

**Decree-Law No. 26/2009
of 9 September**

Organic Statute of the Military Police

In fully implementing the subordination of the Timor-Leste Defence Force (F-FDTL) to the principle of legality and in maintaining order and discipline resulting specifically from the military condition, the need arises to establish a Statute that makes it possible to regulate both the activities and the relevant statutory issues of the Military Police in one single legal document. The relevance of the Military Police's mission determines the urgent need to define its organic structure as well as its position in the framework of the Defence Force.

It is therefore important to define the scope of intervention of its missions while at the same time settling any positive or negative conflict of competencies in the response to be given to any controverted situation that may emerge from its action.

The lack of relevant provisions in the current Organic Law of F-FDTL (Decree-Law No. 15/2006 of 8 November) makes it mandatory to put together the statutory issues relating to the general rights and duties, as well the training and the professional qualification of the cadres in one single statute. On the other hand, the intention exists to identify the specific technical-professional profiles in accordance with the functional and occupational standards taking into account the functions, tasks and competencies corresponding to the positions they shall have to hold within the Military Police. It is also intended to recognise the need for the establishment of early defined strict selection criteria considering the competencies expected at the police, personal and technical levels, that is, the capacity of the members of the Military Police to adequately use the acquired knowledge and techniques, including their capacity to demonstrate a behavior that is in consonance with their powers and responsibilities. The solutions presented materialize the structure thoroughly thought for the Military Police in pursuing the objectives and missions of F-FDTL. Its integration in the F-FDTL structure justifies the generic reference made for the legal regime already in force, particularly insofar as the management of human resources is concerned.

The dimension of a Military Police in the form of a Company Unit integrating a Force with the structure and characteristics of F-FDTL is justified by the fact that a reorganization of the Terrestrial Component is planned, with a better territorial distribution and with the infantry units being integrated in Sector Commands. Thus, the Military Police will have to be organized into Platoons, whose structure will have to have a flexible character enabling it to establish Detachments in the framework of the Task-Force Concept (*Task-Force Tailored mission*). It is thus intended to favor the institutional cooperation of the several intervening departmental entities based on the subject-matter and complementarity.

The Military Police in particular has contributed to the exercise of the authority of the Chief of General Staff of the Defence Force in the framework of his competencies, notably in the exercise of military discipline, avoiding impunity and defining the appropriate legal framework. In so doing, the capacity to investigate offences committed in the framework of its jurisdiction is legitimated. On the other hand, the concretization of the subordination of F-FDTL to the principle of legality that guarantees the institutionalization of the State based on the rule of law is also ensured.

Thus,

Pursuant to article 115.3 of the Constitution of the Republic and article 12.4 of Decree-Law No. 15/2006 of 8 November, the Government enacts the following to have the force of law:

CHAPTER I GENERAL PROVISIONS

Article 1 Object

Pursuant to article 12.4 of Decree-Law No. 15/2006 of 8 November, the Military Police is hereby established as a Unit within FALINTIL – Timor-Leste Defence Force, hereinafter referred to as F-FDTL.

Article 2 Principles

1. The Military Police is subject to the Constitution and other laws in force in Timor-Leste.
2. The activities of the Military Police are aimed at preventing and dissuading threats to military security, notably subversion and other threats to military discipline and F-FDTL integrity, and the use of force shall always be subsidiary to negotiation and arbitration means for peacefully settling any disputes or conflicts, including preference for use of non-lethal weapons.
3. Use of the Force shall be subject to the definition of Rules of Engagement to be approved pursuant to general terms.
4. The activities of the Military Police shall observe the principle of proportionality, inflicting the least possible amount of sacrifice in the accomplishment of its objectives.
5. In fulfilling its mission, the Military Police shall give precedence to civil and military cooperation and shall develop specific capabilities to this effect as an optimizing factor in the accomplishment of its mission.

Article 3 Nature

1. The Military Police is a Unit of F-FDTL depending directly on the Chief of General Staff of the Defence Force aimed at ensuring internal order and discipline within F-FDTL and guaranteeing security of infrastructure as well as military material and personnel.
2. Since it constitutes a specialty within F-FDTL, members of the Military Police shall be recruited from among the existing strength, based on selection criteria previously defined and approved by the F-FDTL Command.

3. Members of Military Police shall observe high standards of Conduct and Discipline for they should constitute a reference insofar as all F-FDTL members are concerned.

Article 4
Configuration and generation of forces

1. The concepts of flexibility, mobility and inter-operability of resources shall be promoted in the configuration of the Military Police forces.

2. There may be assignment of Detachments to other command echelons in the framework of the configuration and generation of the Forces, notably to the Defence Force, the Components Command and the Sectors Command.

3. In the case provided for in the preceding paragraph, the relationships of command on the operational engagement of the Military Police shall be defined by order of the Chief of General Staff of the Defence Force.

