

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

Bill no. /II

Establishing the Public Memory Institute (*Instituto da Memória*)

Explanatory Statement

The Commission for Reception, Truth and Reconciliation (*Comissão de Acolhimento, Verdade e Reconciliação*, CAVR) submitted its final report “CHEGA” to the President of the Republic on 31 October 2005, and the bilateral Commission of Truth and Friendship between Timor-Leste and the Republic of Indonesia (*Comissão Bilateral de Verdade e Amizade entre Timor-Leste e a República da Indonésia*, CTF) submitted its final report “Per Memoriam Ad Spem” to the National Parliament on 9 October 2008.

Both Commissions acknowledged the suffering inflicted upon the people of Timor-Leste during the conflict between 1974 and 1999, and in particular that of the victims of violations of human rights. The Commissions presented a set of recommendations to the State and Government of Timor-Leste, to civil society and to other States, and encouraged them to take the necessary steps to prevent violations of human rights from recurring and to address the plight of victims.

Thus, it is necessary to promote a better understanding of the nature, causes and impact of violations of human rights; as well as to promote a culture of responsibility/accountability, just reparations and respect for the rule of law. The history of Timor-Leste should be used to promote respect for human rights and to prevent the resurgence of violence.

It is also imperative to remember and to honour those who died in the context of the conflicts that happened in Timor-Leste between 1974 and 1999, and to provide support to the families of those who have disappeared, who are as yet unaware of what happened to them and who are believed to have died.;

Thus, within the framework of the reconciliation process referred to in article 162 of the Constitution, and complying with National Parliament’s Resolution no. 35/2009, of 14 December, it is the aim of the present bill to establish a body that will promote and facilitate the effective implementation of the recommendations made by the aforementioned Commissions.

It will be incumbent upon such a body to create the necessary conditions for the implementation of the CAVR/CTF recommendations, while encouraging the active involvement of the victims and their families and ensuring equal access for women to

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

all the programmes designed and activities undertaken to implement the Commissions' recommendations.

Such body shall also perform an advisory role and collaborate with relevant public or private institutions.

Thus, pursuant to article 97(1)(a) of the Constitution, and the provisions in articles 9(1)(b) and 90 of the Rules of Procedure of the National Parliament, the undersigned Members of Parliament submit the following Bill:

The National Parliament, pursuant to article 95(1) of the Constitution, enacts the following that shall have the force of law:

CHAPTER I General provisions

Article 1 Establishment of the *Instituto da Memória*

The Institute of Memory (*Instituto da Memória*) is hereby established.

Article 2 Nature of the *Instituto da Memória*

1. The Memory Institute (*Instituto da Memória*), hereinafter referred to as IM, I.P., is a public body which is part of the indirect State administration (*instituto público-I.P.- integrado na administração indirecta do Estado*), and endowed with technical, administrative and financial autonomy and shall have its own assets (*dotado de autonomia técnica, administrativa e financeira e de património próprio*).
2. The IM, I.P. shall pursue the functions assigned to it under this law and other applicable legislation, under the administrative supervision (*superintendência e tutela*) of the Minister of Social Solidarity.

Article 3 Headquarters

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

1. The IM, I.P. shall be a central body with jurisdiction over the whole national territory.
2. The IM, I.P. shall have its headquarters in Dili.

Article 4 **Mission**

The mission of IM, I.P. shall be to promote, facilitate and monitor the implementation of the recommendations made by the Commission on Truth, Reception and Reconciliation, hereinafter referred to as CAVR, and of the Commission on Truth and Friendship, hereinafter referred to as CTF, pursuant to the provisions of this law.

Article 5 **Functions**

1. The functions of IM, I.P. include:
 - a) To implement and monitor the implementation of the recommendations made by CAVR and CTF, pursuant to the law;
 - b) To provide expert technical support in all areas coming under its remit or in the context of the implementation of the recommendations made by CAVR and CTF, pursuant to the law;
 - c) To undertake, coordinate and promote research and projects relating to human rights and the history of Timor between 1974 and 1999;
 - d) To promote exchanges and cooperation with other bodies or institutions, namely academic institutions, whether national or foreign, by means of MoUs or other agreements, on matters relating to human rights and the history of Timor during the relevant period ;
 - e) To promote the dissemination of knowledge, research and the IM, I.P. 's own activities or those of third parties which are of interest to the IM, I.P. 's own goals, as well as of its documents and materials, using the media in general and in particular resorting to publishing activities;
 - f) To advise the Government on material to be included in the school curriculum relating to the history of Timor during the relevant period and to human rights;
 - g) To develop civic education programmes covering the topics referred to in previous subparagraphs;
 - h) To advise the Government on matters relating to reparations, including memorialisation; ;
 - i) To support the Government in matters relating to disappearances and missing persons;

