CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF EAST TIMOR

PART I

FUNDAMENTAL PRINCIPLES

Section 1
(The Republic)

1. The Democratic Republic of East Timor is a democratic, sovereign, independent and unitary State based on the rule of law, the will of the people and the respect for the dignity of the human person.

2. November 28th 1975 is the Day of Proclamation of Independence of the Democratic Republic of East Timor.

Section 2
(Sovereignty and constitutionality)

1. Sovereignty rests with the people, who shall exercise it in the manner and form laid down in the Constitution.

2. The State shall be subject to the Constitution and to the law.

3. The validity of the laws and other actions of the State depend upon their compliance with the Constitution.

4. The State shall recognise customary laws of East Timor, subject to the Constitution and to any legislation dealing specifically with customary law.

Section 3
(**Citizenship**)

1. There shall be original citizenship and acquired citizenship in the Democratic Republic of East Timor.

2. The following citizens shall be considered original citizens of East Timor, as long as they are born in the national territory:

   a) Children of parents born in East Timor;

   b) Children of a father or mother born in East Timor;

c) Children of incognito parents, stateless parents or parents of unknown nationality;

d) Children of a foreign father or mother who, being over seventeen years old, declare their will to become East Timorese nationals.

3. The following citizens shall be considered original citizens of East Timor, even if they are born in a foreign country:

a) Children of an East Timorese father or mother living overseas;

b) Children of an East Timorese father or mother serving the State outside the country;

4. Acquisition, loss and reacquisition of citizenship, as well as its registration and proof, shall be regulated by law.

Section 4
(Territory)

1. The territory of the Democratic Republic of East Timor comprises the land surface, the maritime zone and the air space demarcated by the national boundaries that historically comprise the eastern part of Timor Island, the enclave of Oecussi, the island of Ataúro and the islet of Jaco.

2. The extent and limits of territorial waters and the exclusive economic zone, and the rights of East Timor to the adjacent seabed and continental shelf shall be laid down in the law.

3. The State shall not alienate any part of the East Timorese territory or the rights of sovereignty over the land, without prejudice to rectification of borders.

Section 5
(Decentralisation)

1. On matters of territorial organisation, the State shall respect the principle of decentralisation of public administration.

2. The law shall determine and establish the characteristics of the different territorial levels and the administrative competencies of the respective organs.

3. Oecussi Ambeno and Ataúro shall **enjoy** special administrative and economic treatment.

Section 6
(Objectives of the State)

The fundamental objectives of the State shall be:

a) To defend and guarantee the sovereignty of the country;

b) To guarantee and promote fundamental rights and freedoms of the citizens and the respect for the principles of the democratic State based on the rule of law;

c) To defend and guarantee political democracy and participation of the people in the resolution of national problems;

d) To guarantee the development of the economy and the progress of science and technology;

e) To promote the building of a society based on social justice, by establishing material and spiritual welfare of the citizens;

f) To protect the environment and to preserve natural resources;

g) To assert and value the personality and the cultural heritage of the East Timorese people;

h) To promote the establishment and the development of relations of friendship and co-operation among all Peoples and States;

i) To promote the harmonious and integrated development of the sectors and regions and the fair distribution of the national product;

j) To promote an effective equality of opportunities between women and men.

Section 7
(Universal Suffrage and multi-party system)

1. The people shall exercise the political power through universal, free, equal, direct, secret and periodic suffrage and through other forms laid down in the Constitution.

2. The State shall value the contribution of political parties for the organised expression of the popular will and for the democratic participation of the citizen in the governance of the country.

Section 8
(International Relations)

1. On matters of international relations, the Democratic Republic of East Timor shall govern itself by the principles of national independence, the right of the Peoples to

self-determination and independence, the protection of human rights, the mutual respect for sovereignty, territorial integrity and equality among States and the non-interference in domestic affairs of other States.

2. The Democratic Republic of East Timor shall establish relations of friendship and co-operation with all other peoples, aiming at the peaceful settlement of conflicts, the general, simultaneous and controlled disarmament, the establishment of a system of collective security and establishment of a new international economic order capable of ensuring peace and justice in the relations among peoples.

3. The Democratic Republic of East Timor shall maintain privileged ties with the countries whose official language is Portuguese.

4. The Democratic Republic of East Timor shall maintain special ties of friendship and co-operation with its neighbouring countries and the countries of the region.

Section 9
(International law)

1. **The legal system of East Timor shall adopt the general or customary principles of international law.**

2. Rules provided for in international conventions, treaties and agreements shall apply in the internal legal system of East Timor following their approval, ratification or accession by the respective competent organs and after publication in the official gazette.

3. All rules that are contrary to the provisions of international conventions, treaties and agreements applied in the internal legal system of East Timor shall be invalid.

Section 10
(Solidarity)

1. The Democratic Republic of East Timor shall extend its solidarity to the struggle of the peoples for national liberation.

2. The Democratic Republic of East Timor shall grant political asylum, in accordance with the law, to foreigners persecuted as a result of their struggle for national and social liberation, defence of human rights, democracy and peace.

Section 11
(Valorisation of Resistance)

1. The Democratic Republic of East Timor acknowledges and values the secular resistance of the Maubere People against foreign domination and the contribution of all those who fought for national independence.

2. The State acknowledges and values the participation of the Church in the process of national liberation of East Timor.

3. The State shall ensure special protection to war-disabled, orphans and other dependants of those who dedicated their lives to the struggle for independence and national sovereignty, and shall protect all those who participated in the resistance against the foreign occupation, in accordance with the law.

4. The law shall define the mechanisms for rendering tribute to the national heroes.

Section 12
(Relationship between the State and religious denominations)

1. There shall be no official religion of the State.

2. The State shall respect the different religious denominations, which are free in their organisation and in the exercise of their own activities, to take place in due observance of the Constitution and the law.

3. The State shall promote the cooperation with the different religious denominations that contribute to the well-being of the people of East Timor.

4. The religious denominations have the right to possess and to acquire assets for the achievement of their objectives.

Section 13
(Official languages and national languages)

1. Tetum and Portuguese shall be the official languages in the Democratic Republic of East Timor.

2. Tetum and the other national languages should be valued and developed by the State.

Section 14
(National symbols)

1. The national symbols of the Democratic Republic of East Timor shall be the flag, the emblem and the national anthem.

2. The emblem and the national anthem shall be approved by law.

Section 15
(National Flag)

1. The National Flag is rectangular and is formed by two isosceles triangles, the bases of which are overlapping. One triangle is black and its height is equal to one-third of the length overlapped to the yellow triangle, whose height is equal to half the length of the Flag. In the centre of the black triangle there is a white star of five ends, meaning the light that guides. The white star has one of its ends turned towards the upper right end of the flag. The remaining part of the flag is purple-red.

2. The colours mean:

   Golden-yellow – the wealth of the country;
   Black – the obscurantism that needs to be overcome;
   Purple-red – the struggle for national liberation;
   White – peace.

PART II

FUNDAMENTAL RIGHTS, DUTIES, FREEDOMS AND GUARANTEES

TITLE I

GENERAL PRINCIPLES

Section 16
(Universality and Equality)

1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties.

2. No one shall be discriminated against on grounds of colour, race, marital status, gender, ethnical origin, social or economic status, political or ideological convictions, religion, education and physical or mental condition.

Section 17
(Equality between women and men)

Women and men shall have the same rights and duties in all areas of political, economic, social, cultural and family life.

Section 18
Child protection

1. Children shall be entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.

2. Children shall enjoy all rights that are universally recognised, as well as all those that are enshrined in international conventions normally ratified or approved by the State.

3. Every child born in or outside the wedlock shall enjoy the same rights and social protection.

Section 19
(Youth)

1. The State shall promote and encourage youth initiatives towards the consolidation of national unity, reconstruction, defence and development of the country.

2. The State shall promote education, health and vocational training for the youth as may be practicable.

Section 20
(Old Age)

1. Every old age citizen has the right to special protection by the State.

2. The old age policy entails measures of economic, social and cultural nature designed to provide the elderly with opportunities for personal achievement through active and signifying participation in the community.

Section 21
(Disabled citizen)

1. A disabled citizen shall enjoy the same rights and shall be subject to the same duties as all other citizens, except for the rights and duties which he or she is unable to exercise or fulfil due to his or her disability.

3. The State shall promote the protection of disabled citizens as may be practicable and in accordance with the law.

Section 22
(East Timorese citizens overseas)

East Timorese citizens who are or live overseas shall enjoy protection by the State for the exercise of their rights and shall be subject to duties not incompatible with their absence from the country.

Section 23
(Interpretation of fundamental rights)

Fundamental rights enshrined in the Constitution shall not exclude any other rights provided for by the law and shall be interpreted in accordance with the Universal Declaration of Human Rights.

Section 24
(Restrictive laws)

1. Restriction of rights, freedoms and guarantees can only be imposed by law in order to safeguard other constitutionally protected rights or interests and in cases clearly provided for by the Constitution.

