

**SPECIAL REGIME FOR
DETERMINATION OF OWNERSHIP OF IMMOVABLE PROPERTY**

The Constitution of the Democratic Republic of Timor-Leste, in its article 54, ensures the right of all private citizens to own land. The full exercise of this right depends on the resolution of the current and nationwide lack of definition of the status regarding ownership of immovable property.

With the goals of regularizing the legal status of immovable property in Timor-Leste, promoting the distribution of property among citizens and ensuring access to land by all, this law establishes the Special Regime for Determination of Ownership of Immovable Property and creates mechanisms that allow for the identification of legitimate owners and recognition and granting of first property rights.

The National Parliament hereby orders the following, under the provisions of article 95, number 2, item e) of the Constitution of the Republic and for all legal effects:

**CHAPTER I
OBJECT AND DEFINITIONS**

**Article 1
(Object)**

1. This law establishes a special regime for the definition of immovable property ownership by recognizing and awarding first rights of immovable property ownership in the Democratic Republic of East Timor.
2. The special regime for establishing immovable property ownership has the purpose of clarifying the legal status of immovable properties in East Timor, promoting the distribution of property among citizens and ensuring access to land for all.
3. The recognition and award of the first property rights shall conform to the guiding principles of acceptance of primary previous rights, acknowledgment of possession as the basis for assigning ownership rights and due compensation in cases of duplicity of rights.

**Article 2
(Previous Rights)**

1. For the purposes of the present law, shall be defined as previous rights:
 - a) Rights over immovable property, customary and resulting from long term possession, which have the basic features of property rights in accordance with this statute as informal property rights;
 - b) Rights over immovable property granted by the Portuguese and Indonesian administrations in the territory of East Timor, namely *propriedade perfeita*, *aforamento*, *hak milik*, *hak guna bangunan* and *hak guna usaha*.

2. For the purposes of this statute, *propriedade perfeita* and *hak milik* are named as primary previous rights, and *aforamento*, *hak guna bangunan* and *hak guna usaha* are named as secondary previous informal property rights.
3. All prior and secondary rights of *aforamento* expected to expire after December 7, 1975 are considered to be in effect.
4. All prior and secondary rights of *hak guna bangunan* and *hak guna usaha* expected to expire after August 30, 1999 are considered to be in effect.

Article 3 (Definitions)

1. For the purposes of this law, the following definitions shall apply:
 - a) *Ownership claim*: the act by which one or more individuals or legal entities claim to hold the ownership right over a piece of immovable property before the National Directorate of Land, Property and Cadastral Services and within the scope of the cadastral survey process;
 - b) *Claimant*: the individual or legal entity who has submitted a valid and timely ownership claim, individually or in a group, as a claimant to ownership or compensation;
 - c) *Claimant in possession*: the claimant in possession of the claimed piece of immovable property;
 - d) *Uncontested claimant*: the single claimant for ownership of a piece of immovable property or a group of claimants in mutual agreement.
 - e) *Immovable property*: the soil and everything permanently linked to the soil, namely buildings, in accordance with the Civil Code;
 - f) *Propriedade perfeita*: the right to full and exclusive enjoyment of the rights of use, fruition and disposal of immovable property recognized as such by the law applicable during the Portuguese administration;
 - g) *Aforamento*: the right of tenants to the use and fruition of immovable property against the payment of rent and with the right of retrieval recognized as such in the law applicable during the Portuguese administration;
 - h) *hak milik*: the right of full and exclusive enjoyment of the rights of use, fruition and disposal of immovable property recognized as such by the law applicable during the Indonesian administration;
 - i) *hak guna-bangunan*: the right to temporarily build or maintain worksites on land owned by a third party, recognized as such in the law applicable during the Indonesian administration;

- j) *hak guna-usaha*: the right to the economic production of State land for an established period of time, recognized as such in the law applicable during the Indonesian administration.

CHAPTER II GENERAL PROVISIONS

Article 4 (Equality of Rights)

1. Property rights are available to any national individuals, male or female, as well as legal entities as local communities.
2. Property rights are assured equally to males and females and any form of discrimination is prohibited.

