

Decree-Law 6/2010

14 April

**ORGANIC OF THE TECHNICAL AND ADMINISTRATIVE SUPPORT
SERVICES
OF THE PUBLIC PROSECUTION**

The approval of the organic, the framework and the statutes of the Technical and Administrative Support Services of the Public Prosecution will provide the Public Prosecution services with the regulation needed to enable it pursue its objectives, bearing in mind the complementary nature of its services in criminal investigations broadly covered by judicial secrecy.

The Technical and Administrative Support Services have the responsibility to provide the Public Prosecution with specialized technical support, institutional planning, as well as financial, asset and human resources management.

Its regulation encourages continuous training of human resources as an investment in human capital, increases the differentials among salaried positions, and attracts and maintains qualified and competent personnel, while simultaneously offering a more decentralised financial management, giving the district services a faster and more balanced access to financial resources, and guaranteeing a stricter control in its use at all levels.

The Superior Council for the Prosecutor-General of the Republic was consulted pursuant to article 21 of Law no. 14/2005 of 16 September.

Pursuant to paragraph p) of article 115.1 of the Constitution of the Republic, as combined with article 21, article 81.1, and article 81.2 of Law no. 14/2005 of 16 September, the Government enacts the following to have the force of law:

**CHAPTER I
NATURE AND POWERS**

**Article 1
Nature**

The Technical and Administrative Support Services of the Public Prosecution is the service of the Public Prosecution responsible for the

design, execution, coordination and evaluation of its activities in the areas of administration, finance, human resources, asset management, planning and specialized technical assistance.

Article 2

Powers

1. In the pursuance of its activities, the Technical and Administrative Support Services of the Public Prosecution shall:

- a) Organize and provide administrative and register services of the assets of the Public Prosecution throughout the entire national territory and promote the measures of implementation necessary for its management;
- b) Implement the budget assigned through the General State Budget;
- c) Exercise financial control over the execution of the budget exclusively assigned to the Public Prosecution;
- d) Ensure training of human resources;
- e) Establish mechanisms of collaboration and coordination with other State bodies;
- f) Ensure specialized technical assistance to enable the Public Prosecution pursue its activities;
- g) Undertake any other activity pursuant to the law.

2. It is also incumbent upon the Technical and Administrative Services of the Public Prosecution to support the magistrates of the Public Prosecution in everything that may be necessary to the exercise of their functions, notably in the collection of legislation and jurisprudence and in the preparation of opinions, reports and decisions.

CHAPTER II ORGANIC STRUCTURE

SECTION I ORGANIC STRUCTURE, SENIOR AND MIDDLE MANAGEMENT

Article 3 Organic Structure

The Technical and Administrative Support Services of the Public Prosecution shall comprise:

- a) The Office of the Prosecutor-General of the Prosecutor-General of the Republic;
- b) The Director General;
- c) The Office of the Prosecutor-General of Finance and Budget;
- d) The Office of the Prosecutor-General of Administration and Human Resources,
- e) The Central Service of Information and Communication;
- f) The Central Service of Translation and Interpretation.

Article 4 Senior and Middle Level Management

1. The Office of the Prosecutor-General of the Prosecutor-General of the Republic is led by a Chef de Cabinet with the category of Director General.
2. The Office of the Prosecutor-General of Finance and Budget and the Office of the Prosecutor-General of Administration and Human Resources shall be headed by Directors with the category of National Directors.
3. The Central Service of Information and Technology and the Central Service of Translation and Interpretation shall be headed by Heads with the category of Heads of Department.

4. The Sections of Finance, of Procurement, of Logistics, of Recruitment, Training and Ethics, and that of Discipline and Performance shall be headed led by Heads of Section.

5. The positions of Chef de Cabinet, Director General, Director, Head of Department and Head of Section shall be filled by appointment, on secondment, preferably from among career employees of the general regime, with recognized merit and experience in their fields, or with relevant qualifications in related fields, pursuant to and in accordance with the applicable legislation.

6. In their absences or impediments, the Chef de Cabinet and the Director General shall be substituted by whoever the Prosecutor-General of the Republic shall appoint.

7. In their absences or impediments, the Directors, Heads of Department Managers and Heads of Section shall be substituted by whoever the Director General so appoints.