2. Laws restricting rights, freedoms and guarantees have necessarily a general and abstract nature and may not reduce the extent and scope of the essential contents of constitutional provisions and shall not have a retroactive effect.

Section 25
(State of exception)

1. Suspension of the exercise of fundamental rights, freedoms and guarantees shall only take place if a state of siege or a state of emergency has been declared as provided for by the Constitution.

2. A state of siege or a state of emergency shall only be declared in case of effective or impending aggression by a foreign force, of serious disturbance or threat of serious disturbance to the democratic constitutional order, or of public disaster.

3. A declaration of a state of siege or a state of emergency shall be substantiated, specifying rights, freedoms and guarantees the exercise of which is to be suspended.

4. A suspension shall not last for more than thirty days, without prejudice of possible justified renewal, when strictly necessary, for equal periods of time.

5. In no case shall a declaration of a state of siege affect the right to life, physical integrity, citizenship, non-retroactivity of the criminal law, defence in a criminal case and freedom of conscience and religion.

6. Authorities shall restore constitutional normality as soon as possible.

Section 26
(Access to courts)

1. Access to courts is guaranteed to all for the defence of their legally protected rights and interests.

2. Justice shall not be denied for insufficient economic means.

Section 27
(Ombudsman)

1. The Ombudsman shall be an independent organ in charge to examine and seek to satisfy citizens complaints against public bodies, certify the conformity of the acts with the law, prevent and initiate whole process to remedy injustice.

2. Citizens may present complaints concerning acts or omissions on the part of public bodies to the Ombudsman, who shall undertake a review, without power of decision, and shall forward recommendations to the competent organs as deemed necessary.

3. The Ombudsman shall be appointed by the National Parliament through absolute majority votes of its members for a term of office of four years.

4. The activity the Ombudsman shall be independent from any means of grace and legal remedies as laid down in the Constitution and the law.

5. Administrative organs and public servants shall have the duty to collaborate with the Ombudsman.

Section 28
(Right to resistance and self-defence)

1. Every citizen has the right to disobey and to resist illegal orders or orders that affect their fundamental rights, freedoms and guarantees.

2. The right to self-defence is guaranteed to all, in accordance with the law.

TITLE II

PERSONAL RIGHTS, FREEDOMS AND GUARANTEES

Section 29
(Right to life)

1. Human life is inviolable.

2. The State shall recognise and guarantee the right to life.

3. There shall be no death penalty in the Democratic Republic of East Timor.

Section 30
(Right to personal freedom, security and integrity)

1. Every one has the right to personal freedom, security and integrity.

2. No one shall be arrested or detained, except under the terms clearly provided for by applicable law, and the order of arrest or detention should always be presented for consideration by the competent judge within the legal timeframe.

3. Every individual who loses his or her freedom shall be immediately informed, in a clear and precise manner, of the reasons for his or her arrest or detention as well as of his or her rights, and allowed to contact a lawyer, directly or through a relative or a trusted person.

4. No one shall be subjected to torture and cruel, inhuman or degrading treatment.

Section 31
(Application of criminal law)

1. No one shall be subjected to trial, except in accordance with the law.

2. No one shall be tried and convicted for an act that does not qualify in the law as a criminal offence at the moment it was committed, nor endure security measures the provisions of which are not clearly established in previous law.

3. Penalties or security measures not clearly provided for by law at the moment the criminal offence was committed shall not be enforced.

4. No one shall be tried and convicted for the same criminal offence more than once.

5. Criminal law shall not be enforced retroactively, except if the new law is in favour of the accused.

6. Anyone who has been unjustly convicted has the right to a fair compensation in accordance with the law.

Section 32
(Limits on sentences and security measures)

1. There shall be no life imprisonment nor sentences or security measures lasting for unlimited or indefinite period of time in the Democratic Republic of East Timor.

2. In case of danger as a result of mental illness, security measures may be successively extended by judicial decision.

3. Criminal liability is not transmissible.

4. Persons who are subjected, on conviction, to a sentence or a security measure involving loss of freedom remain entitled to their fundamental rights, subject to

the limitations that necessarily derive from that conviction and from the requirements for its enforcement.

Section 33
(Habeas corpus)

1. Everyone who illegally loses his or her freedom has the right to apply for *habeas corpus.*

2. An application for *habeas corpus* shall be made by the detainee or by any other person in the exercise of his or her civil rights, in accordance with the law.

3. The court shall rule on the application for *habeas corpus* within 8 days at a hearing in the presence of both parties.

Section 34
(Guarantees in criminal proceedings)

1. Everyone charged with an offence is presumed innocent until convicted.

2. An accused person has the right to select, and be assisted by, a lawyer at all stages of the proceedings and the law shall determine the circumstances for which the presence of the lawyer is mandatory.

3. Every individual is guaranteed the inviolable right of hearing and defence in criminal proceedings.

4. Evidence is of no effect if obtained by torture, coercion, infringement of the physical or moral integrity of the individual, or wrongful interference with private life, the home, correspondence or other forms of communication.

Section 35
(Extradition and expulsion)

1. Extradition shall only take place following a court decision.

2. Extradition on political grounds is prohibited.

3. Extradition in respect of offences punishable, under the law of the requesting State, by death penalty or life imprisonment or whenever there are grounds to assume that the person to be extradited may be subjected to torture and inhuman, degrading and cruel treatment, shall not be permitted.

4. An East Timorese national shall not be expelled or expatriated from the national territory.

Section 36
(Right to honour and privacy)

Every individual has the right to honour, good record and reputation, protection of his or her public image and privacy of his or her personal and family life.

Section 37
(Inviolability of home and correspondence)

1. Any person's home and the privacy of his or her correspondence and other means of private communication are inviolable, except in cases provided for by law as a result of criminal proceedings.

2. A person's home shall not be entered against his or her will, except under the written order of a competent judicial authority and in the cases and manner prescribed by law.

3. Entry into any person's home at night against his or her will is clearly prohibited, except in case of serious threat to life or physical integrity of somebody inside the home.

Section 38
(Protection of personal data)

1. Every citizen has the right to access personal data stored in a computer system or entered into mechanical or manual records regarding him or her, and he or she may require correction and up-date thereof and has the right to know their purpose.

2. The law shall determine the concept of personal data, as well as the conditions applicable to the processing thereof.

3. The processing of personal data on private life, political and philosophical convictions, religious faith, party or trade union membership and ethnical origin, without the consent of the interested person, is prohibited.

Section 39
(Family, marriage and maternity)

1. The State shall protect the family as the society’s basic unit and a condition for the harmonious development of the individual.

2. Every one has the right to establish and live in a family.

3. Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law.

4. Maternity shall be dignified and protected, and special protection shall be guaranteed to all women during pregnancy and after delivery and working women shall have the right to be exempted from the workplace for an adequate period before and after delivery, without loss of remuneration or any other benefits, in accordance with the law.

Section 40
(Freedom of speech and information)

1. Every citizen has the right to freedom of speech and the right to inform and be informed impartially.

2. The exercise of freedom of speech and information shall not be limited by any sort of censorship."

3. The exercise of rights and freedoms referred to in this Section shall be regulated by law based on the imperative of respect for the Constitution and the dignity of the human person.

Section 41
(Freedom of the press and mass media)

1. Freedom of the press and other mass media is guaranteed.

2. Freedom of the press shall comprise, namely, the freedom of speech and creativity for journalists, the access to information sources, editorial freedom, protection of independence and professional confidentiality, and the right to create newspapers, publications and other means of broadcasting.

3. The monopoly on the mass media shall be prohibited.

4. The State shall guarantee the freedom and independence of the public mass media from political and economic powers.

5. The State shall guarantee the existence of a public radio and television service that is impartial in order to, inter-alia, protect and disseminate the culture and the traditional values of the Democratic Republic of East Timor and guarantee opportunities for the expression of different lines of opinion.

6. Radio and television stations shall operate only under a licence, in accordance with the law.

Section 42
(Freedom to assemble and demonstrate)

1. Every citizen is guaranteed the freedom to assemble peacefully and unarmed, **without a need for** prior authorisation.

2. Everyone is recognised the right to demonstrate in accordance with the law.

Section 43
(Freedom of association)

1. Every citizen shall enjoy freedom of association provided that the association is not intended to promote violence and is in accordance with the law.

2. No one shall be compelled to join an association or to remain in it against his or her will.

3. The establishment of armed, military or paramilitary associations, including organisations of a racist or xenophobic nature or that promote terrorism, shall be prohibited.

Section 44
(Freedom of movement)

1. Every citizen has the right to move freely and to settle anywhere in the national territory.

2. Every **citizen** is guaranteed the right to emigrate freely and to return to the country.

Section 45
(Freedom of conscience, religion and worship)

1. Every person is guaranteed the freedom of conscience, religion and worship **and the religious denominations are separated from the State**.