Article 5 (Public Domain by the State)

1. The public domain includes all assets included in that domain in accordance with the law, individually or by way of identification by type.
2. The inclusion and maintenance of any asset in the public domain always rests upon the premise that the asset is indispensable for the protection of the public interest and the collective needs.
3. Without detriment of any special legislation that may classify other assets as public domain, public domain shall include the following:
 - a) Coastal and territorial waters, interior waters, their beds and margins and the continental platform;
 - b) The air layers above the territory in excess of the limit granted to the owner or surface owner;
 - c) The air space through which radio electrical waves can propagate;
 - d) The beaches and the strip of the sea coast and outline of islands, islets, bays and estuaries, measuring from the line of the highest flood marks and with allowance for a protective strip to the interior of the territory;
 - e) All waters of rivers, lakes, lagoons and connected lands;
 - f) Oil and natural gas deposits;
 - g) Mineral deposits, hydro and mineral resources and geothermal resources, as well as natural underground caves and other natural resources existing in the underground, excluding spring waters and mineral masses such as rocks, common land and other materials habitually used in construction;
 - h) Railroad infrastructures, with allowance for a protective bordering strip;
 - i) Airports and airdromes of public interest, with allowance for a protective bordering strip;
 - j) Artificial ports and docks of a public interest, with allowance for a protective bordering strip;
 - k) Public utility dams, with allowance for a protective bordering strip;
 - l) The highway network including, specifically, roads, streets, public ways, squares and green areas, as well as their accessories and artworks, with allowance for a

- protective bordering strip;
 - m) Public cemeteries;
 - n) Monuments and buildings of national interest, provided that they are properly classified and included in the public domain;
 - o) Military installations, infrastructures relevant for national security and territorial areas reserved for the purposes of civil protection or military defense;
 - p) The strip of land along the terrestrial border.
4. The National Property Cadastre identifies and characterizes all assets of the State's public domain.
 5. The system for utilizing the public domain of the State is regulated by a separate statute.

Article 6 (Immovable Property of the State)

1. Belong to the State domain all properties in its current possession, to the detriment of any other claimant.
2. State ownership of all immovable property in its possession shall prevail over any previous rights, with no detriment of the right to compensation under the provisions of this law.
3. All immovable property identified as abandoned by DNTPSC under Law no. 1/2003 of March 10 shall be considered under current State possession.
4. All immovable property with no known owner shall be considered State assets.
5. All immovable property which has been utilized by the Portuguese public administration until December 7, 1975 and by the Indonesian administration until October 19, 1999, not under their possession and belonging to the respective States within the territory of East Timor, shall be considered as State domain provided that the effective intention of ownership under the terms of this statute is manifested.
6. The system to utilize and dispose of immovable property owned by the State shall be regulated in a separate statute.

Article 7 (Legal Entities)

1. National legal entities constituted exclusively of national citizens are entitled to property rights over immovable property.
2. Other legal entities may obtain surface rights and other rights over immovable property.
3. Immovable property with previous right holders who are extinct legal entities shall revert to the State, except in cases of special adverse possession or usual possession by third parties, as identified within the scope of the process for acknowledging and granting first property rights.

Article 8

(Foreigners)

1. Immovable property of foreign claimants who hold previous rights shall revert to the State, except in cases of special adverse possession by nationals.
2. Foreign claimants holding previous rights who maintain current possession of any immovable property reverted to the private domain of the State have the right to continue to use the property by way of lease contracts or other forms provided in the law.

**CHAPTER III
POSSESSION**

**Article 9
(Concept)**

1. For the purposes of this law, possession is the use or the real possibility of use of the property for the purposes of habitation, cultivation, business, construction or any other activity requiring the physical use of the immovable property.
2. Possession may be exercised in person or through third parties.
3. Landlords exercise their possession through their lessees.
4. Evidence of possession are construction, planting, fences and enclosures.

**Article 10
(Mere Occupants)**

1. The following are considered to be mere occupants of immovable property:
 - a) People using the property with no intention of acting as beneficiaries of the right of ownership, such as lessees;
 - b) People who simply took advantage of the tolerance of legitimate possessors;
 - c) Representatives and agents of the possessor, as well as anyone exercising possession on behalf of someone else;
2. Mere occupants cannot acquire for themselves the right to own the immovable property they possess by means of special adverse possession.
3. Possessors will be those who reside in, have erected buildings on, or have cultivated the land of, immovable assets with ownership claimed by another party based on the belief of ancestral customary domain, even when rent is being paid to that party.

**Article 11
(Possession Protection)**

Until the first ownership rights are recognized or awarded within the scope of the special regime established in this law, actual and peaceful possessors shall enjoy full legal protection under the terms of the Civil Code.

**Article 12
(Intent of Ownership)**

Individuals who, in exercising his/her possession, do not implicitly or explicitly exclude the conviction of being holders of the property right are considered to be possessors with intent of ownership.

Article 13
(Public and Notorious Possession)

Public and notorious possession is the possession practiced in a way intended to be known by the interested parties.

Article 14
(Lasting Possession)

For the purposes of this statute, lasting possession is possession uninterrupted for at least twenty years.

Article 15
(Peaceful Possession)

1. Peaceful possession is possession obtained without the use of violence or threat.
2. Possession is deemed violent when the possessor, in order to obtain it, uses physical or psychological coercion under the terms defined in the Civil Code.