SECTION II OFFICE OF PROSECUTOR-GENERAL OF THE REPUBLIC

Article 5 Office of the Prosecution-General of the Republic

The Office of the Prosecutor-General of the Republic is the service which provides general, direct and personal support to the Prosecutor-General of the Republic, organized under their direct dependence, and shall have the following duties:

- a) To organise the matters to be submitted for the appreciation of the Prosecutor-General of the Republic;
- b) To deal with the general office routine, registering and filing of all correspondence directed to the Prosecutor-General of the Republic;
- c) To organise the agenda and public relations of the Prosecutor-General of the Republic;
- d) To coordinate the elements of study or of information as requested by the Prosecutor-General of the Republic;

- e) To manage the human and materials resources assigned to the Office of the Prosecutor-General of the Republic;
- f) To deal with personal office routine of the Prosecutor-General of the Republic;
- g) To organise the protocol during official ceremonies organized by the Public Prosecution and other occasions of representation by the Prosecutor-General of the Republic;
- h) To ensure and coordinate the liaison with public and private media;
- i) To produce official information intended for the media in accordance with guidelines from the Prosecutor-General of the Republic;
- j) To undertake any other activity pursuant to the law or requested by the Prosecutor-General of the Republic.

Article 6 Composition

1. The Office of the Prosecutor-General of the Republic shall be composed of the Secretariat and the Office of Advisory Services, Planning and Projects Management.
2. The Secretariat shall include the Chef de Cabinet, the personal secretaries and the driver.
3. The Office of Advisory Services, Planning and Project Management shall be composed of technicians and advisors fully qualified to exercise their functions in a number consistent with the staffing table to be approved by a specific statute.
4. The members of the Office referred to in the preceding paragraph shall, for all purposes, be compared to the members of the Office of Government members and shall be recruited on secondment by personal selection of the Prosecutor-General of the Republic.

Article 7

Chef de Cabinet

1. The Chef de Cabinet is responsible for coordinating the Office of the Prosecutor-General and liaising with the bodies and services of the Public Prosecution as well as other State departments.
2. The Prosecutor-General of the Republic may delegate to the Chef de Cabinet the undertaking of actions related to the activity of the Office of the Prosecutor-General.
3. In his/her absences or impediments, the Chef de Cabinet shall be substituted by one of the advisors designated by the Prosecutor-General of the Republic.

Article 8

Personal Secretaries

1. It shall be incumbent upon the personal secretaries to provide administrative support as requested.
2. Personal secretaries shall be selected and appointed by the Prosecutor-General of the Republic from among career Professional or Administrative Technicians in a number consistent with that contained in the staffing-table to be approved in a specific law.

Article 9

Office of Advisory Services, Planning and Project Management

1. The Office of Advisory Services, Planning and Project Management is the support body for the Public Prosecution on juridical matters, planning and project management and shall have the following functions:
 - a) To coordinate the development and preparation of legal drafts;
 - b) To ensure the advisory services, consultation and provision of specialized technical services to the Public Prosecution and, particularly, to the Prosecutor-General of the Republic on specific matters relating to his/her activity;

- c) To inform the Prosecutor-General of the Republic on legal statutes which affect the activities of the Public Prosecution;
- d) To propose to the Prosecutor-General of the Republic legislative measures aimed at the efficiency of the Public Prosecution and the improvement of judicial institutions;
- e) To represent the interests of the Public Prosecution in planning initiatives in the justice sector, whenever needed and authorized;
- f) To develop and manage the capability of strategic institutional planning of the Public Prosecution;
- g) To prepare, follow-up and submit reports on the Annual Action Plans of the Public Prosecution;
- h) To prepare and present draft special proposals to enable the Public Prosecution qualify for donor funding whenever necessary and desirable;
- i) To identify Public Prosecution staff qualified to participate in planning initiatives and to recommend their missions whenever necessary;
- j) To regularly present to the Prosecutor-General of the Republic reports on the progress of planning initiatives;
- k) To keep records of tasks and planning activities of the Public Prosecution;
- l) To supervise, whenever necessary, all staff assigned to each of the plans for project implementation during their entire execution process;
- m) To undertake other functions compatible with the effective completion of each project as determined by the Prosecutor-General of the Republic;
- n) To undertake any other function pursuant to the law or requested by the Prosecutor-General of the Republic.