2. No one shall be persecuted or discriminated against on the basis of his or her religious convictions.

3. The right to be a conscientious objector shall be guaranteed in accordance with the law.

4. **Freedom to teach any religion in the framework of the respective religious denomination is guaranteed.**

Section 46
(Right to political participation)

1. Every citizen has the right to participate in the political life and in the public affairs of the country, either directly or through democratically elected representatives.

2. Every citizen has the right to establish and to participate in political parties.

3. The State shall value the contribution of the political parties to the organised expression of the will of the people and to the democratic participation of the citizen in the governance of the country.

4. The establishment and organisation of political parties shall be regulated by law.

Section 47
(Right to vote)

1. Every citizen over the age of seventeen has the right to vote and to be elected.

2. The exercise of the right to vote is personal and constitutes a civic duty.

Section 48
(Right to petition)

Every citizen has the right to submit, individually or jointly with others, petitions, complaints and claims to organs of sovereignty or any authority for the purpose of defending his or her rights, the Constitution, the law or general interests.

Section 49
(Defence of Sovereignty)

1. Every citizen has the right and the duty to contribute towards the defence of independence, sovereignty and territorial integrity of the country.

2. Serving in the army shall take place in accordance with the law.

TITLE III

ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND DUTIES

Section 50
(Right to work)

1. Every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession.

2. The worker has the right to labour safety and hygiene, remuneration, rest and vacation.

3. Dismissal without just cause or on political, religious and ideological grounds is prohibited.

4. Compulsory work, without prejudice to the cases provided for under penal legislation, is prohibited.

5. The State shall promote the establishment of co-operatives of production and shall lend support to household businesses as sources of employment.

Section 51
(Right to strike and prohibition of lock-out)

1. Every worker has the right to resort to strike, the exercise of which shall be regulated by law.

2. The law shall determine the conditions under which services are provided, during a strike, that are necessary for the safety and maintenance of equipment and facilities, as well as minimum services that are necessary to meet essential social needs.

3. Lock-out is prohibited.

Section 52
(Trade union freedom)

1. Every worker has the right to form or join trade unions and professional associations in defence of his or her rights and interests.

2. Trade union freedom is sub-divided, namely, into freedom of establishment, freedom of membership and freedom of organisation and internal regulation.

3. Trade unions and trade union associations shall be independent of the State and the employers.

Section 53
(Consumer rights)

1. Consumers have the right to goods and services of good quality, to truthful information and protection of their health, safety and economic interests, and to reparation for damages.

2. Advertising shall be regulated by law, and all forms of concealed, indirect or misleading advertising are prohibited.

Section 54
(Right to private property)

1. Every individual has the right to private property and can transfer it during his or her lifetime or on death, in accordance with the law.

2. Private property should not be used to the detriment of its social purpose.

3. Requisitioning and expropriation of property for public purposes shall only take place following compensation in accordance with the law.

4. Only national citizens have the right to ownership of land.

Section 55
(Obligations of the Taxpayer)

Every citizen with a certified income has the duty to pay tax in order to contribute to public revenues.

Section 56
(Social security and assistance)

1. Every citizen is entitled to social assistance and security in accordance with the law.

2. The State shall promote, in accordance with its national resources, the establishment of a social security system.

3. The State shall support and supervise the activity and functioning of institutions of social solidarity and other non-profit institutions of recognised public interest, in accordance with the law.

Section 57
(Health)

1. The State shall recognise the right of every citizen to health and medical care.

2. The State shall promote the establishment of a national health service that is universal and general. The national health service shall be free of charge in accordance with the possibilities of the State and in conformity with the law.

3. The national health service shall have, as much as possible, a decentralised participatory management.

Section 58
(Housing)

Everyone has the right to a house, both for himself or herself and for his or her family, of adequate size that meets satisfactory standards of hygiene and comfort and preserves personal intimacy and family privacy.

Section 59
(Education and culture)

1. The State shall recognise and guarantee that every citizen has the right to education and culture, and it is incumbent upon it to promote the establishment of a public system of universal and compulsory basic education that is free of charge in accordance with its possibilities and in conformity with the law.

2. Everyone has the right to equal opportunities for education and vocational training.

3. The State shall recognise and supervise private and co-operative education.

4. The State should ensure the access of every citizen, in accordance to their abilities, to the highest levels of education, scientific research and artistic creativity.

5. Everyone has the right to cultural enjoyment and creativity and the duty to preserve, protect and value cultural heritage.

Section 60
(Intellectual Property)

The State shall guarantee and protect the creation, production and commercialisation of literary, scientific and artistic work, including the legal protection of copyrights.

Section 61
(Environment)

1. Everyone has the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations.

2. The State shall recognise the need to preserve and rationalise natural resources.

3. The State should promote, in accordance with its capacities, actions aimed at protecting the environment and safeguarding the sustainable development of the economy.

PART III

ORGANIZATION OF POLITICAL POWER

TITLE I

GENERAL PRINCIPLES

Section 62
(Source and exercise of political power)

Political power belongs to the people and is exercised in accordance with the terms of the Constitution.

Section 63
(Participation by citizens in political life)

1. Direct and active participation by men and women in political life is a requirement of, and a fundamental instrument for consolidating, the democratic system.

2. The law shall promote equality in the exercise of civil and political rights and non-discrimination on the basis of gender for access to political positions.

Section 64
(Principle of Renewal)

No one shall hold any political office for life, or for indefinite periods of time.

Section 65
(Elections)

1. Elected organs of sovereignty and of local government shall be chosen by free, direct, secret, personal and regular universal suffrage.

2. Registration of voters shall be compulsory and officially initiated, single and universal, to be up-dated for each election.

3. Electoral campaigns shall be governed in accordance with the following principles:
   a) Freedom to canvass;
   b) Equality of opportunity and treatment for all candidacies;
   c) Impartiality towards candidacies on the part of public bodies;
   d) Transparency and supervision of electoral expenses.

4. Conversion of the votes into mandates shall observe the principle of proportional representation;

5. The electoral process shall be regulated by law.

Article 66
(Referendum)

1. Voters who are registered in the national territory may be called upon to express their opinions in a referendum on issues of relevant national interest.

2. A referendum shall be called by the President of the Republic, following a proposal by one third, and deliberation approved by a two thirds majority, of the

Members of the National Parliament, or following a well-founded proposal by the Government.

3. Matters falling under the exclusive competence of the Parliament, the Government and the Courts as defined by the Constitution shall not be the subject of a referendum.

4. The process of a referendum shall be defined by law.

Section 67
(Organs of Sovereignty)

The organs of sovereignty shall comprise the President of the Republic, the National Parliament, the Government and the Courts.

Section 68
(Incompatibilities)

1. The holding of the offices of President of the Republic, Speaker of the National Parliament, President of the Supreme Court of Justice, President of the High Administrative, Tax and Audit Court, Attorney-General and member of Government shall be incompatible with one another.

2. The law shall define other incompatibilities.

Section 69
(Principle of separation of powers)

Organs of sovereignty, in their reciprocal relationship and exercise of their functions, shall observe the principle of separation and interdependence of powers established in the Constitution.

Section 70
(Political parties and the right of opposition)

1. Political parties shall participate in organs of political power in accordance with their democratic representation based on direct and universal suffrage.

2. The right of political parties to democratic opposition, as well as the right to be informed regularly and directly on the progress of the main issues of public interest, shall be recognised.

Section 71
(Administrative organisations)

1. The central government should be represented at the different administrative levels of the country.

2. Oecussi Ambeno shall be governed by a special administrative policy and economic regime.

3. Ataúro shall enjoy an appropriate economic status.

4. The political and administrative organisation of the territory of the Democratic Republic of East Timor shall be defined by law.

Article 72
(Local government)

1. Local government is constituted by corporate bodies vested with representative organs, with the objective of organising the participation by citizens in solving the problems of their own community and promoting local development without prejudice to the participation by the State.

2. The organisation, competence, functioning and composition of the organs of local government shall be defined by law.

Section 73
(Publication of legislation and decisions)

1. Legislation and decisions shall be published by the organs of sovereignty in the official gazette.

2. Failure to publish any of the legislation or decisions specified in item 1 above or decisions of a general nature taken by the organs of sovereignty or local government shall render them null and void.

3. The form of publication of other legislation and decisions, and the consequences of the failure to do so, shall be determined by law.

TITLE II

PRESIDENT OF THE REPUBLIC

CHAPTER I

STATUS, ELECTION AND APPOINTMENT

Section 74
(Definition)

1. The President of the Republic is the Head of State and the symbol and guarantor of national independence and unity of the State and of the smooth functioning of democratic institutions.

2. The President of the Republic is the Supreme Commander of the Defence Force.

Section 75
(Eligibility)

1. To stand as presidential candidates, East Timorese citizens should meet cumulatively the following requirements:

a) original citizenship;

b) at least 35 (Thirty -five) years of age;

c) to be in possession of his or her full faculties;

d) to be proposed by a minimum of five thousand voters.