Article 16
(Interruption of Possession)

1. Dispossession occurs when someone is unduly deprived of the exercise of holding or enjoying the possessed property or the possibility of continuing its possession.
2. National claimants who held previous rights and were dispossessed after December 31, 1998 without the ability to recover possession are deemed actual and peaceful possessors.
3. For the purpose of special adverse possession, persons who have been dispossessed on or after April 26, 2006 and are unable to recover possession are deemed actual and continuous possessors.

CHAPTER IV
SPECIAL ADVERSE POSSESSION

Article 17
(Definition)

Special adverse possession is the mechanism for acquisition of the ownership right related to an immovable piece of property within the scope of the special regime for determining ownership of immovable property in the cases of possession maintained for a certain period of time and in accordance with the requirements established in this Chapter.

Article 18
**(Immovable Property Not Susceptible to Acquisition Through
Special Adverse Possession)**

Immovable property located in areas of public domain of the State shall not be object of special adverse possession.

Article 19
(Requirements)

1. Ownership rights through special adverse possession shall be awarded to any claimant in current possession who cumulatively meets the following requirements:
 - a) Claimant holds Timorese citizenship and possess the property with the intention of ownership, continuously, publicly and notoriously;
 - b) Claimant has initiated possession in a peaceful fashion before or on December 31, 1998, without the use of physical violence or psychological coercion.
2. For the purpose of establishing the starting date of possession, claimants in possession may add the possession of their antecessors, provided that possession was continuous and peaceful, regardless of the form of transmission.

Article 20
(Legal Capacity for Acquisition)

1. The mechanism of special adverse possession is available to anyone capable of acquisition.
2. Those who are legally incompetent may acquire on the basis of special adverse possession, on their own or through their legal representatives.

CHAPTER V
PROTECTION ZONES AND COMMUNITY PROPERTY

Article 21
(Community Protection Zones)

Community Protection Zones are areas protected by the State for the purpose of safeguarding common interests of local communities through the protection of residential areas, agricultural areas, either cultivated or fallow ground, forests, culturally relevant sites, pastures, water springs or areas with natural resources that are shared by the population and necessary for its subsistence.

Article 22
(Protection)

In Community Protection Zones, the State is responsible for the following:

- a) Ensure that all customary practices conform to the Constitution and are participatory,

- non-discriminatory and respect gender equality;
- b) Promote environmental and socio-cultural sustainability in the uses of natural resources and the way of life of each local community; and
- c) Protect immovable property in the community from real estate speculation.

Article 23
(Use of Immovable Property in Community Protection Zones)

1. The use of immovable property by individuals, families and groups in Community Protection Zones shall be respected by the community and protected by the State.
2. The State is responsible for ensuring that all economic activities performed by third parties in Community Protection Zones:
 - a) benefit the local community as a whole in an inclusive and non discriminatory fashion;
 - b) are performed in a sustainable way from the environmental and socio-cultural points of view;
 - c) respect the ways of life of each local community and its access to natural resources.
3. All economic activities performed by third parties in Community Protection Zones shall be preceded by consultation with the local community.
4. The regime and demarcation process of the Community Protection Zones are regulated by separate statute.

Article 24
(Ownership of Immovable Property in Community Protection Zones)

The characterization of an area as Community Protection Zone does not affect the ownership of immovable properties of private persons, legal entities and the State located in it or the rights of their respective owners, with no detriment to the limitations resulting from the protective legal regime.

Article 25
(Community Property)

1. Any immovable property acknowledged by the community as being of their common and shared use, by a group of individuals or families, organized in accordance with local practices and customs shall be considered as community property.
2. The DNTPSC shall assist each local community in the process of community property demarcation and consult with the local and community authorities, as well as the elders residing locally, as sources of essential information.
3. The community property demarcation process may be initiated by the local community or by the DNTPSC.
4. The DNTPSC shall issue the ownership title of community property in the name of the local community.
5. All community properties are inalienable and unseizable.

Article 26
(Community Representation)

1. The local community shall represent itself in accordance with its customary practices and uses.
2. In the case of economic activities performed by third parties in community properties, the State shall assist the community in the negotiations and ensure compliance with the terms of the agreement entered between the parties.

**CHAPTER VI
DETERMINATION OF OWNERSHIP OF IMMOVABLE PROPERTY**

**SECTION I
Rights of Ownership and Uncontested Cases**

**Article 27
(Holders of Primary Previous Rights)**

1. National claimants with uncontested *propriedade perfeita* or *hak milik* shall be granted property rights.
2. All immovable property object of *propriedade perfeita* or *hak milik* shall be subject to ordinary adverse possession under the terms of the Civil Code and the ordinary adverse possession shall be recognized during the process of granting and authorizing first property rights.
3. All ownership claims based on *propriedade perfeita* and *hak milik* are subject to the cadastral survey process in order to confirm the existence of the underlying rights.