SECTION III DIRECTOR GENERAL

Article 10 Powers

1. The Director General is the highest person responsible for the coordination, guidance and execution of the technical and administrative support services for the Public Prosecution under his jurisdiction and it shall be incumbent upon him/her, particularly:

- a) To ensure the general orientation of services according to the plan of activities and the orientations of the Prosecutor-General of the Republic;
- b) To coordinate and harmonise the execution of the annual plans depending on the needs;
- c) To propose the necessary measures for adequate the functioning of the Public Prosecution from an organizational perspective;
- d) To coordinate the activities of the Public Prosecution with other State services;
- e) To ensure the efficiency, liaison and cooperation among the services of the Public Prosecution;
- f) To follow-up, in coordination with the Chef de Cabinet, the execution of projects and programmes of international cooperation and technical assistance and take part in their internal evaluation, without prejudice to other existing mechanisms;
- g) To undertake any other activity pursuant to the law or requested by the Prosecutor-General of the Republic.

2. The Director General is assisted by a staffing table adequately qualified to exercise their functions in a number as contained in the staffing table to be approved in a specific statute.

SECTION IV
DIRECTORATE OF FINANCE AND BUDGET

Article 11
Definition and Powers

1. The Directorate of Finance and Budget is the service of the Public Prosecution responsible for administrative management, documentation, finance and asset management, the duties of which include:

- a) Providing, organizing, developing and coordinating the proper professional management techniques and the efficient functioning of the services on matters of general administration, finance and asset management;
- b) Guaranteeing the inventory, administration, maintenance, control and preservation of assets and materials assigned to the Public Prosecution;
- c) Preparing the draft annual budget for the Public Prosecution in accordance with the instructions of the Prosecutor-General of the Republic and the Ministry of Finance;
- d) Executing and controlling the budgetary allocations assigned;
- e) Ensuring compliance with laws, regulations and other legal provisions of an administrative-financial nature;
- f) Managing decentralized procurement;
- g) In coordination with the other services and in accordance with superior guidelines, prepare the Annual Plan of Activities and the proposal for the Sectoral Investment Programme of the Public Prosecution, as well as monitor and evaluate the respective execution;
- h) Ensuring the maintenance and safety of equipment;
- i) Ensuring the services of vigilance of the buildings allocated to the Prosecutor-General of the Republic;
- j) Ensuring and taking care of all formal procedures related to official correspondence and organizing the proper filing system;

- k) Undertaking any other activity pursuant to the law or requested by the Prosecutor-General of the Republic.

Article 12

Services

1. The Directorate of Finance and Budget is composed of the following sections:

- a) Finance section;
- b) Logistics Section;
- c) Procurement Section.

2. The Real Estate Administration Unit shall operate within the Logistics Section.

Article 13

Finance Section

1. The Finance Section is the service responsible for the management of financial resources allocated to the Public Prosecution.

2. It shall be incumbent upon the Finance Section to:

- a) To implement the rules and procedures for the preparation and execution of the budget, as well as other rules of financial management;
- b) To provide technical support and oversee the implementation of the respective rules and procedures in all the services and organisms of the Public Prosecution;
- c) To ensure the effective execution of the budget of the Public Prosecution by proposing and promoting the necessary actions, notably the transfers of funds;
- d) To act as the focal point for the Public Prosecution vis-à-vis the relevant Government institutions on matters of budget and financial management;

- e) To prepare the annual budget proposal of the Public Prosecution, ensuring its harmonization with the annual action plans;
- f) To prepare regular financial reports to be submitted to the competent authorities;
- g) To take part in the preparation of the annual budget of the Public Prosecution and ensure its execution;
- h) To manage and control the working capital of the Public Prosecution as well as the funds allocated to the district prosecution services.
- i) To exercise any other powers as conferred by law or by the Prosecutor-General of the Republic.

Article 14 **Logistics Section**

1. The Logistics Section is the service responsible for the inventory, maintenance and preservation of the property and real estate assigned to the Public Prosecution, as well as the distribution of consumable goods necessary to the functioning of the Public Prosecution.

2. It shall be incumbent upon the Logistics Section to:

- a) Maintain an up-to-date and comprehensive registry of the inventoried goods and real estate assigned to the Public Prosecution, notably the means of transport, furniture, equipment and electronic utensils;
- b) Take part in the inspection, reception and confirmation of the goods and services acquired by the Public Prosecution;
- c) Organise, coordinate, control and manage logistical operations in accordance with the law and other complementary rules;
- d) Manage the storage of goods, equipment and materials assigned to the Public Prosecution and propose the acquisition of goods and equipment deemed necessary;
- e) Ensure the delivery by the suppliers of the goods, materials and equipment as agreed to in the purchase orders issued by the Procurement Department;

- f) Ensure the maintenance and preservation of vehicles, equipment and other State assets managed by the Public Prosecution;
- g) Provide logistical support for official events organised by the Prosecutor-General of the Republic;
- h) Supervise the physical execution of public work projects of the Public Prosecution and prepare regular reports;
- i) Exercise any other powers as conferred by law.