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

- j) To establish, manage and update a central database on disappearances and missing persons.
- 2. To undertake its functions, the IM, I.P. may also:
 - a) Provide scholarships or research grants to East Timorese citizens, by itself or in collaboration with other competent institutions, in relation to the history of Timor-Leste during the period 1974 -to 1999 or on human rights issues during the relevant historical period;
 - b) Set up or take part in programmes and training initiatives on the topics referred to in the previous subparagraph and targeting East Timorese citizens;
 - c) Sign contracts and agreements or MoUs with national and foreign institutions, whether public or private ;
 - d) Collaborate with other relevant institutions in organising national and international events on the issues that come under its remit ;
 - e) Collaborate with other institutions pursuing similar or supplementary goals in accordance with the law;
 - f) Establish mobile teams to undertake activities with the local communities.

Article 6

Administrative supervision

- 1. It shall be incumbent upon the Minister who oversees IM, I.P. (*ministro da tutela*):
 - a) To appoint and dismiss the members of the management and administration body of IM, I.P.;
 - b) To approve, on a proposal from the management and administration body of IM, I.P., the institute's internal regulations;
 - c) To approve the organization and functioning regulations of the various services that make up IM, I.P.;
 - d) To monitoring the implementation of IM, I.P.'s activities;
 - e) To oversee the administrative and financial management of IM, I.P.;
- 2. It shall be incumbent upon the Minister who oversees IM, I.P. and the member of the Government who oversees public finances :
 - a) To approve, on a proposal from the management and administration body of IM, I.P., the annual plan of activities and budget, as well as the corresponding annual financial reports and accounts;
 - b) To approve the annual reports and accounts.

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

CHAPTER II Structure

Article 7 Organs

The IM, I.P shall comprise the following organs:

- a) the Governing Board (*Conselho Directivo*);
- b) the Research & Documentation, Reparations and Missing Persons Unit (*Unidade de Pesquisa e Documentação, Reparações e Desaparecidos*).
- c) the Single Inspector (*Fiscal Único*).

Section I Governing Board

Article 8 Role

The Governing Board is the organ responsible for administrative and financial management.

Article 9 Members and their appointment

1. The Governing Board shall comprise a Chair of the Board (*Presidente*) and two other Board members (*Vogais*).
2. The members of the Governing Board shall be appointed and dismissed by a ministerial instruction issued by the Minister overseeing the IM, I.P. (*despacho do Ministro da tutela*).

Article 10 Requirements

1. The members of the Governing Board shall be appointed from amongst East Timorese citizens whose moral standards, integrity, independence, technical expertise and professional skills are widely acknowledged and who have demonstrated their commitment to upholding human rights.
2. At least one member of the Governing Board shall have prior professional experience in management and administration.

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

3. The membership of the Governing Board is incompatible with having a leading role in a political party.

Article 11 **Term of office**

The members of the Governing Board shall be elected for a term of office that shall not exceed four years and that may be extended only once, for an identical period of time.

Article 12 **Status and duties**

1. The members of the Governing Board shall perform their duties to the exclusion of any other functions (*regime de exclusividade*) and are barred from engaging in any other paid professional activity, except for part-time teaching.
2. The pay of the members of the Governing Board shall be determined by a joint ministerial instruction of the Minister overseeing the IM, I.P. and the member of the Government overseeing public finances .

Article 13 **Termination of the term of office**

1. The term of office of the members of the Governing Board shall be terminated under the following circumstances:
 - a) End of their term of office;
 - b) In case of death, permanent disability or as a result of a supervening incompatibility of the member of the Board;
 - c) As a result of his/her resignation, to be submitted in writing;
 - d) After being absent from three successive meetings of the board or five interpolated meetings, and unless a justification for such absences is accepted by a plenary meeting of the Governing Board;
 - e) As a result of his/her dismissal by a ministerial instruction from the Minister overseeing the IM, I.P.;
 - f) Disbandment of the Governing Board in the terms of the article.
2. In the case of the individual dismissal of a member of the Governing Board, a new member shall be appointed who will complete the remaining term in office.