CHAPTER II
ORGANIZATION OF THE MILITARY POLICE

Article 5
Integration into F-FDTL

1. The Military Police shall integrate the structure of the General Staff of the Defence Force under the hierarchical dependence of the Chief of General Staff of the Defence Force.

2. The Military Police is organized in Platoons forming a Company and may generate detachments for the assignment of specific missions provided for in the law.

3. The organization of the Military Police shall obey the principles of the F-FDTL structure and shall have a flexible character enabling it to establish detachments appropriate to the undertaking of various missions, giving preference, whenever deemed adequate, to the establishment of task forces.

4. The Military Police may constitute detachments for undertaking missions outside of the national territory in the framework of missions in support of peace.

5. The Military Police may establish detachments for Commandos, for camping, and for military posts, as determined by the Chief of General Staff of the Defence Force and in accordance with the mission to be assigned.

6. The respective organic frameworks shall be approved by specific legislation.

7. The Military Police shall be headed by an Officer to be appointed and dismissed by the Chief of General Staff of the Defence Force.

Article 6

Competencies

1. It shall be incumbent upon the Military Police to guarantee order and internal discipline within F-FD'TL, enforcing all regulations and determinations in force within the area under territorial jurisdiction of the Command to which it belongs or to which it has been assigned, and ensuring that no military commits indiscipline acts or unprestigious acts against the military institution.

2. It shall also be incumbent upon it to ensure the security of infrastructures and military personnel and material, including the security of designated persons and property, notably:

- a) to prevent the commitment of crimes and disciplinary unlawful acts, patrolling military facilities and places where the military undertake their missions;
- b) to guarantee discipline and order within F-FD'TL, notably by promoting the detention of militaries suspected of having committed crimes, pursuant to the applicable criminal law and the criminal procedure law, as well as ensuring their presentation to the competent judiciary authority;
- c) to enforce all the regulations and instructions of the police within the area under the territorial jurisdiction of the Command to which the military belongs or has been assigned;
- d) to investigate crimes of a military nature, pursuant to the applicable criminal law and the criminal procedure law;
- e) to ensure the good use of the material by the militaries.
- f) to guarantee the security of the infrastructure of the State and of the military and civilian material and personnel; notably:
 - i) protection of vital military facilities against sabotage or terrorist activities;
 - ii) provision of personal security to high military entities;
 - iii) provision of escort to military convoys;
 - iv) provision of support to the Security Forces in the actions for controlling disturbances whenever so requested by a competent entity and with the authorization of the Chief of General Staff of the Defence Force;

- v) guaranteeing the evacuation, control and custody of prisoners of war and military prisoners;
- vi) provision of support to civil authorities in situation of crises or emergency and in the control of areas affected by public calamities, in the framework of Civil Protection and public order.

3. The Military Police may also serve as a complement to all other means available to the Commander (General-Headquarters, Component, Sector or Unity) to perform his or her mission, as well as ensure the Security Operations in the rearguard whenever Theatre of Operations are defined.

4. Whenever necessary, the Military Police may be temporarily supported in the performance of its mission by F-FDTL forces existing in the command area to which they have been assigned, with its personnel being subordinated to the Provost in charge of that area.

5. The Military Police may be entrusted with other missions by law or a legitimate order pursuant to the applicable law.

Article 7

Competencies of the Chief of General Staff of the Defence Force

1. It shall be incumbent upon the Chief of General Staff of the Defence Force, in addition to those provided for in this law and in specific legislation, to exercise the competencies of command of the Military Police, with possibility to delegate competencies, notably:

- a) to appoint and dismiss the Military Police Commander;
- b) to appoint and dismiss the holders of the organs created pursuant to this law;
- c) to approve the insignia and the flag of the Military Police, where applicable;
- d) to define the relations of Command and Control on the Military Police in those cases provided for by law;
- e) to exercise all other competencies conferred by law.

2. The Chief of General Staff of the Defence Force shall retain the Operational Command of the Military Police.

Article 8
Competencies of the Military Police Commander

1. It shall be incumbent upon the Military Police Commander, in accordance with the guidelines of the Chief of General Staff of the Defence Force, to exercise the command of the Military Police, notably:

- a) to ensure discipline, unity and coordination in the different units of the Military Police;
- b) to promote compliance with the law and superior orders;
- c) to propose all the measures necessary to the fulfillment of competencies of the Military Police;
- d) to propose plans, regulations and norms of permanent execution relating to the organization, instruction, equipment and procedures of the Military Police;
- e) to ensure the supervision of the action of the Military Police with the Commands to which Detachments have been assigned in coordination with the Chief of Staff of F-FDTL and the respective Commands;
- f) to conduct regular inspections to the Military Police Unit and its Detachments, as well as to its activities;
- g) to prepare the annual report of activities of the Military Police under the superior guidance of F-FDTL;
- h) to undertake any other activity conferred by law or by delegation of competencies.

2. The Commanders shall depend hierarchically on the Military Police Commander and shall execute the legitimate orders, as well as any other competency conferred to them by law or by delegation of competencies.