2. The President of the Republic has a term of office of 5 years and shall cease his or her functions with the swearing-in of the new President-elect.

3. The President of the Republic's term of office may be renewed only once.

Section 76
(Election)

1. The President of the Republic shall be elected by universal, free, direct, secret, and personal suffrage.

2. The election of the President of the Republic shall be conducted through the system based on the majority of valid expressed votes, excluding blank votes.

3. Where no candidate gets more than half of the votes, a second round shall take place on the 30th day following the first voting.

4. Only the two candidates obtaining the highest number of votes shall be eligible to stand in a run-off election, provided they have not withdrawn their candidacies.

Section 77
(Inauguration and swearing-in)

1. The President of the Republic shall be sworn in by the Speaker of the National Parliament and shall be inaugurated in public ceremony before the members of

the National Parliament and the representatives of the other organs of sovereignty.

2. The inauguration shall take place on the last day of the term of office of the outgoing President or, in case of election due to vacancy, on the eighth day following the publication of the electoral results.

3. At the swearing-in ceremony, the President of the Republic shall take the following oath:

"I swear on my honour to respect and enforce the Constitution and the laws and dedicate all my energies to the defence and consolidation of independence and national unity."

Section 78
(Incompatibilities)

The President of the Republic shall not hold any other political position or public office at the national level, and under no circumstances shall he or she undertake private assignments.

Section 79
(Criminal liability and Constitutional Obligations)

1. The President of the Republic shall enjoy immunity in the exercise of his or her functions.

2. The President of the Republic shall be answerable before the Supreme Court of Justice for crimes committed in the exercise of his or her functions and for clear violation of his or her constitutional obligations.

3. It is the incumbent upon the National Parliament to initiate the criminal proceedings, following a proposal made by one-fifth, and deliberation approved by a two-third majority, of its Members.

4. The Plenary of the Supreme Court of Justice shall issue a judgement within a maximum of 30 days.

5. Conviction shall result in forfeiture of office and disqualification from re-election.

6. For crimes not committed in the exercise of his or her functions, the President of the Republic shall also be answerable before the Supreme Court of Justice, and forfeiture of office shall only occur in case of sentence to prison.

7. In the cases provided for under the previous item, immunity shall be withdrawn at the initiative of the National Parliament in accordance with provisions of item 2 of this Section.

Section 80
(Absence)

1. The President of the Republic shall not be absent from the national territory without the previous consent of the National Parliament or of its Standing Committee, if Parliament is in recession.

2. Failure to observe provision of item 1 above shall imply forfeiture of the office, as provided for by the previous Section.

3. The President of the Republic's private visits not exceeding fifteen days shall not require the consent of the National Parliament. Nonetheless, the President of the Republic should notify the National Parliament of such visits in advance.

Section 81
(Resignation of Office)

1. The President of the Republic may resign from office by message addressed to the National Parliament.

2. Resignation shall take effect once the message is made known to the National Parliament without prejudice to its subsequent publication in the official gazette.

3. Where the President of the Republic resigns from office, he or she shall not be eligible to stand for presidential elections immediately after resignation nor in the regular elections to be held after five years.

Section 82
(Death, resignation or permanent disability)

1. In case of death, resignation or permanent disability of the President of the Republic, his or her functions shall be taken over on an interim basis by the Speaker of the National Parliament, who shall be sworn in by the Speaker a.i. of the National Parliament before the Members of the National Parliament and representatives of the organs of sovereignty.

2. Permanent disability shall be declared by the Supreme Court of Justice, which shall also have the responsibility to confirm the death of the President of the Republic and the vacancy of office resulting therefrom.

3. The election of a new President of the Republic in case of death, resignation or permanent disability should take place within the subsequent ninety days, after certification or declaration of death, resignation or permanent disability.

4. The President of the Republic shall be elected for a new term of office.

5. In case of **refusal** by the President-elect to take office or in case of his or her death or permanent disability, the provisions of this Section shall apply.

Section 83
(Exceptional Cases)

1. Where death, resignation or permanent disability occur in the imminence of exceptional situations of war or protracted emergency, or of an insurmountable difficulty of a technical or material nature, to be defined by law, preventing the holding of a presidential election by universal suffrage as provided for by Section 76, the new President of the Republic shall be elected by the Parliament from among its members within the ninety subsequent days.

2. In the cases referred to in the previous item, the President-elect shall serve for the remainder of the interrupted term and he or she can run for the new election.

Section 84
(Replacement and interim office)

1. During temporary impediment of the President of the Republic, the presidential functions shall be taken over by the Speaker of National Parliament or, in case of impediment of the latter, by his or her replacement.

2. The parliamentary mandate of the Speaker of the National Parliament or of his or her replacement shall be automatically suspended over the period of time in which he or she holds the office of President of the Republic on an interim basis.

3. The parliamentary functions of the replacing or interim President of the Republic shall be temporarily taken over in accordance with the Rules of Procedures of the National Parliament.

CHAPTER II

COMPETENCIES

Section 85
(Competencies)

It is exclusively incumbent upon the President of the Republic:

a) To promulgate statutes and order the publication of resolutions by the National Parliament approving agreements and ratifying international treaties and conventions;

b) Exercise competencies inherent to the functions of Supreme Commander of the Defence Force;

c) To exercise the right of veto regarding any statutes within 30 days from the date of their receipt;

d) To appoint and swear in the Prime Minister designated by the party or alliance of parties with the highest number of members after consultation with political parties sitting in the National Parliament;

e) To request the Supreme Court of Justice to undertake preventive appraisal and abstract review of the constitutionality of the rules, as well as verification of unconstitutionality by omission.

f) To submit relevant issues of national interest to a referendum as laid down in Section 66;

g) To declare the state of siege or the state of emergency following authorisation of the National Parliament, after consultation with the Council of State, the Government and the Supreme Council of Defence and Security;

h) To declare war and make peace following a Government proposal, after consultation with the Council of State and the Supreme Council of Defence and Security under authorisation of the National Parliament;

i) To grant pardons and commute sentences after consultation with the Government;

j) To award honorary titles, decorations and merits in accordance with the law.

Section 86
(Competencies with regard to other organs)

It is incumbent upon the President of the Republic, with regard to other organs:

a) To chair the Supreme Council of Defence and Security;

b) To chair the Council of State;

c) To set dates for presidential and legislative elections in accordance with the Law;

d) To request the convening of extraordinary sessions of the National Parliament, whenever imperative reasons of national interest so justify;

e) To address messages to the National Parliament and the country;

f) To dissolve the National Parliament in case of a serious institutional crisis preventing the formation of a government or the approval of the State Budget and lasting more than sixty days, after consultation with political parties sitting in the Parliament and with the Council of State, on pain of rendering the dissolution null and void, taking into consideration provisions of Section 100;

g) To dismiss the Government and remove the Prime Minister from office after the National Parliament has rejected his or her programme for two consecutive times.

h) To appoint, swear in and remove Government Members from office, following a proposal by the Prime-Minister, in accordance with item 2, Section 106;

i) To appoint two members for the Supreme Council of Defence and Security;

j) To appoint the President of the Supreme Court of Justice and swear in the President of the High Administrative, Tax and Audit Court;

k) To appoint the Attorney-General for a term of four years;

l) To appoint and dismiss the Deputy Attorney-Generals in accordance with item 6, Section 133;

m) To appoint and dismiss, following proposal by the Government, the General Chief of Staff of the Defence Force, the Deputy General Chief of Staff of the Defence Force, and the Chiefs of Staff of the Defence Force, after consultation with the General Chief of Staff regarding the latter two cases;

n) To appoint five Members for the Council of State;

o) To appoint one member for the Superior Council the Judiciary and for the Superior Council for the Public Prosecution.

Section 87
(Competencies with regard to International Relations)

It is incumbent upon the President the Republic, in the field of international relations:

a) To declare war in case of effective or imminent aggression and make peace, following proposal by the Government, after consultation with the Supreme

Council for Defence and Security and following authorisation of the National Parliament or of its Standing Committee.

b) To appoint and dismiss ambassadors, permanent representatives and special envoys, following proposal by the Government;

c) To receive credential letters and accredit foreign diplomatic representatives;

d) Conduct, in consultation with the Government, any negotiation process towards the completion of international agreements in the field of defence and security.

Section 88
(Promulgation and veto)

1. Within thirty days after receiving any statute from the National Parliament for the purpose of its promulgation as law, the President of the Republic shall either promulgate the statute or exercise the right of veto, in which case he or she, based on substantive grounds, shall send a message to the National Parliament requesting a new appraisal of the statute.

2. If, within ninety days, the National Parliament confirms its vote by an absolute majority of its Members in full exercise of their functions, the President of the Republic shall promulgate the statute within eight days after receiving it.