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

Article 14 Disbandment

1. The Governing Board may only be disbanded by means of a ministerial order issued by the Minister overseeing the IM, I.P., in the event of serious irregularities being detected in the operation of the Board.
2. In case the Governing Board is disbanded, the appointment of new members to the Governing Board shall be treated as a matter of urgency, and the latter shall take office within 30 days counted from the date of the ministerial order that disbanded the Board.

Article 15 Powers

1. Without prejudice to any powers that may be conferred upon them by law, or delegated, it shall be incumbent upon the Governing Board:
 - a) To represent the IM, I.P.;
 - b) To draft and propose the annual plan of activities; ;
 - c) To prepare and propose the annual draft budget;
 - d) To draft and propose internal regulations;
 - e) To manage the human and financial resources;
 - f) To oversee the administrative and financial services;
 - g) To enforce the applicable laws and regulations.;
2. It shall also be incumbent upon the Governing Board:
 - a) To issue reasoned, non-binding opinions on legislative or other measures relating to the areas that come under the remit of the IM, I.P.;
 - b) To design and submit proposals for projects in the area that come under the remit of the IM, I.P.;
 - c) To undertake fund-raising activities;
 - d) To promote regular external audits;
 - e) To ensure general good governance of the IM, I.P.;
 - f) To undertake any other activities that are deemed necessary to pursue the goals of IM, I.P. and which do not come under the mandate of another body.

Article 16 Delegation of powers

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

The Governing Board may delegate their powers to its Chair or to any of the members of the Board, defining the respective limits and conditions for each particular delegation of powers.

Article 17 **Operation of the Governing Board**

The Governing Board shall hold ordinary meetings four times every month and extraordinary meetings whenever convened by its Chair on his/her own initiative or on a request by one of the Board members .

Article 18 **Chair of the Governing Board**

1. Without prejudice to any powers that may be conferred upon him/her by law or delegation, it shall be incumbent upon the Chair of the Governing Board:
 - a) To coordinate the activities of the Governing Board;
 - b) To convene and preside over the meetings of the Governing Board;
 - c) To coordinate the activities of the Governing Board; [Translator's note: sic]
 - d) To determine the specific areas that will be under the purview of other Board members;
 - e) To liaise with the Government and other public or private institutions on behalf of the IM, I.P. ;
 - f) To request reasoned opinions from the supervisory organ;
 - g) To represent the IM, I.P. in court and in other circumstances. ;
2. The Chair of the Governing Board may perform acts that are the responsibility of the Governing Board for well-founded reasons of urgency. Such acts shall be ratified by the Board at the following first ordinary meeting of the Board.
3. The Chair of the Governing Board shall be replaced by the Board member that he/she appoints for that purpose if he/she is absent or indisposed.

Article 19 **Power of signature (*Vinculação*)**

The IM, I.P. shall be legally bound:

- a) By the joint signatures of the Chair and of one of the members of the Governing Board;
- b) By the signature of whoever is mandated to sign on behalf of the IM, I.P.whom, pursuant to the law.

Section II

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

Research & Documentation, Reparations and Missing Persons Unit

Article 20 Role

The Research & Documentation, Reparations and Missing Persons Unit, hereinafter referred to as the Unit, shall be the organ tasked with the management of the Archive and other documentation held by the IM, I.P , as well as with the development of outreach, education and training programmes.

Article 21 Powers

It shall be incumbent upon this Unit:

- a) To preserve and manage the Archive as well as other documentation held by the IM, I.P ;
- b) To propose the purchase of collections of documents, specific documents or any other relevant materials;
- c) To propose guidelines regarding outreach and dissemination activities;
- d) To propose a policy for accessing documents;
- e) To certify copies of documents from the CAVR and CTF collections;
- f) To maintain a central database on the disappearances and missing persons;
- g) To develop educational, civic education, training and promotion programmes on human rights .

Section III Single Inspector

Article 22 Appointment

The Single Inspector (*Fiscal Único*) is appointed and dismissed by means of a ministerial instruction of the Minister overseeing the IM, I.P.

Article 23 Mandate

Term of office

The Single Inspector is appointed for a mandate that shall not exceed 3 years .