**Article 28
(Uncontested Possession)**

1. In uncontested cases, the uncontested claimant is granted ownership rights, provided that the uncontested possession is peaceful, except if the immovable property is located in an area of public domain of the State.
2. The claimant shall only acquire the property right over the portion of the property possessed by him/her.

**Article 29
(Actual Possession for Holders of Previous Rights)**

1. Ownership rights shall be awarded to Timorese claimants who hold secondary previous rights and have current and peaceful possession of the claimed property.
2. The claimant shall only acquire the ownership right over the portion of the property owned by him/her.

**SECTION II
Disputed Cases**

Article 30

(Definition and Resolution)

1. Contested cases are understood as cases in which there is more than one valid claim for possession or different previous rights over the same property.
2. Contested cases that cannot be resolved through negotiation between the parties, mediation or other forms of mutual agreement shall be resolved by administrative decision based on the system set out in this law.

Artigo 31º

(Disputa entre titulares de direito anterior primário)

1. In cases of dispute between national claimants holding previous primary rights when one of the claimants owns the immovable property of part thereof, such claimant will be granted property rights over the part of the property he owns.
2. The property right over the part of the property not owned by either claimant will be granted under the terms of no. 1 of article 36.

Artigo 32

(Holders of Previous Primary Rights and Previous Secondary Rights)

In cases of dispute between a national claimant holding prior primary rights and a national claimant holding prior secondary rights, the property right will be granted to the holder of the prior primary right, regardless of possession.

Artigo 33

(Holders of Previous Secondary Rights)

1. In the cases of dispute between national claimants holding previous secondary rights, the property right is granted according to the possession entitled to each.
2. The property right over the portion of the immovable property not owned by either claimant will be granted in accordance with no. 2 of article 36.

Artigo 34

(Special Adverse Possession and Holders of Previous Primary Rights)

The property right will be granted to the national claimant holding *propriedade perfeita* or *hak milik*, in detriment of the claimant in possession, even when the latter has complied with the requirements of special adverse possession.

Article 35

(Special Adverse Possession and Holders of Secondary Previous Rights)

1. In contested cases between a Timorese claimant in possession and a claimant holding a secondary previous right, the ownership right shall be awarded to the possessor who meets the requirements of the special adverse possession.
2. If the actual possessor does not comply with the requirements of special adverse possession, the right shall be awarded to the holder of the secondary previous rights.

3. Claimants in possession shall only acquire ownership rights over the portion of the property possessed by him/her.

Article 36
(Cases Lacking a Claimant in Possession)

1. In disputed cases between claimants holding previous primary rights when neither claimant is found to be in possession of the immovable property, the property right is granted to the claimant holding the most recent right.
2. In disputed cases between claimants holding previous secondary rights when neither claimant is found to be in possession of the immovable property, the property right is granted to the claimant holding the most recent right.

Article 37
(Contested Cases Involving Property Boundaries)

1. Demarcation shall be made in accordance with the titles of each party and, in the absence of adequate certificates, in accordance with the possession held by the neighbors or in accordance with the results of other probative evidence.
2. If the certificates do not specify the boundaries of the property or the area pertaining to each owner and the issue cannot be resolved by possession or other probative evidence, demarcation shall be made by distributing the contested property into equal parcels.
3. If the certificates indicate an area larger or smaller than the total area of the land, the difference or addition shall be attributed proportionally to each party's parcel.

Article 38
(Contested Cases Involving the State and Private Claimants)

1. In cases when the State is the claimant and does not have actual possession, the State shall manifest its effective intention to own the asset in question, under penalty of forfeiture of the ownership claim after one year counting from the date of submittal.
2. The State shall manifest its effective intention of ownership by way of an order (despacho) rendered by the Minister of Justice.

CHAPTER VII
COMPENSATION AND REIMBURSEMENT

SECTION I
Compensation

Article 39
(Admissibility)

1. The following will be entitled to compensation provided by the Real Estate Financial Fund:
 - a) claimants in disputed cases who are not entitled to the property right in

accordance with the special regime for determination of ownership and who hold previous rights;

- b) claimants in possession who are not entitled to the property right in accordance with the special regime for determination of ownership and who comply with the requirements of special adverse possession.
2. In the cases set out in letter "a" of the last item, when the title designates a specific purpose for the granting of the secondary previous right, claimants with certificates shall only be entitled to compensation if they were still in compliance with the original purpose of the property, as stated in the certificate, when the claimant was dispossessed.
 3. As compensações a que se refere o n° 1 só são pagas após a resolução definitiva da disputa.

Article 40
(Historical Value)

1. The compensation shall correspond to the value of the immovable property at the time when the claimant was dispossessed, under terms to be established in an official table.
2. Compensation is calculated according to effectively held possession at the time that the claimant was dispossessed.