3. However, a majority of two-thirds of the Members present shall be required to ratify statutes on matters provided for in Section 95 where that majority exceeds an absolute majority of the Members in full exercise of their functions.

4. Within forty days after receiving any statute from the Government for the purpose of its promulgation as law, the President of the Republic shall either promulgate the instrument or exercise the right of veto, by way of a written communication to the Government containing the reasons for the veto.

Section 89
Powers of an interim President of the Republic

An interim President of the Republic does not have any of the powers specified in following items f), g), h), i), j), k), l), m), n) and o) of Section 86.

CHAPTER III

COUNCIL OF STATE

Section 90
(Council of State)

1. The Council of State is the political advisory body of the President of the Republic and shall be headed by him or herself.

2. The Council of State shall comprise:

a) Former Presidents of the Republic who were not removed from office;

b) The Speaker of the National Parliament;

c) The Prime Minister;

d) Five citizens elected by the National Parliament in accordance with the principle of proportional representation and for the period corresponding to the legislative term, provided that they are not members of the organs of sovereignty.

e) Five citizens designated by the President of the Republic for the period corresponding to the term of office of the President, provided that they are not members of the organs of sovereignty.

Section 91
(Competence, organisation and functioning of the Council of State)

1. It is incumbent upon the Council of State:

a) Express its opinion on the dissolution of the National Parliament;

b) Express its opinion on the dismissal of the Government;

c) Express its opinion on the declaration of war and the making of peace;

d) Express its opinion on any other cases set out in the Constitution and advise the President of the Republic in the exercise of his or her functions, as requested by the President;

e) To prepare and approve its Rules of Procedures;

2. The meetings of the Council of State shall not be open to the public.

3. The organisation and functioning of the Council of State shall be established by law.

TITLE III

NATIONAL PARLIAMENT

CHAPTER I

STATUS AND ELECTION

Section 92
(Definition)

The National Parliament is the organ of sovereignty of the Democratic Republic of East Timor that represents all Timorese citizens and is vested with legislative, fiscal and political decision powers.

Section 93
(Election and composition)

1. The National Parliament shall be elected by universal, free, direct, equal, secret and personal suffrage.

2. The National Parliament shall be made up of a minimum of fifty-two and a maximum of sixty-five Members.

3. The law shall establish the rules relating to constituencies, eligibility conditions, nominations and electoral procedures.

4. Members of the National Parliament shall have a term of office of five years.

Section 94
(Immunities)

1. The Members of National Parliament shall not be held liable for civil, criminal or disciplinary proceedings in regard to votes and opinions expressed by them while performing their functions.

2. Parliamentary immunities may be withdrawn in accordance with the Rules of Procedures of the National Parliament.

CHAPTER II

COMPETENCE

Section 95
(Competence of the National Parliament)

1. It is incumbent upon the National Parliament to make laws on basic issues of the country's domestic and foreign policy.

2. It is exclusively incumbent upon the National Parliament to make laws on:

    a) The borders of the Democratic Republic of East Timor, in accordance with Section 4;

    b) The limits of the territorial waters, of the exclusive economic area and of the rights of East Timor to the adjacent sea bed;

    c) National symbols, in accordance with item 2 of Section 14;

    d) Citizenship;

    e) Rights, freedoms and guarantees;

    f) The status and capacity of people, family law and descent law;

    g) Territorial division;

    h) The electoral law and the referendum system;

    i) Political parties and associations;

    j) The status of Members of the National Parliament;

    k) The status of office holders in the organs of State;

    l) The bases for the education system;

    m) The bases for the health and social security system;

    n) The suspension of constitutional guarantees and the declaration of the state of siege and the state of emergency;

    o) The Defence and Security policy;

    p) The tax policy;

    q) The budget system.

3. It is also incumbent on the National Parliament:

a) To ratify the appointment of the President of the Supreme Court of Justice and of the High Administrative, Tax and Audit Court;

b) To deliberate on progress reports submitted by the Government;

c) To elect one member for the Superior Council for the Judiciary and the Superior Council of the Public Persecution;

d) To deliberate on the State Plan and Budget and the execution report thereof;

e) To monitor the execution of the State budget;

f) To approve and denounce agreements and ratify international treaties and conventions;

g) To grant amnesty;

h) To give consent to trips by the President of the Republic in accordance with Section 80;

i) To approve revisions of the Constitution by a majority of two thirds of the Members of Parliament;

j) To authorise and confirm the declaration of the state of siege or the state of emergency;

k) To propose to the President of the Republic the submission to referendum of issues of national interest.

4. It is also incumbent upon the National Parliament:

a) To elect its Speaker and other members of the Chair;

b) To elect five members for the Council of State;

c) To prepare and approve its Rules of Procedure;

d) To set up the Standing Committee and establish the other parliamentary Committees.

Section 96
(Legislative authorisation)

1. The National Parliament may authorise the Government to make laws on the following matters:

a) Definition of crimes, sentences, security measures and respective prerequisites;

b) Definition of civil and criminal procedure;

c) Organisation of the Judiciary and status of magistrates;

d) General rules and regulations for the public service, the status of the civil servants and the responsibility of the State;

e) General bases for the organisation of public administration;

f) Monetary system;

g) Banking and financial system;

h) Definition of the bases for a policy on environment protection and sustainable development;

i) General rules and regulations for radio and television broadcasting and other mass media;

j) Civic or military service;

k) General rules and regulations for requisition and expropriation for public purposes;

l) Means and ways of intervention, expropriation, nationalisation and privatisation of means of production and soils on grounds of public interest, as well as criteria for the establishment of compensations.

2. Laws on legislative authorisation shall define the subject, sense, scope and duration of the authorisation, which may be renewed.

3. Laws on legislative authorisation shall not be used more than once and shall lapse with the dismissal of the Government, with the end of the legislative term or with the dissolution of the National Parliament.

Section 97
(Legislative initiative)

1. The power to initiate laws lies with:

a) The Members of Parliament;

b) The parliamentary groups;

c) The Government.

2. There shall be no submission of bills, draft legislation or amendments involving, in any given fiscal year, any increase in State expenditure or any reduction in State revenues provided for in the Budget or Rectifying Budgets.

3. Bills and draft legislation that have been rejected shall not be re-introduced in the same legislative session in which they have been tabled.

4. Bills and draft legislation that have not been voted on shall not need to be re-introduced in the ensuing legislative session, except in case of end of the legislative term.

5. Draft legislation shall lapse with the dismissal of the Government.

Section 99
(Parliamentary appraisal of statutes)

1. Statutes other than those approved under the exclusive legislative powers of the Government may be submitted to the National Parliament for appraisal, for purposes of terminating their validity or for amendment, following a petition of one-fifth of the Members of Parliament and within thirty days following their publication. This timeframe shall exclude the days when the functioning of the National Parliament is suspended.

2. The National Parliament may suspend, in part or in full, the force of a statute until it is appraised.

3. The suspension shall lapse after the National Parliament has held 10 plenary meetings without taking a final decision.

4. Where termination of validity is approved, the statute shall cease to be in force from the date of the publication of the resolution in the Official Gazette, and it shall not be published again in the same legislative session.

5. The process shall lapse if, after a statute has been submitted for appraisal, the National Parliament takes no decision on it, or, having decided to make amendments, it does not approve a law to that effect before the corresponding legislative session ends, provided 15 plenary meetings have been held.

CHAPTER III
ORGANISATION AND FUNCTIONING

Section 100
(Legislative term)

1. The legislative term shall comprise five legislative sessions, and each legislative session shall have the duration of one year.

2. The regular period of functioning of the National Parliament shall be defined by the Rules of Procedure.

3. The National Parliament convenes on a regular basis following notice by its Speaker.

4. The National Parliament convenes on an extraordinary basis whenever so deliberated by the Standing Committee, at the request of one third of Members or following notice of the President of the Republic with a view to addressing specific issues.

5. In case of dissolution, the elected National Parliament shall commence a new legislative term, the length of which shall be increased by the time needed to complete the legislative session in progress at the date of the election.

Section 101
(Dissolution)

1. The National Parliament shall not be dissolved during the 6 months immediately following its election, during the last half-year of the term of office of the President of the Republic or during a state of siege or a state of emergency, on pain of rendering the act of dissolution null and void.

2. The dissolution of the National Parliament does not affect the continuance in office of its Members until the first meeting of the National Parliament after the ensuing election.

Section 102
(Attendance by Members of the Government)

1. Members of the Government have the right to attend plenary sessions of the National Parliament and may take the floor as provided for in the rules of procedures.

2. Sittings shall be fixed at which members of the Government shall be present to answer questions from Members of Parliament in accordance with the Rules of Procedure.

3. The National Parliament or its Committees may request members of the Governments to take part in their proceedings.

CHAPTER IV

STANDING COMMITTEE

Section 103
(Standing Committee)

1. The Standing Committee shall sit when the National Parliament is dissolved or in recession and in the other cases provided for in the Constitution;

2. The Standing Committee shall be presided over by the Speaker of the National Parliament and shall be comprised of Deputy Speakers and Parliament Members designated by the parties sitting in the Parliament in accordance with their respective representation.