Article 24

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

Powers

1. It shall be incumbent upon the Single Inspector to supervise the financial management of IM, I.P..
2. In particular, it shall be incumbent upon the Single Inspector:
 - a) To verify the lawfulness of the financial acts undertaken by the Governing Board, pursuant to the law;
 - b) To monitor the IM, I.P.'s budget execution;
 - c) To monitor the IM, I.P.'s accounting procedures;
 - d) To issue reasoned opinions on the IM, I.P.'s activity and financial reports ;
 - e) To issue reasoned opinions on the purchase or sale of immovable property or movable assets subject to registration;
3. In order to discharge his/her duties, the Single may also:
 - a) Request documents and information and seek clarifications from the Governing Board on matters pertaining to the activities of IM, I.P.;
 - b) Propose that external audits be undertaken;
 - c) Inform the Minister overseeing the IM, I.P. about possible irregularities in the management of the institution..

CHAPTER III Areas of activity

Article 25 Archive

The IM, I.P. shall keep the documents held in its Archive or those that may be incorporated in it pursuant to the law duly updated and catalogued in technically adequate conditions.

Article 26 Research

1. The IM, I.P. may establish, undertake and develop research programmes on the history of Timor during the relevant period as well as on human rights, by itself or in a partnership with third parties.
2. The outcomes of the aforementioned research programmes shall be the property of the IM, I.P. .

Article 27 Outreach

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

1. The IM, I.P. shall design and implement an outreach plan for the public dissemination of the findings and recommendations of the CAVR and CTF reports, as well as of other information deemed to be relevant to its activities.
2. For the purposes described in the previous paragraph, public dissemination shall be take place in Tetum and Portuguese. Indonesian and English may also be used, to the extent that this is possible .
3. The plan referred to in paragraph 1 above shall include specific provisions aimed at ensuring that dissemination takes place amongst rural communities and women .

Article 28 **Education**

1. The IM, I.P. shall design a civic education programme pursuant to its remit, as well as produce relevant educational resources .
2. The IM, I.P. shall advise the Government on topics to be included in the school curriculum relating to the history of Timor during the 1974-1999 period and to human rights .
3. The IM, I.P. may also develop educational resources related to its role under the previous paragraph.

Article 29 **Scholarships and research grants**

1. As part of its role, the IM, I.P. may set up a programme of scholarships and research grants to support academic activities.
2. The requirements for the granting of scholarships shall be defined in a regulation.
3. The regulation referred to in the previous paragraph shall include provisions concerning the aim of the scholarships, potential applicants, requirements for application and publicity.

Article 30 **Training**

The IM, I.P. shall design and undertake training programmes or initiatives for East Timorese citizens relating to the history of Timor-Leste during the relevant period or in the field of human rights.

CHAPTER IV

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

Access to and use of the Archives

Article 31 Access

1. The Archives shall be open to the public, pursuant to the law .
2. The requirements to access the Archives shall be defined in a regulation, which shall be made publicly available, pursuant to the applicable legislation.
3. With regard to the access to the Archives, the IM, I.P. shall:
 - a) Prepare an information leaflet explaining the policy regarding public access to the archive ;
 - b) Keep an index and catalogue of the documents kept in the archives held at the IM, I.P. and available to the public, pursuant to the public access policy and the legal restrictions that are applicable;
 - c) Produce a handbook/guide on how to search for information in the IM, I.P. 's Archives;
 - d) Provide information on the activities undertaken and facilities made available by the Research & Documentation, Reparations and Missing Persons Unit.

Article 32 Use

1. The IM, I.P. may make original documents available for perusal or copies of any documents for research or other purposes.
2. Whenever the conditions or nature of the original document so require, the public shall only be given access to copies thereof.
3. The use of the IM, I.P. 's facilities for the purposes stated in the previous paragraphs shall be defined in a regulation to be duly made available to the public.
4. Certified copies or transcripts of documents held in the IM, I.P. 's Archives shall be made available by the IM, I.P. .
5. The IM, I.P. may also provide training courses in archive management and bibliographic research .

Article 33 Secrecy

1. The holders of positions in the IM, I.P. 's organs and their agents are bound by the duty of secrecy, and shall not disclose documents or information that they may hold or that they may become privy to while carrying out their duties in

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

- the IM, I.P. , except under the circumstances and conditions provided in this law, without prejudice of the applicable legal provisions.
2. The provisions in the previous paragraph shall not apply to the dissemination of information where such dissemination has the consent of those whom the information concerns.