Article 41
(Leasing of State Property)

1. All immovable property of the State's private domain may be assigned to occupants protected against eviction by way of special *lease* or other forms permitted by law.
2. The allocation of immovable property of the State's private domain shall be regulated by decree-law.

SECTION II
Reimbursement

Article 42
(Obligation to Compensate)

1. In contested cases, when the ownership right is awarded to the claimant in possession by way of special adverse possession, he or she shall compensate the claimant holding secondary previous rights.
2. The compensation set out in the previous item shall be proportional to the limits of the claimed property for which the property right was awarded and it shall correspond to the value established in the official table.

Article 43
(Obligation to Reimburse)

The obligation to pay compensation belongs primarily to the State, through the Property Fund, and the claimant who was assigned the ownership right shall reimburse the State for the value of the compensation paid under the terms of the previous article.

Article 44
(Acquittal)

1. The State may grant a full or partial waiver of the payment stated in the previous article if there is evidence of serious financial difficulties.

Article 45
(Reimbursement Guarantee)

1. The reimbursement obligation is guaranteed with a mortgage in favor of the State and pledging the property as security.
2. The mortgage is recorded in the property cadastre until later registration in the Real Estate Registry.

Article 46
(Regime of Compensation and Reimbursement)

Despite the provisions of this section, the regime for compensation and reimbursement shall be the object of separate regulation.

CHAPTER VIII
PROCESS OF ADMINISTRATIVE EVICTION

SECTION I
Scope of Application

Article 47
(Competent Authority)

The National Directorate of Land, Property and Cadastral Services is the entity with authority to conduct the administrative eviction of State and private property under the terms of the provisions of this Chapter.

Article 48
(Arbitrary Occupants of State Property)

1. The National Directorate of Land, Property and Cadastral Services shall be the entity with authority to conduct the administrative eviction of arbitrary occupants of State property.
2. Arbitrary occupants are any individuals whose occupation is not authorized by the competent authority by way of a valid *lease* contract or any other administrative act allowing the use of the property by the occupant.
3. The National Directorate of Land, Property and Cadastral Services can enter amicable

agreements with arbitrary occupants to vacate the property owned by the State.

Article 49
(Arbitrary Occupants of Restituted Private Property)

1. The National Directorate of Land, Property and Cadastral Services shall be the entity with authority to conduct administrative eviction of arbitrary occupants of private immovable property when the ownership right of that property has been recognized by the Courts or within the scope of the special regime for determination of ownership.
2. Arbitrary occupants are individuals whose occupation is not authorized by the owner.

SECTION II
Special Protection Against Eviction

Article 50
(Definition)

1. Residents of family homes who are occupying immovable property with ownership recognized or awarded to a third party can only be evicted after being offered an alternative place of residence or after a period of eighteen months from the recognition or award of the property right, whichever occurs first.
2. No special protection against eviction shall be provided to persons who have occupied properties after the recognition or award of the property right to a third party.

Article 51
(Government Obligation)

It is the responsibility of the government to offer adequate alternative housing to residents of family homes.

Article 52
(Family Home)

For the purposes of special protection against eviction, a family home is defined as immovable property used to house the possessor, with or without dependents, when the he or she has no other adequate home or the means to obtain it.

Article 53
(Ascertainment)

1. If the immovable property owner questions the status of the possessor in a family home claimed by the occupant, the latter may obtain a statement issued by the Ministry of Social Solidarity to ascertain it.
2. The Ministry of Social Solidarity may request information about the status of the asset of the requesting party to other agencies within the Administration.

SECTION III

Procedure

Article 54 (Notice)

1. The DNTPSC shall notify the occupant about the definitive administrative decision recognizing or awarding property right to another party.
2. The occupant shall have thirty days, counting from the date of receipt of the notice, to vacate the property,

Article 55 (Obtaining Declaration of "Family Home Resident" Status)

1. Arbitrary occupants may request a declaration by the Ministry of Social Solidarity attesting to their status as family home residents for the purposes of special protection against eviction.
2. The submittal of the request stated in the previous number shall interrupt the term set out in the previous article.
3. The Ministry of Social Solidarity shall have thirty days to issue the declaration attesting the status of the occupant as family home resident.
4. If the period of time set out in the previous number elapses without a response from the Ministry of Social Solidarity, it shall be assumed that the petitioner is a family home resident and the term set out in number 2 of the previous article shall be reinitiated.

Article 56 (Administrative Eviction)

1. Upon the cessation of the occupant's status as family home resident or at the end of the eighteen month period, whichever occurs first, the National Directorate of Land, Property and Cadastral Services shall notify the arbitrary occupant of State property or restituted private property to vacate the property in a period of thirty days counting from the notice.
2. The eviction can be appealed, as set out in Decree-law No 32/2008, of August 27, which regulates the administrative procedure.

