



Fundasaun Mahein (FM), October 30th 2018

Press Release

Terms of office on the F-FDTL Hierarchy “Reformed and Continuation Role”

Normally, positions in the F-FDTL hierarchy are based on article 74, which holds that the mandates for the positions of CEMG F-FDTL and vice CEMG F-FDTL are four (4) years and can be renewed only once. The mandate for the position of CEM F-FDTL and component commanders is two (2) years with the possibility of a one-time renewal, also according to article 75 of decree law no. 28/2016 of July 13th Primeira Alteração ao Decreto-Lei N.º 7/2014, de 12 de Março (Estatuto dos Militares das F-FDTL).

The Vice Chief State Major General of F-FDTL (CEMG F-FDTL), Brigadier General Filomeno Paixão de Jesus was nominated to Ministry of Defense on July 2018, leaving the vice CEMG F-FDTL position vacant for two months. On September 21st, 2018 the President of Republic nominated the brigadier general Falur Rate Laek to the vacant vice CEMG F-FDTL position on a one-year mandate based on the president of the republic decree no.39/2018; he was inducted on October 1st.

The nomination of brigadier general Falur Rate Laek to vice CEMG F-FDTL left the position of CEM F-FDTL vacant. After some time, the President of Republic nominated colonel Calisto Santos Coli “Coliati” for the office of CEM F-FDTL for a two-year period according to the president of the republic decree no. 45/2018 on October 23rd 2018; he was inducted on October 29th. At the same time, the mandate of CEMG F-FDTL ended on October 6th 2018 and at present there has not been a new nomination. Moreover, component commanders’ mandates will end on November 17th 2018.

In the case of the military, the reforms based on article 195 of decree law no.28/2016 July 13th, Primeira Alteração ao Decreto-Lei N.º 7/2014, de 12 de Março (Estatuto dos Militares das F-FDTL) state that military officers must retire by the age of 60, but that they can continue to assume responsibility in the F-FDTL hierarchy with one-year mandates subject to renewal. The important thing is that the positions of CEMG F-FDTL and vice CEMG F-FDTL continue to be filled according to article 2 line d) and e) on the article 195 disposition.

Regarding the renewal case of major general Lere Anan Timur to the post of CEMG F-FDTL, vice CEMG F-FDTL brigadier general Filomeno Paixão de Jesus for each of the periods 2015-2016, 2016-2017 and 2017-2018, and brigadier general Falur Rate Laek for the recent position vice CEMG of F-FDTL, their mandates must be renewed every year, as they are all past the age of 60. Again, normally the mandates for

CEMG F-FDTL and vice CEMG F-FDTL are four years and renew only once, and the mandates for CEM F-FDTL and component commanders are two years and renew only once, according to the aforementioned laws.

There has not yet been a new nomination for the position of CEMG F-FDTL. Since it is the responsibility of the president of the republic to confirm new nominations, it is possible for the president to renew the mandate of major general Lere Anan Timur for the position of CEMG F-FDTL for a further year. While the government has presented a proposal on the matter ("sob proposta"), It does not include the constitutional right of the president republic (based on disposition point m) article 86 of the constitutional president of the republic of Timor-Leste , line e) article 14 law of national defense (law no.3/2010 law of national defense April 21st) and article 74 and 75 decree law no.28/2016 July 13th Primeira Alteração ao Decreto-Lei N.º 7/2014, de 12 de Março (Estatuto dos Militares das F-FDTL).

Recommendations

1. President of the Republic and Government must follow the law regarding the mandate of CEMG F-FDTL major General Lere Anan Timur, which ended on October 6th 2018, and make a new nomination or renew the mandate.
2. Ministry of defense should begin to consult and audition with council superior of military defense (F-FDTL) in anticipation of the end of the mandate of component commanders on November 17th 2018.

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