Article 34 **Violation of the duty of secrecy**

The disclosure or dissemination of confidential information about third parties without their consent shall be punished with a prison sentence of up to two years or fine, pursuant to the criminal law.

CHAPTER V **Collaboration with the IM, I.P.**

Article 35 **General duty to collaborate**

All institutions, whether public or private, have the duty to collaborate with the IM, I.P. in obtaining the information and documents requested which are required for the IM, I.P. to fulfil its role .

Article 36 **Special duty to collaborate**

Bodies and services of Public Administration shall collaborate with the IM, I.P. in obtaining information or documents that are deemed relevant for the IM, I.P. to fulfil its role, pursuant to the law.

CHAPTER VI **Symbolic and material reparations**

Article 37 **Reparations**

1. The IM, I.P. shall assist and support the Government in providing symbolic and material reparations, pursuant to the law.

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

2. For the purposes of the provisions in the previous paragraph, the IM, I.P. shall formulate relevant recommendations for the implementation of a reparations programme, pursuant to the law .
3. The IM, I.P. shall keep the *Ex-Comarca de Balide* facilities as a historical site that will be open to the public.
4. The IM, I.P. shall keep an updated inventory of monuments built in memory of the conflicts that happened between 1974 and 1999 or to pay homage to its victims.

Article 38 **Consultation and assistance**

1. For the purposes of the provisions in paragraphs 1 and 2 of the previous article, the IM, I.P. shall promote consultations involving the following:
 - a) Victims or relatives of victims that have perished or went missing as a result or in the context of the conflict that occurred in Timor-Leste between 1974 and 1999;
 - b) Local communities;
 - c) Relevant State services and institutions;
 - d) Religious and non-governmental organisations.
2. The recommendations to be submitted to the Government shall be based on the consultations referred to in the previous paragraph.
3. The IM, I.P. shall assist and support the Government in undertaking the activities that the latter may decide regarding memorialisation.
4. Within the framework of the activities referred to in the previous paragraph, the IM, I.P. may also support the initiatives of local communities or of other organisations.

CHAPTER VII **Missing persons**

Article 39 **Functions**

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

1. The IM, I.P. shall assist the Government in fulfilling the State's obligations with regard to missing persons.
2. For the purposes of the previous paragraph, the IM, I.P. shall work together with the relevant public and private entities, namely with the International Committee of the Red Cross, Red Cross of Timor-Leste, Office of the UN High Commissioner for Refugees (UNHCR) and the Government of the Republic of Indonesia.
3. The IM, I.P. shall be the public institution tasked with establishing, managing, updating and surveying a database of missing persons .
4. The IM, I.P. shall work together with the competent judicial/forensic authorities in investigations relating to missing persons.
5. The law shall define other specific powers of the IM, I.P. with regard to missing persons .

Article 40 **Information and assistance**

1. The IM, I.P. shall collect information on each and every person who went missing during the conflicts that occurred in Timor-Leste between 1974 and 1999.
2. The rules on confidentiality provided in this law shall apply to any information relating to missing persons.
3. Any information that is collected may be conveyed to the Government, the International Committee of the Red Cross, the Red Cross of Timor-Leste or to the relatives of missing persons, with the consent of whoever provided such information .
4. The information referred to in the previous paragraphs may not be used to pursue any other role or function of the IM, I.P. .

CHAPTER VIII **Financial and assets management**

Article 41 **General rules**

1. The IM, I.P. 's assets-related and financial activities shall be carried out pursuant to the provisions in this law and, additionally, by the legal regime applicable to public finances.
2. The management of assets and financial management activities undertaken by the IM, I.P. , including private management activities, shall be subject to the legal regime governing public accounting and shall abide by the principles of

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

- transparency and economic efficiency. The IM, I.P. shall ensure that the applicable legal provisions regarding public finance are adhered to.
3. The tenders to be conducted by the IM, I.P. shall abide by the principles of publicity, fair competition and non-discrimination.
 4. The IM, I.P. 's revenue and expenditure shall be inscribed in its annual budget, which shall correspond to a budget line in the State's Budget.
 5. Any revenue inscribed as a separate item in the revenue and expenditure tables and thus classified shall be considered revenue of the State Budget.

Article 42

Assets

1. At the time of its inception, the IM, I.P. 's assets shall include the building known as *Ex-Comarca de Balide*, all the assets and rights of the Post-CAVR Technical Secretariat, as well as CTF's documentation that is on national territory.
2. The assets of the IM, I.P. shall also include the assets, rights and guarantees awarded to it by law, as well as those acquired after the establishment of the IM, I.P. for the purpose of fulfilling its functions.