CHAPTER IX PROCESS FOR RECOGNITION AND AWARD OF TITLES

SECTION I Administrative Process

Subsection I Cadastral Commission

Article 57 (Creation)

The Cadastral Commission is hereby established under the Ministry of Justice to study disputed cases within the scope of the process for recognition and granting first property rights.

Article 58
(Composition)

1. The members of the Cadastral Commission shall be the following:
 - a) six jurists of renowned moral and ethical integrity, appointed by the Prime-Minister as proposed by the Minister of Justice;
 - b) three technicians specialized in land and property, of renowned moral and ethical integrity, appointed by the National Directorate of Land, Property and Cadastral Services.
2. Each one of the authorities mentioned in the previous number shall appoint one other substitute member to replace the effective member during his absences or impediment.
3. The Minister of Justice shall appoint a President from among the Commission members.
4. A Comissão Cadastral pode se organizar em painéis arbitrais com autonomia decisória, compostos por no mínimo dois juristas e um técnico em terras e propriedades.
5. The Cadastral Commission shall be assisted by a Technical Secretariat.

Article 59
(Operations)

1. The Cadastral Commission is governed in all its operations and competencies by this law, by the decree-law that regulates it and by the internal regulation approved by all members within the scope of its positions and competencies.
2. All deliberations shall be made by a majority of votes and ratified with the Ministry of Justice.
3. All Cadastral Commission operations are regulated by decree-law.

Subsection II
Administrative Decision
Article 60
(Starting the Process)

The process for recognizing or awarding property rights of immovable property starts after the deadline for publication of the cadastral map within the scope of the systematic cadastral survey.

Article 61
(Preparation)

1. Following the deadline for submitting claims, the National Directorate of Land, Property and Cadastral Services shall review all cases and their validity.
2. Any claims that are inconsistent, without ground and not based in credible witness accounts or documents shall be deemed invalid.

Article 62
(Probative Diligence)

As part of the procedure for granting property rights and in order to form its own opinion about the veracity of the facts stated in the declarations, the DNTPSC, through its district offices, and the Cadastral Commission may:

- a) Summon claimants to provide clarification, individually or collectively;
- b) Hear witnesses introduced by the claimants;
- c) Consult with local and community authorities;
- d) Request submittal of additional documents from claimants;
- e) Conduct all probative diligence necessary to validate the information included in the claims.

Article 63
(Granting Rights in Uncontested Cases)

The Minister of Justice recognizes and grants property rights to national claimants in uncontested cases under the terms of this statute and in accordance with the opinion of the Administration about the alleged facts formed during the cadastral assessment process and through the probationary diligence completed.

Article 64
(Decision in Contested Cases)

In contested cases, the Cadastral Commission shall:

- a) Recognize or grant ownership rights to Timorese claimants in accordance with the criteria established in this law and its own assessment about the alleged facts, formed during the process of cadastral survey and by way of probative diligences;
- b) Determine if there are compensation and reimbursement obligations under the terms of this statute and their respective amounts, if applicable and in conformity with the official table.

Article 65
(Content)

The administrative decision within the scope of the special regime for determination of ownership of immovable property shall contain the following:

- a) Identification of each title holder and each parcel;
- b) Information on whether the obligation to compensate is or is not applicable;
- c) Information on whether the obligation to reimburse is or is not applicable; and
- d) The amounts to be compensated and reimbursed.

Article 66
(Disqualification Due to Impediment)

1. Cadastral Commission members shall not be allowed and must abstain from voting or making any decisions related to contested cases if the claimant is his or her spouse, a person with whom he or she lives under terms analogous to marriage, or any first degree or second degree relative or kin.
2. Disqualified Cadastral Commission members in accordance with no. 1 shall be replaced by proxies during contested case deliberations.
3. If a Cadastral Commission member who is disqualified due to impediment votes on a contested case, the decision on said vote can be annulled by an administrative appeal filed by the injured party.
4. If the vote by the Cadastral Commission member who is disqualified under impediment is overdue, the provisions of the previous number will not apply.

Article 67
(Disqualification Due to Suspicion)

1. Claimants may claim disqualification of a Cadastral Commission member due to suspicion if there are prior and justified reasons for questioning the impartiality of said member.
2. Claimants in contested cases may file for disqualification due to suspicion of the Cadastral Commission member at any time, by way of a petition forwarded to the Cadastral Commission Chair by the date prior to the date of the administrative decision.
3. All incidents of disqualification due to suspicion are to be instructed and decided by the Cadastral Commission Chair.
4. If the disqualification due to suspicion is filed against the Cadastral Commission Chair, the incident is instructed and decided by the member that replaced the Chair.
5. If the suspicion is deemed valid, the contested case is assigned to another arbitral panel or the member the object of suspicion is replaced by a proxy in the voting proceedings.

