emblems in compliance with the Geneva Conventions and its additional protocols.

**Article 9**  
**Duty of Timor-Leste's Red Cross**

The CVTL shall monitor the proper use of the Red Cross, Red Crescent and Red Crystal emblems as well as the Red Cross, Red Crescent and Red Crystal nomenclature.

**Article 10**  
**Improper use of emblems during armed conflicts**

The use of the emblems as an instrument of protection during armed conflicts for committing perfidy shall be punishable under the penal legislation.

2. Without prejudice to the provisions of the preceding paragraph, any person who without perfidy, but without being entitled to, uses the Red Cross, Red Crescent or Red Crystal emblems as a distinctive symbol or as any other type of symbol or distinctive that constitutes forgery or may lead to misinterpretation of the symbol shall be punished with a penalty of imprisonment of up to three years or a fine, pursuant to the penal law.

**Article 11**  
**Improper usage of the emblem in times of peace.**

1. Any person who intentionally and without proper authorization uses the emblem of the Red Cross, Red Crescent or Red Crystal, the wording "Red Cross", "Red Crescent" or "Red Crystal" or distinctive emblems or any other symbols, designations or imagery which constitutes forgery or may be misleading in nature, irrespective of the purpose of such utilization, shall be punished with a penalty of imprisonment of up to one year or a fine.

2. The same penalty shall apply to any person who similarly displays the images and words mentioned in the preceding paragraph in signs, posters, ads, leaflets or commercial documents, attaches such words/images to products or packages or attempts to sell items associated with such visual representation.

**Article 12**  
**White cross over red background**

Any person who portrays the white cross over red background or any other symbol as trademark, commercial brand or utilizes any of these components for a purpose that is contrary to legitimate trade or in situations that may cause association with the Red Cross emblem or the Swiss coat of arms shall be fined pursuant to the provisions of the penal legislation.

**Article 13**  
**Seizure of items and other material**

1. The competent entities shall seize any items or other material deemed to be in breach of the provisions of the current statute, demand the withdrawal of the emblems of the Red Cross, Red Crescent or Red Crystal and the words "Red Cross", "Red Crescent" or "Red Crystal" and order the destruction of the instruments used in the reproduction of such symbols and designations.

2. Any costs incurred in the discharge of actions in connection with the preceding paragraph shall be the sole responsibility of the offender.

**Article 14**  
**Registration of associations, commercial partnerships and trademarks**

Associations, commercial partnerships, brands, makes and industrial designs are not permitted to use the emblem of the Red Cross, Red Crescent or Red Crystal or the words “Red Cross”, “Red Crescent” and “Red Crystal”. Doing so constitutes a violation of the present Law.

**CHAPTER III**  
**GENERAL PROVISIONS**

**Article 15**  
**Enforcement of the present Law**

The competent entities shall take all necessary measures with a view to enforcing the present statute.

**Article 16**  
**Entry into force**

The present Law shall enter into force 90 days after its publication in the Official Gazette.

Approved on 1 July 2009.

The President of the National Parliament

**Fernando La Sama de Araújo**

Promulgated on 16 October 2009.

For publication.

The President of the Republic,

**Mr. José Ramos Horta.**