Article 9
Organic structure

1. The Military Police Command shall be secured by one Commander, one 2nd Commander and a Deputy Commander.

2. The Military Police shall be a unit at the echelon of a Company composed of Platoons, to be defined by order of the Chief of General Staff of the Defence Force, and shall have a nucleus of support composed of Sections, as follows:

- a) Personal Section, which shall include a system of registrations necessary to the operations of the Military Police;
 - b) Operations/Information Section;
 - c) Logistics Section;
 - d) Operations Centre, with capacity to exercise Command and Control, through the necessary Information and Communication Systems;
 - e) Investigation Centre with capacity to investigate crimes of a military nature and disciplinary offences.
3. Each of the Platoons shall be commanded by an Officer appointed by the Chief of Staff of F-FD'TL. The Military Police shall be commanded by an Officer appointed by order of the Chief of General Staff of the Defence Force, whose competency may be delegated.

Article 10 **Identification before the Military Police**

1. When outside of the Units, F-FD'TL militaries shall be obliged to identify themselves before militaries of the Military Police and shall obey the orders and indications given by the latter when on duty.
2. Militaries who take part in alterations of the law and order and who do not accept readily the orders and indications given to them by the Military Police while on duty, inside or outside of the Units, establishments or organs shall be the object of disciplinary proceeding, in accordance with the applicable law.

Article 11 **Investigation of crimes of a military nature and of disciplinary offences**

1. The Military Police has as one of its competencies to investigate crimes of a military nature as well as disciplinary offences committed by individuals subject to military legislation.
2. The Military Police shall conduct investigations relating to offences in the framework of crimes of a military nature and shall inform the competent authority of the crimes of a military nature or of common crimes committed in the respective area of jurisdiction that comes to its knowledge.

Article 12 **Training and exercise**

1. All militaries integrating the Military Police shall be subject to training actions contemplating basic as well as specific areas, with preference being given to integrated training with PN'TL taking into account the predictability of their joint engagement under special circumstances provided for in the law.

2. The officers shall be submitted to a specific evaluation to determine the level, degree and process of training.

3. Considering the specificity and characteristics of the Military Police, the F-FDTL Command shall define selection criteria taking into account the capacities of the military to use the knowledge and techniques in an adequate and timely manner, as well as to demonstrate behavior adequate to their assignments and responsibilities.

4. The effort for adaptation to missions to be assigned at the internal level or in the framework of the participation in operations in support to peace shall be geared towards complementing the training of human resources, notably in the knowledge and practice of the specific areas:

- a) investigation that enables a better clarification of possible personal, mechanical or other responsibilities;
- b) protection and escort to high entities;
- c) identification of narcotics and narcotraffic;
- d) criminal investigation, which should involve specialists with a certain degree of autonomy in terms of means for laboratory investigation;
- e) liaison and collaboration with the local authorities in unstable environments;
- f) relations of command, liaison and coordination with other military forces, civilian governmental and non-governmental organizations present in the framework of peace supporting missions;
- g) linguistic preparation, notably in the official languages of the international organizations of which Timor-Leste is part.

CHAPTER III EQUIPMENT, ARMAMENT AND UNIFORMS

Article 13 Symbols and uniforms

The Military Police shall have a symbol and a flag to be approved by the Chief of General Staff of the Defence Force and shall be identified by the use of the initial Military Police in white, black background, to be used on the sleeve of the military uniform.

Article 14
Armament

1. The armament used by the Military Police shall observe the rules in force for the F-DF'IL, giving preference to its specific missions, particularly the use of non-lethal armament.
2. The armament of the Military Police shall necessarily be inventoried, kept in armory, controlled and warehoused in an armory established to this effect in a manner to be defined by order of the Chief of General Staff of the Defence Force.
3. Only the military on active duty may use armament indicated to that effect, pursuant to the preceding paragraph.

Article 15
Equipment, vehicles and facilities

The needs in terms of equipment, vehicles and facilities for accomplishing the missions of the Military Police shall be identified and considered in the periodic preparation of the Development Plan of the Force approved by the Chief of General Staff of the Defence Force.

CHAPTER IV
FINAL PROVISIONS

Article 16
Subsidiary provisions

1. The provisions of Decree-Law No. 15/2006 of 8 November shall subsidiarily apply to the Military Police with the necessary adaptations.
2. The members of the Military Police shall be subject to the Military Discipline Regime, with the necessary adaptations, approved by Decree-Law No. 17/2006 of 8 November.

Article 17
Final provisions

1. The recruitment and promotions of the members of the Military Police shall observe the legislation in force.
2. The staffing tables of the Military Police shall be approved by specific legislation.

Article 18
Revocatory norm

Any legal and regulatory provision contrary to this law is hereby revoked.

Article 19
Entry into force

This law shall enter into force on the day after its publication.

Approved by the Council of Ministers on 18 March 2009

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Defence and Security,

Kay Rala Xanana Gusmão

Promulgated on 21 August 2009

For publication

The President of the Republic,

José Ramos-Horta