3. It shall be incumbent upon the Real Estate Administration Unit to:

- a) Promote the acts necessary for the preservation and judicial regularisation of the real estate assets of the Public Prosecution General;
- b) Organise and maintain a cadastre of real estate, with annual updates;
- c) Ensure the preservation, maintenance and repair of the official buildings and residences of the magistrates and employees of the Public Prosecution;
- d) Ensure the vigilance, safety, cleanliness and maintenance of the facilities intended for the services;
- e) Exercise other powers as conferred by law.

Article 15

Procurement Section

1. The Procurement Section is the service responsible for performing operations of decentralized procurement of goods and services, including public works and consulting services, of the Public Prosecution.

2. It shall be incumbent upon the Procurement Section to:

- a) Manage and run the procurement of goods and services pursuant to law;

- b) Register, send, and monitor the processes of procurement under the competence of the Ministry of Finance;
- c) Ensure the implementation of rules and procurement procedures in accordance with applicable legislation and based on guidelines from the competent authorities;
- d) Maintain a complete and up-to-date registry of all procurement processes;
- e) Prepare an annual procurement plan and regular reports of its respective execution;
- f) Ensure the practice of acts and procedures inherent to the signing of contracts for the purchase of goods and services and guarantee their management, updating and renovation;
- g) Propose to the Director of Administration and Finance the beginning and type of procedure to be adopted in each procurement operation and keep him/her informed of the respective progress;
- h) Submit for the approval of the Director of Administration and Finance the proposals for approval of procurement contracts;
- i) Exercise any other powers as conferred by law.

SECTION V
DIRECTORATE OF ADMINISTRATION AND HUMAN
RESOURCES

Article 16
Definition and Powers

1. The Directorate of Administration and Human Resources is the service responsible for the administrative and human resources management of the Public Prosecution and it shall be incumbent upon it to:

- a) Provide, organise, develop and coordinate adequate techniques of professional management as well as the efficient functioning of the services in the area of human resources;
- b) Take part in the preparation of the staffing table in collaboration with the other services of the Public Prosecution;
- c) Design and carry out recruitment operations for admission of staff to careers in the Public Prosecution;
- h) Develop strategies for improving human resources;
- i) Implement and administer computer systems for the management of human resources of the Public Prosecution;
- j) Promote, within its powers, the institutional capabilities of the employees of the Public Prosecution;
- k) Exercise other powers as conferred by law or requested by the Prosecutor-General of the Republic.

Article 17 Services

1. The Directorate of Administration and Human Resources is composed of the following sections:

- a) Recruitment and Training Section;
- b) Ethics, Discipline and Performance Section.

Article 18 Recruitment and Training Section

1. The Recruitment and Training Section is the service responsible for recruiting and for ensuring on-going training to personal.

2. It shall be incumbent upon the Recruitment and Training Section to:

- a) Recruit personnel for the Public Prosecution in accordance with the approved staffing table;

- b) Participate in the preparation of the staffing table in collaboration with the other services of the Public Prosecution;
- c) Prepare the processes of transfer, requisition and assignment of staff, as well as process requests for leave of absence pursuant to the law;
- d) Ensure the reception of new employees and promote internal human relations;
- e) Promote and monitor the assignment or reassignment of staff by the services and organic units, taking into account the rational distribution of the staff;
- f) Develop strategies and promote the development and professional improvement of human resources, notably through the identification of training needs;
- g) Prepare an annual training plan for employees, promote the respective registration and undertake an evaluation of the results;
- h) Promote the necessary measures to guarantee the participation of employees who have registered for training;
- i) Process the obtaining and updating of identity cards for the staff of the Public Prosecution;
- j) Ensure the issuance of declarations and certificates referring to the employees;
- k) Submit an annual report of its activities;
- l) Exercise any other powers as conferred by law.

