



DIRECTIVE NO. 2002/5

**ON MONETARY AND NON-MONETARY RESOURCE MOBILIZATION BY THE
COMMISSION FOR RECEPTION, TRUTH AND RECONCILIATION IN EAST TIMOR**

The Special Representative of the Secretary-General (the “Transitional Administrator”),

Pursuant to the authority given to him under United National Security Council resolution 1272 (1999) of 25 October 1999, as reaffirmed in United Nations Security Council resolution 1338 (2001) of 31 January 2001,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

Pursuant to UNTAET Regulation No. 2001/10 of 13 July 2001 on the Establishment of a Commission for Reception, Truth and Reconciliation in East Timor (the “Commission”) and the conduct of activities consistent with the fulfillment of its mandate under such Regulation,

For the purpose of prescribing powers in relation to the raising of funds by the Commission in accordance with Section 9.4 of UNTAET Regulation No. 2001/10 on the Establishment of a Commission for Reception, Truth and Reconciliation in East Timor,

After consultation with the Council of Ministers,

Promulgates the following:

Section 1
Definitions

For the purposes of, and wherever used in, the present Directive, the following terms shall have the following meanings:

- (a) “*funds*” shall mean all monetary and non-monetary resources, including but not limited to cash, equipment, supplies, personnel and other materials and services.

- (b) “*person*” means :
- (i) a natural person;
 - (ii) a company or other juridical entity, wherever incorporated or formed, including but not limited to inter-governmental, non-governmental and charitable organizations;
 - (iii) a partnership, wherever formed;
 - (iv) a trust, wherever established;
 - (v) a business registered pursuant to UNTAET Regulation No. 2000/4;
 - (vi) a government (including the East Timor Public Administration) and its instrumentalities, including but not limited to its agencies for bi-lateral assistance; or
 - (vii) any other incorporated or unincorporated association or body.
- (c) “*Regulation*” means UNTAET Regulation No. 2001/10 of 13 July 2001 on the Establishment of a Commission for Reception, Truth and Reconciliation in East Timor.

Section 2
Scope of Directive

The present Directive shall apply to mobilization of *funds* by the Commission, as an independent authority pursuant to Section 2.2 of the *Regulation* and not as an instrumentality or agency of the United Nations Transitional Administration in East Timor or the East Timor Public Administration, from any *person* to support the functioning of the Commission strictly in accordance with the *Regulation*.

Section 3
Capacities in Relation to the Mobilization of Funds

3.1 For the purpose of exercising its powers in connection with the mobilization of *funds* as provided in the present Directive, the Commission shall have the capacity to:

- (a) enter into contracts and agreements;
- (b) institute legal proceedings and to be subject to such proceedings;
- (c) acquire, hold, and dispose of property, whether movable or immovable; and
- (d) retain all revenue and income generated or received by it from any source, including but not limited to income, proceeds of sales and donor funds.

3.2 With respect to the exercise of any of the capacities set forth in Section 3.1 of the present Directive:

- (a) each decision of the Commission shall be determined in accordance with Section 7.5 of the *Regulation*, and

(b) the implementation of each such decision shall be effected in accordance with Sections 3.4 and 8.2 of the *Regulation*.

Section 4
Requirements related to Fundraising

4.1 In the mobilization of *funds* pursuant to the present Directive, the Commission shall at all times maintain its independence and ensure that no conditions are placed on the receipt of such *funds* that may in any way compromise, or reasonably be seen to compromise, the independence, impartiality or objectives of the Commission.

4.2 In addition to the financial reporting requirements associated with *funds* provided to the Commission by any *person*, the Commission shall deliver to the Transitional Administrator, in accordance with Section 9.2 of the *Regulation*, all such reports as may be necessary to provide an accurate accounting of *funds* mobilized pursuant to the present Directive.

Section 5
Entry into force

The present Directive shall enter into force on 5 April 2002.

Sergio Vieira de Mello
Transitional Administrator