3. It is incumbent upon the Standing Committee:

   a) To follow-up the activities of the Government and the Public Administration;

   b) To co-ordinate the activities of the Committees of the National Parliament;

   c) To take steps for the convening of Parliament whenever deemed necessary;

   d) To prepare and organise sessions of the National Parliament;

   e) To give its consent regarding trips by the President of the Republic in accordance with Section 80;

   f) To lead relations between the National Parliament and similar parliaments and institutions of other countries;

   g) To authorise the declaration of the state of siege or the state of emergency.

TITLE IV
GOVERNMENT

CHAPTER I
DEFINITION AND STRUCTURE

Section 104
(Definição)

The Government is the organ of sovereignty responsible for conducting and executing the general policy of the country and is the supreme organ of Public Administration.

Section 105
(Composition)

1. The Government shall comprise the Prime Minister, the Ministers and the Secretaries of State.

2. The Government may include one or more Deputy Prime Ministers and Deputy Ministers.

3. The number, titles and competencies of ministries and secretariats of State shall be laid down in a Government statute.

Section 106
(Council of Ministers)

1. The Council of Ministers shall comprise the Prime Minister, the Deputy Prime Ministers, if any, and the Ministers.

2. The Council of Ministers shall be convened and chaired by the Prime Minister.

3. The Deputy Ministers, if any, and the Secretaries of State may be required to attend meetings of the Council of Ministers, without a right to vote.

CHAPTER II
FORMATION AND RESPONSIBILITY

Section 107
(Appointment)

1. The Prime Minister shall be designated by the political party or alliance of political parties with the highest number of votes and shall be appointed by the President of the Republic, after consultation with the political parties sitting in the National Parliament.

2. The remaining members of the Government shall be appointed by the President of the Republic following proposal by the Prime Minister.

Section 108
(Responsibility of the Government)

The Government shall be accountable to the President of the Republic and to the National Parliament for conducting and executing the domestic and foreign policy in accordance with the Constitution and the law.

Section 109
(The Programme of the Government)

1. Once appointed, the Government should develop its programme, which should include the objectives and tasks proposed, the actions to be taken and the main political guidelines to be followed in the fields of government activity.

2. Once approved by the Council of Ministers, the Prime Minister shall, within a maximum of 30 days after appointment of the Government, submit the Programme of Government to the National Parliament for consideration.

Section 110
(Consideration of the Programme of Government by the National Parliament)

1. The Programme of the Government shall be submitted to the National Parliament for consideration. Where the National Parliament is not in session, its convening for this purpose shall be mandatory.

2. Debate on the programme of the Government shall not exceed five days and, prior to its closing, any parliamentary group may propose its rejection or the Government may request the approval of a vote of confidence.

3. Rejection of the programme of the Government shall require an absolute majority of the Members in full exercise of their functions.

Section 111
(Request for vote of confidence)

The Government may request the National Parliament to take a vote of confidence on a statement of general policy or on any relevant matter of national interest.

Section 112
(Vote of no confidence)

1. The National Parliament may, following proposal by one-quarter of the Members in full exercise of their functions, pass a vote of no confidence on the Government with

respect to the implementation of its programme or any relevant matter of national interest.

2. Where a vote of no confidence is not passed, its signatories shall not move another vote of no confidence during the same legislative session.

Section 113
(Dismissal of the Government)

1. The dismissal of the Government shall occur when:

    a) A new legislative term begins;

    b) The President of the Republic accepts the resignation of the Prime Minister;

    c) The Prime Minister dies or is suffering from a permanent physical disability;

    d) Its programme is rejected for the second consecutive time;

    e) A vote of confidence is not passed;

    f) A vote of no confidence is passed by an absolute majority of the Members in full exercise of their functions;

2. The President of the Republic shall only dismiss the Prime Minister in accordance with the cases provided for in the previous item and when it is deemed necessary to ensure the regular functioning of the democratic institutions, after consultation with the Council of State.

Section 114
(Criminal liability of the members of Government)

1. Where a member of the Government is charged with a criminal offence punishable with a sentence of imprisonment for more than two years, he or she shall be suspended from his or her functions so that the proceedings can be pursued.

2. Where a member of the Government is charged with a criminal offence punishable with a sentence of imprisonment for a maximum of two years, the National Parliament shall decide whether or not that member of the Government shall be suspended so that the proceedings can be pursued.

Section 115
(Immunities for members of the Government)

No member of the Government may be detained or imprisoned without the permission of the National Parliament , except for a felonious crime punishable with a maximum sentence of imprisonment for more than two years and in *flagrante delicto.*

CHAPTER III

COMPETENCIES

Section 116
(Competence of the Government)

1. It is incumbent upon the Government:

    a) To define and implement the general policy of the country, following its approval by the National Parliament;

    b) To guarantee the exercise of the fundamental rights and freedoms of the citizens;

    c) To ensure public order and social discipline;

    d) To prepare the State Plan and the State Budget and execute them following their approval by the National Parliament;

    e) To regulate economic and social sector activities;

    f) To prepare and negotiate treaties and agreements and enter into, approve, accede and denounce international agreements which do not fall under the competence of the National Parliament or of the President of the Republic;

    g) To define and implement the foreign policy of the country;

    h) To ensure the representation of the Democratic Republic of East Timor in the international relations;

    i) To lead the social and economic sectors of the State;

    j) To lead the labour and social security policy;

    k) To guarantee the defence and consolidation of the public domain and the property of the State;

    l) To lead and co-ordinate the activities of the ministries as well as the activities of the remaining institutions answerable to the Council of Ministers;

m) To promote the development of the co-operative sector and the support for household production;

n) To support private enterprise initiatives;

o) To take actions and make all the arrangements necessary to promote economic and social development and to meet the needs of the Timorese people;

p) To exercise any other competencies as provided by the Constitution and the law.

2. It is also incumbent upon the Government in relation with other organs :

a) To submit bills and draft resolutions to the National Parliament;

b) To propose to the President of the Republic the declaration of war or the making of peace;

c) To propose to the President of the Republic the declaration of the state of siege or the state of emergency;

d) To propose to the President of the Republic the submission to referendum of relevant issues of national interest;

e) To propose to the President of the Republic the appointment of ambassadors, permanent representatives and special envoys;

3. The Government has exclusive legislative powers on matters concerning its own organisation and functioning, as well as on the direct and indirect management of the State.

Section 117
(Competencies of the Council of Ministers)

It is incumbent upon the Council of Ministers:

a) To define the general guidelines of the government policy as well as those for its implementation;

b) To deliberate on a request for a vote of confidence from the National Parliament;

c) To approve bills and draft resolutions;

d) To approve statutes, as well as international agreements that are not required to be submitted to the National Parliament;

e) To approve actions by the Government that involve an increase or decrease in public revenues or expenditures;

f) To approve plans.

Section 118
(Competencies of members of the Government)

1. It is incumbent upon the Prime Minister:

a) To be the Head of Government;

b) To chair the Council of Ministers;

c) To lead and guide the general policy of the Government and co-ordinate the activities of all Ministers, without prejudice to the direct responsibility of each Minister for his or her respective governmental department.

d) To keep the President of the Republic informed on matters of domestic and foreign policy of the Government;

e) To perform other duties conferred by the Constitution and the law.

2. It is incumbent upon the Ministers:

a) To implement the policy defined for their respective Ministries;

b) To ensure relations between the Government and the other organs of the State in the area of responsibility of their respective Ministries.

3. Government statutes shall be signed by the Prime Minister and the Ministers in charge of the respective subject matter.

TITLE V
COURTS

CHAPTER I
COURTS AND THE JUDICIARY

Section 119
(Jurisdiction)

1. Courts are organs of sovereignty with competencies to administer justice in the name of the people.

2. In performing their functions, the courts shall be entitled to the assistance of other authorities.

3. Court decisions shall be binding and shall prevail over the decisions of any other authority.

Section 120
(Independence)

Courts are independent and subject only to the Constitution and the law.

Section 121
Review of unconstitutionality

The courts shall not apply rules that contravene the Constitution or the principles contained therein.

Section 121

(Judges)

1. Jurisdiction lies exclusively with the judges installed in accordance with the law.

2. In performing their functions, judges are independent and owe obedience only to the Constitution, the law and to their own conscience.

3. Judges have security of tenure and, unless otherwise provided for by law, may not be transferred, suspended, retired or removed from office.

4. To guarantee their independence, judges may not be held liable for their judgements and decisions, except in the circumstances provided for by law.

5. The law shall regulate the judicial organisation and the status of the judges of the courts of law.

Section 123
(Exclusiveness)

Judges in office may not perform any other functions, whether public or private, other than teaching or legal research, in accordance with the law.