Article 19

Ethics, Discipline and Performance Section

1. The Ethics, Discipline and Performance Section is the service responsible for ensuring the compliance with the principles of social, individual and professional ethics of the employees and for assessing their performance.
2. It shall be incumbent upon the Ethics, Discipline and Performance Section is responsible to:

- a) Comply with, and ensure compliance with, applicable legislation on public administration, proposing the establishment of disciplinary procedures;
- b) Organise and keep updated the biographical and disciplinary files of the employees of the Public Prosecution;
- c) Guarantee the registry and control of the attendance, assiduity and punctuality of the employees of the Public Prosecution;
- d) Prepare and monitor the administrative procedures relating to vacations and leave absences of employees;
- e) Organise vacation maps and submit them for approval;
- f) Prepare documents for internal circulation and submit them for approval;
- g) Conduct performance review processes and establish processes for progression and functional promotion;
- h) Organise and ensure the publication of the seniority list;
- i) Exercise any other powers as conferred by law.

**SECTION VI
CENTRAL SERVICE OF INFORMATION AND
COMMUNICATION**

**Article 20
Central Service of Information and Communication**

1. The Central Service of Information and Communication is the service responsible for the study, monitoring and coordination of the use of computer technologies, responsible for:

- a) Performing studies and, in coordination with other services and bodies of the Public Prosecution, proposing plans for the implementation of new computer system technologies;
- b) Monitoring the application of control standards; coordinating and integrating existing computer systems;

- c) Developing and coordinating technological projects assigned to the Public Prosecution;
- d) Administering and updating the central informational systems of the databases of the Public Prosecution;
- e) Administering and updating the official page of the Public Prosecution on the Internet;
- f) Analysing and proposing the acquisition of adequate equipment and computer goods and services in coordination with the Logistics Department;
- g) Guaranteeing the safety of the electronic data processed and archived, including routine safety copies;
- h) Providing technical and operational assistance to all users of computer equipment in the Public Prosecution;
- i) Facilitating the process of training in the area of computer technology for the staff of the Public Prosecution;
- j) Providing technical and operational assistance to all services of the Public Prosecution;
- k) Exercising any other powers as conferred by law or requested by the Prosecutor-General of the Republic.

SECTION VII CENTRAL SERVICE OF TRANSLATION AND INTERPRETATION

Article 21

Central Service of Translation and Interpretation

1. The Central Service of Translation and Interpretation is the service responsible for providing specialised technical translation and interpreting services to the Public Prosecution, and is responsible for:

- a) Coordinating the provision of specialised technical services to the Office of the Prosecutor-General and, in general, to the Public Prosecution service on matters of translation/interpretation;

- b) Ensuring the service of interpretation/translation of criminal inquiries, documents, papers or other evidence related to the activity of the Public Prosecution;
- c) Translating texts, documents or papers of interest to the exercise of the functions of the Public Prosecution;
- d) Exercising any other powers as conferred by law or requested by the Prosecutor-General of the Republic.

CHAPTER III DISTRICTS

SECTION I STRUCTURE, POWERS AND COMPOSITION

Article 22 District Units

1. Finance Units shall operate within the District Prosecution Offices with the powers provided for in Article 11 and subsequent articles, *mutatis mutandis*.
2. Human Resources Units shall operate within District Prosecution Offices with the powers provided for in Article 16 and subsequent articles, *mutatis mutandis*.
3. Whenever local specificities so require, translation and interpretation units may be created.
4. The units provided for in the preceding paragraph shall be composed of staff in accordance with the number contained in the staffing table to be approved in a specific statute.

CHAPTER IV STAFF

Article 23 Legal Regime of the Staff

The legal regime of the staff shall be the one contained in this law and in the legislation applicable to civil servants and agents of public administration.

Article 24 Staffing tables, their updating and amendments

The staffing table of the Technical and Administrative Support Services of the Public Prosecution shall be the one contained in the framework to be approved in a specific statute of the Government following proposal by the Public Prosecution.

CHAPTER V FINAL AND TRANSITIONAL PROVISIONS

Article 25 Assignments of staff, Requisitions, Secondments and Others

Staff who, as of the date of approval of this law, provide service to the Public Prosecution under the regimes of assignment, requisitions, secondment or similar circumstances shall keep the same regime.

Article 26 Revocatory Norm

Any provisions contrary to this law are hereby expressly revoked.

Article 27
Entry into force

The present Decree Law shall enter into force on the day following its publication in the Official Gazette.

Seen and approved by the Council of Ministers on 24 February, 2010

The Prime Minister

Kay Rala Xanana Gusmão

The Minister of Justice

Lucia Lobato

Promulgated on 12 April 2010

To be published

The President of the Republic

José Ramos Horta