Article 68
(Deferred Application)

1. The administrative decisions in contested cases as set out in the previous article shall only take effects after the deadline for filing an appeal with Minister of Justice.
2. If there are no appeals filed with Minister of Justice after the deadline mentioned in the previous number, the administrative decision shall take effect immediately.

Article 69
(Title Issue)

It is the responsibility of DNTPSC to register the first property rights and issue the respective titles in accordance with the decision of the Minister of Justice or Cadastral Commission under the terms of the process for determining ownership of immovable property established by this statute, or the Court.

SECTION II

Appeal

Subsection I Procedure

Article 70 (Term)

Claimants in contested cases or the State may file an appeal with Minister of Justice within thirty days counting from the notice of the administrative decision.

Article 71 (Object)

The object of the appeal may be the awarding or recognition of the ownership right, the determination of obligation to compensate and reimburse, the terms of those obligations, or the amounts to be compensated or reimbursed.

Article 72 (Legitimacy)

Both the State and the claimant in a contested case may file an appeal of the administrative decision.

Article 73 (Filing the Appeal)

To file an appeal, appellants shall submit a request exposing all the grounds for the appeal and attaching all the documents they deem necessary.

Article 74 (Effects)

The appeal suspends the efficacy of all decisions included in the appealed decision.

Article 75 (Rejection of the Appeal)

The appeal shall be rejected in the following cases:

- a) When the appealed decision cannot be the object of an appeal, under the terms of article 71;
- b) When the appellant lacks legal standing;
- c) When the appeal was not filed within the deadline;
- d) If there is any other reason opposing the acknowledgment of the appeal.

Article 76

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(Decision on the Appeal)

The Minister of Justice may confirm, revoke, modify or replace the appealed decision.

**Article 77
(Deadline for the Decision)**

Appeals shall be decided within thirty days counting from the receipt of the proceeding by the Minister of Justice.

**Article 78
(Object of the Appeal Decision)**

The decision of the Minister of Justice is based on the information about each case sent by the Cadastral Commission and any documents instructing the appeal.

**Subsection II
Judicial Objection**

**Article 79
(Term for the Objection)**

The decisions on administrative appeals are subject to judicial appeal with the effect of suspending the earlier decision . The appeal must be filed within thirty days counting from the date of the notice about the appeal decision.

**Article 80
(Authority to Decide on Objections)**

District courts have competency to decide appeals of the decisions rendered by the Minister of Justice at the seat of administrative appeals and the appeal shall follow common procedure.

**Article 81
(Legitimacy)**

Claimants who own subjective rights or legally protected interests and consider themselves harmed can legitimately appeal the decision of the administrative appeal.

**Article 82
(Notices)**

Once the petition for judicial appeal is received, the Minister of Justice and the other claimants are notified.

**Article 83
(Timeliness)**

If the term set out in article 79 expires with no judicial appeal filed, the decision of the administrative appeal shall take effect immediately.

CHAPTER X CADASTRAL SURVEY

Article 84 (National Property Cadastre)

1. The National Property Cadastre is the database containing all official information about immovable property collected by way of cadastral surveys.
2. The National Directorate of Land, Property and Cadastral Services of the Ministry of Justice is the entity with authority to establish, manage and update the National Property Cadastre.

Article 85 (Systematic Cadastral Survey)

The systematic cadastral survey is the collection of data on immovable property conducted by the National Directorate of Land, Property and Cadastral Services in collection areas which are adjoining and pre-selected, in conformity with a specific procedural arrangement and with the purpose of assembling the National Property Cadastre.

Article 86 (Information Collected)

1. In each collection area, the systematic cadastral survey shall collect all the information necessary for assembling the National Property Cadastre, including the following:
 - a) Administrative location of each parcel of immovable property;
 - b) Identification of the boundaries of each parcel;
 - c) Geographical co-ordinates of the landmarks of the each land parcel;
 - d) Geometrical sketch of the parcel, with its geographical references;
 - e) Geographically referenced location of the parcel;
 - f) The type of parcel in accordance with the technical specifications;
 - g) Updated information about its ownership and any other relevant data.
2. Each land parcel shall be assigned a Unique Identification Number.
3. The National Directorate of Land, Property and Cadastral Services shall identify and mark the collection areas.

Article 87 (Ownership Claims)

1. The National Directorate of Land, Property and Cadastral Services shall collect ownership claims from individuals or legal entities relating to immovable property located within the collection areas.

2. The agreements resulting from negotiation or mediation in which the parties have agreed on the definitive transmission of ownership rights over immovable property shall be valid for the purpose of ownership claims.
3. The National Directorate of Land, Property and Cadastral Services shall be responsible for submitting ownership claims for immovable property of the private domain of the State which are not in current possession of the State.