Section 124

Categories of courts

1. There shall be the following categories of courts in the Democratic Republic of East Timor:

    a) The Supreme Court of Justice and other courts of law;

    b) The High Administrative, Tax and Audit Court and other administrative courts of first instance;

    c) Military Courts.

2. Courts of exception shall be prohibited and there shall be no special courts to judge certain categories of criminal offence.

3. There may be Maritime Courts and Arbitration Courts.

4. The law shall determine the establishment, organisation and functioning of the courts provided for in the preceding items.

5. The law may institutionalise means and ways for the non-jurisdictional resolution of disputes.

Section 125
(Supreme Court of Justice)

1. The Supreme Court of Justice is the highest court of law and the guarantor of a uniform enforcement of the law, and has jurisdiction throughout the national territory.

2. It is also incumbent on the Supreme Court of Justice to administer justice on matters of legal, constitutional and electoral nature.

3. The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among judges of the Supreme Court of Justice fora term of office of four years.

Section 126
(Functioning and Composition)

1. The Supreme Court of Justice shall operate:

    a) In sections, like a court of first instance, in the cases provided for in the law;

    b) In plenary, like a court of second and single instance, in the cases expressly provided for in the law;

2. The Supreme Court of Justice shall consist of career judges, magistrates of the Public Prosecution or jurists of recognised merit in number to be established by law, as follows:

a) One elected by the National Parliament;

b) And all the others designated by the Superior Council for the Judiciary.

Section 127
(Electoral and Constitutional Competence)

1. It is incumbent upon the Supreme Court of Justice, on legal and constitutional matters:

   a) To review and declare the unconstitutionality and illegality of normative and legislative acts by the organs of the State;

   b) To provide an anticipatory verification of the legality and constitutionality of the statutes and referenda;

   c) To verify cases of unconstitutionality by omission;

   d) To rule, as a venue of appeal, on the suppression of norms considered unconstitutional by the courts of instance;

   e) To verify the legality regarding the establishment of political parties and their coalitions and order their registration or dissolution, in accordance with the Constitution and the law;

   f) To exercise all other competencies provided for by the Constitution or the law.

2. It is incumbent upon the Supreme Court of Justice, in the specific field of elections:

   a) To verify the legal requirements for candidates for the office of President of the Republic;

   b) To certify at last instance the regularity and validity of the acts of the electoral process, in accordance with the respective law;

   c) To validate and proclaim the results of the electoral process;

Section 128
(Eligibility)

1. Only career judges or magistrates of the Public Prosecution or jurists of recognised merit of East Timorese nationality may become members of the Supreme Court of Justice.

2. In addition to the requirements referred to in the preceding item, the law may define other requirements.

Section 129
(Superior Council for the Judiciary)

1. The Superior Council for the Judiciary is the organ of management and discipline of the judges of the courts and it is incumbent upon it to appoint, assign, transfer and promotr the judges.

2. The Superior Council for the Judiciary shall be presided over by the President of the Supreme Court of Justice and shall have the following members:

   a) One designated by the President of the Republic;

   b) One elected by the National Parliament;

   c) One designated by the Government;

   d) One elected by the judges of the courts of law from among their peers;

3. The law shall regulate the competence, organisation and functioning of the Superior Council for the Judiciary.

Section 130
(High Administrative, Tax and Audit Court)

1. The High Administrative, Tax and Audit Court is the highest body in the hierarchy of the administrative, tax and audit courts, without prejudice to the competence of the Supreme Court of Justice.

2. The President of the High Administrative, Tax and Audit Court is elected from among and by respective judges for a term of office of four years.

3. It is incumbent upon the High Administrative, Tax and Audit Court as a single instance to monitor the lawfulness of public expenditure and to audit State accounts.

1. It is incumbent upon the High Administrative, Tax and Audit Court and the administrative and tax courts of first instance:

a) To judge actions aiming at resolving disputes arising from legal, fiscal and administrative relations;

b) To judge contentious appeals against decisions made by State organs, their respective office holders and agents;

c) To perform all the other functions as established by law.

Section 131
(Military Courts)

1. It is incumbent upon military courts to judge in first instance crimes of military nature.

2. The competence, organisation, composition and functioning of military courts shall be established by law.

Section 132
(Court Hearings)

Court hearings shall be public, unless the court hearing a matter rules otherwise through a well-founded order to safeguard personal dignity or public morality and national security, or guarantee its own smooth operation.

CHAPTER II

PUBLIC PROSECUTORS

Section 133
(Functions and Status)

1. Public Prosecutors have the responsibility for representing the State, taking criminal action, ensuring the defence of the underage, absentees and the disabled, defending the democratic legality, and promoting the enforcement of the law.

2. Public Prosecutors shall be a body of judicial officers, hierarchically graded, and shall be accountable to the Attorney-General.

3. In performing their duties, Public Prosecutors shall be subject to legality, objectivity and impartiality criteria, and obedience to the directives and orders as established by law.

4. Public Prosecutors shall be governed by their own statutes, and shall only be suspended, retired or dismissed under the circumstances provided for in the law.

5. It is incumbent upon the Office of the Attorney-General to appoint, assign, transfer and promote public prosecutors and exercise disciplinary actions.

Section 134
(Office of the Attorney-General)

1. The Office of the Attorney-General is the highest authority in public prosecution, and its composition and competencies shall be defined by law.

2. The Office of the Attorney-General shall be headed by the Attorney-General, who, in his or her absence or inability to act, shall be replaced in accordance with the law.

3. The Attorney-General shall be appointed by the President of the Republic for a term of office of six years, in accordance with the terms established by law.

4. The Attorney-General shall be accountable to the Head of State and shall submit annual reports to the National Parliament.

5. The Attorney-General shall request the Supreme Court of Justice to make a generally binding declaration of unconstitutionality of any law ruled unconstitutional in three concrete cases.

6. Deputy Attorney-Generals shall be appointed, dismissed or removed from office by the President of the Republic after consultation with the Superior Council for the Public Prosecution.

Section 135
(Superior Council for the Public Prosecution)

1. The Superior Council for the Public Prosecution is an integral part of the office of the Attorney-General.

2. The Superior Council for the Public Prosecution shall be headed by the Attorney-General and shall comprise the following members:

    a) One designated by the President of the Republic;

    b) One elected by the National Parliament;

    c) One designated by the Government;

    d) One elected by the magistrates of the Public Prosecution from among their peers.

3. The law shall regulate the competence, organisation and functioning of the Superior Council for the Public Prosecution.

CHAPTER III

LAWYERS

Section 136
(Lawyers)

1. Legal and judicial aid is of social interest, and lawyers and defenders shall be governed by this principle.

2. The primary role of lawyers and defenders is to contribute to the good administration of justice and the safeguard of the rights and legitimate interests of the citizens.

3. The activity of lawyers shall be regulated by law.

Section 137
(Guarantees in the activity of lawyers)

1. The State shall, in accordance with the law, guarantee the inviolability of documents related to legal proceedings. No search, seizure, listing or other judicial measures shall be permitted without the presence of the competent magistrate and, whenever possible, of the lawyer concerned.

2. Lawyers have the right to contact their clients personally with guarantees of confidentiality, especially where the clients are under detention or arrest in military or civil prison centres.

TITLE VI
PUBLIC ADMINISTRATION

Section 138
(Public Administration general principles)

1. Public Administration shall aim at meeting public interest, in the respect for the legitimate rights and interests of citizens and constitutional institutions.

2. The Public Administration shall be structured to prevent excessive bureaucracy, provide more accessible services to the people and ensure the contribution of individuals interested in its efficient management.

3. The law shall establish the rights and guarantees of the citizens, namely against acts likely to affect their legitimate rights and interests.

PART IV

ECONOMIC AND FINANCIAL ORGANISATION

TITLE I
GENERAL PRINCIPLES

Section 139
(Economic organisation)

The economic organisation of East Timor shall be based on the combination of community forms with free initiative and business management, as well as on the co-existence of the public sector, the private sector and the co-operative and social sector of ownership of means of production.

Section 140
(Natural resources)

1. The resources of the soil, the subsoil, the territorial waters, the continental shelf and the exclusive economic zone, which are essential to the economy, shall be owned by the State and shall be used in a fair and equitable manner in accordance with national interests.

2. The conditions for the exploitation of the natural resources referred to in item 1 above should lend themselves to the establishment of mandatory financial reserves, in accordance with the law.

3. The exploitation of the natural resources shall preserve the ecological balance and prevent destruction of ecosystems.

Section 141
(Investments)

The State shall promote national investment and establish conditions to attract foreign investment, taking into consideration the national interests, in accordance with the law.

Section 142
(Land)

Ownership, use and development of land as one of the factors for economic production shall be regulated by law.

TITLE II

FINANCIAL AND TAX SYSTEM

Section 143
(Financial system)

The structure of the financial system shall be determined by the law in such a way as to guarantee that savings are encouraged and built up with security and that the financial resources necessary for economic and social development are provided.