Article 43

Revenue

The following shall be revenue of the IM, I.P. :

- a) Funds from the State Budget;
- b) The proceeds of the sale of the IM, I.P. 's own assets and the establishment of rights *in rem*;
- c) Any other revenue resulting from the IM, I.P. 's own activities or allocated to it by law or by contract, as well as any subsidies, grants or other forms of financial support, namely donations or any other voluntary financial contributions ;
- d) The balance carried over from the previous year.

Article 44

Expenses

The IM, I.P. 's expenses are the expenses incurred by it while undertaking activities and purchasing goods to fulfill its mandate pursuant to this law .

Article 45

Accounting

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

1. The IM, I.P. shall keep and update its financial and accounting records relating to the IM, I.P. 's activities .
2. The IM, I.P. shall be audited by an external entity once every year .

Article 46

Supervision by the High Administrative, Tax and Audit Court

1. The IM, I.P. shall be under the jurisdiction of the High Administrative, Tax and Audit Court, pursuant to the Constitution and the law .
2. The IM, I.P. shall submit its annual accounts, audited in accordance with the provisions of article 45 (2), to the High Administrative, Tax and Audit Court.

CHAPTER IX

Staff and ancillary services

Article 47

Specialized services

The IM, I.P. shall be assisted by administrative and technical services, pursuant to the institute's internal regulation. Such services shall be established in accordance with the IM, I.P. 's plan of activities and within the limits of the IM, I.P. 's budget .

Article 48

Applicable regulatory framework

The staff working at the IM, I.P. shall be recruited under individual work contracts and shall be covered by the social security scheme.

CHAPTER X

Parliamentary oversight and jurisdictional control

Article 49

Report to the National Parliament

1. The IM, I.P. shall keep the National Parliament informed about its activities, by submitting to the National Parliament a bi-annual summary of activities.
2. Each year, the IM, I.P. shall submit to the National Parliament an annual report on its activities as well as the corresponding annual accounts for debate by 31 March. This submission shall be preceded by a hearing of the members

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

- of the Governing Board in the Parliamentary Committee that is competent with regard to constitutional matters and justice.
3. The debate in the parliamentary committee shall take place within 60 days of the submission of the annual report and accounts.
 4. The members of the Governing Board shall appear before the competent Parliamentary Committee to provide information or clarifications on its activities, whenever requested to do so.

Article 50 **Contents**

The report referred to in the previous article shall include the following information:

- a) Activities undertaken, namely those related to education and training;
- b) Current state of archives;
- c) Assessment of the implementation of the recommendations;
- d) Assessment of the progress achieved in the reparations programme;
- e) Progress achieved with regard to missing persons.

Article 51 **Liability**

The holders of posts in the IM, I.P. 's organs and their agents shall be liable for their acts and omissions in civil, criminal, disciplinary and financial matters while performing their duties, pursuant to the Constitution and the law.

Article 52 **Jurisdictional control**

The activities of the organs and agents of the IM, I.P. shall be subject to jurisdictional control by the administration, pursuant to the Constitution and the law.

CHAPTER XI **Final and transient provisions**

Article 53 **Internal organisation**

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament

The internal organisation of IM, I.P. is as provided in the respective internal regulations.

Article 54 **Internal regulations**

The internal regulations of the IM, I.P., shall be submitted to the members of the Government overseeing public finances, public administration and social solidarity for information, within 90 days from the date of the entry into force of this law.

Article 55 **Succession**

1. The assets, rights and liabilities of CAVR and of the Post-CAVR Technical Secretariat, as well as CTF's documentation that is on national territory shall be automatically transferred to the IM, I.P.
2. This law shall be a sufficient legal basis and evidence of the state of affairs referred to in the previous paragraph for all legal purposes, including registration .
3. For the purpose of giving effect to the provision in the previous paragraph, the competent public services shall undertake the necessary procedures upon a communication from the Chair of the Governing Board.

Article 56 **Review**

This law shall be reviewed within five years following its entry into force.

Article 57 **Entry into force**

This law shall come into force on the day following its publication.

Dili, National Parliament, 15 June 2010.

The Members of Parliament,

DRAFT BILL



Democratic Republic of Timor-Leste
National Parliament