Article 88
(Publication)

1. All the information collected in the collection area shall be displayed in a cadastral map and published for a period of at least thirty days.
2. In cases when the physical features of the collection area so justify, the National Directorate of Land, Property and Cadastral Services may order the publication of the cadastral map for a period longer than thirty days.
3. The period of publication shall be established and made known before its starting date and no extensions shall be allowed.
4. During the period of publication, the National Directorate of Land, Property and Cadastral Services shall collect ownership claims over immovable properties identified in the cadastral map.
5. There shall be no allowance for ownership claims submitted after the established term.
6. The failure to submit ownership claims within the terms established in this law will imply in forfeiture of the exercise of the respective rights.
7. Once the allowed period of time for publication is expired, DNTPSC will publish the complete list of contested cases in the respective collection area during a period of at least 15 days.

Article 89
(Sporadic Cadastral Surveys)

1. Sporadic cadastral surveys are understood as collections of immovable property data conducted individually by the National Directorate of Land, Property and Cadastral Services upon request from an interested party outside of the areas of collection, in conformity with a specific procedural arrangement and with the purpose of assembling the National Property Cadastre.
2. The individual cadastral map of the immovable property and the collected information are published at the local and national levels for a period of time of at least sixty days.
3. Sporadic cadastral surveys are subject to the rules provided in articles 86 through 91.

Article 90
(Prior Claims)

1. All claims submitted within the scope of Law no 1/2003 of March 10 are considered to be ownership claims whenever they are technically viable.
2. Claims are technically viable when they unequivocally identify the claimant and the claimed property.

Article 91
(Cadastral Survey in Community Protection Zones)

1. Cadastral surveys of immovable property in Community Protection Zones shall be preceded by consultation with the local community.
2. Local communities may submit ownership claims during the cadastral survey process.

CHAPTER XI

Additional, Final and Transitory Provisions

Article 92
(False Information)

Any person providing false information on his own behalf or through a third party during the proceeding of acknowledgment and granting of ownership rights shall be punished with a prison sentence of up to 3 years, or a fine.

Article 93
(Other Crimes)

Any practice of active or passive corruption, falsification of documents, provision of false statements or other crimes practiced within the scope of application of this law shall be punished under the provisions of the Penal Code.

Article 94
(Possession by National Citizens of Immovable Property of Foreigners)

1. Immovable property of foreigners reverted to State ownership, when peacefully occupied by Timorese nationals, may be acquired by the nationals by way of a proceeding to be regulated by decree-law.
2. Nationals shall benefit from the presumption of actual possession set out in number 3 of article 16 of this law.
3. In cases when a contract of *lease* was entered with the State for the immovable property and the State intends to alienate the property to the lessee, the amount of the revenues paid to the State by the occupant shall be deducted from the price.
4. Until the effective date of the executive order regulating the acquisition procedure set out in this article, the nationals who occupy properties reverted to State possession for residential purposes shall be granted the right of habitation, extended tacitly to their heirs and legatees.
5. Non residential use of immovable property reverted to the State shall be regulated by way of a *lease* contract or other forms allowed by law.

Article 95
(Abandoned Immovable Property Under State Administration)

1. All *lease* contracts entered under Law no 1/2003, of March 10, and related to abandoned immovable property shall continue to be effective until their termination dates and the private holder who was granted the ownership right shall become the landlord.
2. All revenues received by the State until the recognition or awarding of the ownership right over abandoned immovable property shall constitute State revenue and cannot be claimed by the holder.
3. For the purposes of this law, renters or arbitrary occupants of abandoned immovable property shall not be considered to be in possession.
4. For the purposes of the provisions of this article, only immovable property identified as abandoned by the DNTPSC under Law no 1/2003 of March 10 shall be considered as such.

Article 96
(Asset Appropriation)

This law resolves the situations referred to in article 161 of the Constitution.

Article 97
(Property Fund)

The payment of the compensation in accordance with this Law and the resettlement of claimants protected against eviction, as well as any other burden resulting from the implementation of this law, are the responsibility of, and will be financed by, the Real Estate Fund to be created by Parliament law.

Article 98
(Progressive Tax System)

The taxation of immovable property, to be approved by law, must be progressive.

Article 99
(Judicial Procedure)

1. Judicial proceedings that become unappealable are not affected by this law.
2. This law applies to pending judicial proceedings.
3. The court may suspend the ongoing judicial proceeding and wait for a decision on the process of granting and recognizing first property rights, if it deems more appropriate to the resolution of the dispute.

Article 100
(Repeal)

1. Law no. 1/2003 of March 10 is hereby repealed and all assumptions in article 12 are deemed without effect.
2. UNTAET Regulation no 2000/27 of August 14 is hereby repealed.
3. Any statutes or standards with provisions contrary to the content of this law are hereby

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also repealed.

Article 101
(Effective Date)

This law shall take effect on the ninetieth day following the date of its publication.