Section 144
(Central Bank)

1. The State shall establish a national central bank jointly responsible for the definition and implementation of the monetary and financial policy.

2. The Central Bank functions and its relationship with the National Parliament and the Government shall be established by law.

3. The Central Bank shall have exclusive competence for issuing the national currency.

Section 145
(Tax System)

1. The State shall establish a tax system aimed at meeting the financial requirements of the State and the fair distribution of national income and wealth.

2. Taxes shall be established by law, which shall determine the incidence, tax benefits and the guarantees of taxpayers.

Section 146
(State Budget)

1. The State Budget shall be prepared by the Government and approved by the National Parliament.

2. The Budget law shall provide, based on efficiency and effectiveness, a breakdown of the revenues and expenditures of the State, as well as preclude the existence of secret appropriations and funds.

3. The execution of the Budget shall be monitored by the High Administrative, Tax and Audit Court and by the National Parliament.

PART V
NATIONAL DEFENCE AND SECURITY

Section 147
(Defence Force)

1. The East Timor defence force, FALINTIL-ETDF, composed exclusively by national citizens, has the responsibility of providing military defence for the Democratic Republic of East Timor and shall have a single system of organisation for the whole national territory.

2. FALINTIL-ETDF shall guarantee national independence, territorial integrity and the freedom and security of the populations against any aggression or external threat, in respect for the constitutional order.

3. FALINTIL-ETDF shall be non-partisan and shall owe obedience to the competent organs of sovereignty in accordance with the Constitution and the laws, and shall not intervene in political matters.

Section 148
(Police and security forces)

1. The police shall defend the democratic legality and guarantee the internal security of the citizens, and shall be strictly non-partisan.

2. Prevention of crime shall be undertaken with due respect for human rights.

3. The law shall determine the rules and regulations for the police and other security forces.

Section 149
(Superior Council for Defence and Security)

1. The Superior Council for Defence and Security is the consultative organ of the President of the Republic on matters relating to defence and sovereignty.

2. The Superior Council for Defence and Security shall be headed by the President of the Republic and shall include civilian and military entities, the number of civilian entities being higher than the number of military entities.

3. The composition, organisation and functioning of the Superior Council for Defence and Security shall be defined by law.

PART VI
GUARANTEE AND REVISION OF THE CONSTITUTION

TITLE I
GUARANTEE OF THE CONSTITUTION

Section 150
(Anticipatory review of constitutionality)

1. The President of the Republic may request the Supreme Court of Justice to undertake an anticipatory review of the constitutionality of any statute submitted to him or her for promulgation.

2. The preventive review of the constitutionality may be requested within twenty days from the date on which the statute is received, and the Supreme Court of Justice shall hand down its ruling within twenty-five days, a time limit that may be reduced by the President of the Republic for reasons of emergency.

3. If the Supreme Court of Justice rules that the statute is unconstitutional, the President of the Republic shall submit a copy of the ruling to the Government or the National Parliament and request the reformulation of the statute in accordance with the decision of the Supreme Court of Justice.

4. The veto for unconstitutionality of a statute from the National Parliament that has been submitted for promulgation can be circumvented under section 88, with the necessary adaptations.

Section 151
(Abstract review of constitutionality)

Declaration of unconstitutionality may be requested by:

a) The President of the Republic;

b) The Speaker of the National Parliament;

c) The Attorney-General, based on the refusal by the courts, in three concrete cases, to apply a statute deemed unconstitutional;

d) The Prime Minister;

e) One fifth of the Members of the National Parliament;

f) The Ombudsman.

Section 152
(Unconstitutionality by omission)

The President of the Republic, the Attorney-General and the Ombudsman may request the Supreme Court of Justice to review the unconstitutionality by omission of any legislative measures deemed necessary to enable the implementation of the constitutional provisions.

Section 153
(Appeals on constitutionality)

1. The Supreme Court of Justice has jurisdiction to hear appeals against any of the following court decisions:

    a) Decisions refusing to apply a legal rule on the grounds of unconstitutionality;
    b) Decisions applying a legal rule the constitutionality of which was challenged during the proceedings.

2. An appeal under paragraph (1) (b) may be brought only by the party who raised the question of unconstitutionality.

3. The regime for filing appeals shall be regulated by law.

Section 154
(Decisions of the Supreme Court of Justice)

Decisions of the Supreme Court of Justice shall not be appealable and shall be published in the official gazette. They shall have a general binding effect on processes of abstract and concrete monitoring, when dealing with unconstitutionality.

TITLE II
CONSTITUTONAL REVISION

Section 155
(Initiative and time of revision)

1. It is incumbent upon Members of Parliament and the Parliamentary Groups to initiate constitutional revision.

2. The National Parliament may revise the Constitution after six years have elapsed since the last date on which a law revising the Constitution was published.

3. The period of six years for the first constitutional review shall commence on the day the present Constitution enters into force.

4. The National Parliament, regardless of any timeframe, may take on powers to revise the Constitution by a majority of four-fifths of the Members of Parliament in full exercise of their functions.

5. Proposals for revision should be submitted to the National Parliament one hundred and twenty days prior to the date of commencement of debate.

6. After submission of a proposal for constitutional revision under the terms of item 5 above, any other proposal shall be submitted within 30 days.

Section 156
(Approval and promulgation)

1. Amendments to the Constitution shall be approved by a majority of two-thirds of the Members of Parliament in full exercise of their functions.

2. The new text of the Constitution shall be published together with the revision law.

3. The President of the Republic shall not refuse to promulgate a revision law.

Section 157
(Limits on matters of revision)

1. Laws revising the Constitution shall respect:

a) National independence and the unity of the State;

b) The rights, freedoms and guarantees of citizens;

c) The republican form of government;

d) The separation of powers;

e) The independence of the courts;

f) The multi-party system and the right of democratic opposition;

g) The free, universal, direct, secret and regular suffrage of the office holders of the organs of sovereignty, as well as the system of proportional representation;

h) The inexistence of an official religion of the State

i) The principle of administrative deconcentration and decentralisation;

j) The National Flag.

k) The date of proclamation of national independence.

2. Paragraphs c), h) and j) may be reviewed through a national referendum, in accordance with the law.

Section 158
(Limits on time of revision)

No action may be taken to revise the Constitution during a state of siege or a state of emergency.

PART VII
FINAL AND TRANSITIONAL PROVISIONS

Section 159
(Treaties, agreements and alliances)

1. Confirmation, accession and ratification of bilateral and multilateral conventions, treaties, agreements or alliances that took place before the entry into force of the present Constitution shall be decided upon by the respective competent bodies on a case-by-case basis.

Section 160
(Working Languages)

Indonesian and English shall be working languages within civil service side by side with official languages as long as deemed necessary.

Section 161
(Serious Crimes)

Acts committed between the 25th of April 1974 and the 31st of December 1999 that can be considered crimes against humanity shall be liable to criminal proceedings with the national or international courts.

Section 162
(Illegal appropriation of assets)

Illegal appropriation of mobile and fixed assets that took place before the entry into force of the present Constitution is considered crime and shall be resolved as provided for in the Constitution and the law.

Section 163
(Reconciliation)

It is incumbent upon the Commission for Reception, Truth and Reconciliation to discharge functions conferred to it by UNTAET Regulation No. 2001/10.

The competencies, mandate and objectives of the Commission shall be redefined by the Parliament whenever necessary.

Section 164
(Transitional judicial organisation)

1. The collective judicial instance existing in East Timor, integrated by national and international judges with competencies to judge serious crimes committed between the 1st of January and the 25th of October 1999, shall remain operational for the time deemed strictly necessary to conclude the cases under investigation.

2. The judicial organisation existing in East Timor on the day the present Constitution enters into force shall remain operational until such a time as the new judicial system is established and starts its functions.

Section 165
(Transitional competence of the Supreme Court of Justice)

1. After the Supreme Court of Justice starts its functions and before the establishment of courts as laid down in Section 129, the respective competence shall be exercised by the Supreme Court of Justice and other courts of justice.

2. Until such a time as the Supreme Court of Justice is established and starts its functions all powers conferred to it by the Constitution shall be exercised by the highest judicial instance of the judicial organisation existing in East Timor.

Section 166
(Previous Law)

Laws and regulations in force in East Timor shall continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution or the principles contained therein.

Section 167
(Transformation of the Constitutional Assembly)

1. The Constitutional Assembly shall be transformed into a National Parliament with the approval of the Constitution of the Republic.

2. In its first term of office, the National Parliament shall be comprised of eighty-eight members on an exceptional basis.

Section 168
(Presidential Election of 2002)

The President Elected under UNTAET Regulation No. 2002/01 shall take on the competencies and fulfil the mandate provide for in the Constitution.

Section 169
(Entry into force of the Constitution)

The Constitution of the Democratic Republic of East Timor shall enter into force on the 20th of May of 2002.