

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
GOVERNMENT

DECREE LAW NO. ../2007
OF

SPECIAL CRIME PREVENTION OPERATIONS

The disturbance of democratic institutions, of public life and of life in society that has been taking place lately, due mainly to violent actions perpetrated by illegal groups, has been causing loss of human lives and damage to highly valued property, a situation that cannot be tolerated in a State based on the rule of law as proclaimed in the Constitution of the Democratic Republic of Timor-Leste.

Reestablishment of public order and restitution of the right of citizens to security is critical to enable people and institutions freely resume their socio-economic development activities in an atmosphere free of any kind of threat.

Considering that it is incumbent upon the government to solve conflicts between fundamental rights and other goods the resolution of which is pressing or can only be deferred with disproportional, onerous, or irreparable sacrifice of goods deserving and requiring juridical protection – eventually the fundamental rights themselves;

Considering also the appeal of the President of the Republic to the authorities of the country, both national and international, to use all the available legal means to ensure that all citizens abide by the law, as well as his appeal to the security and defence forces to be strict in demanding that the law be complied with and to use all the available legal means for preventing violation and disturbance of public order;

A legal framework for special crime prevention operations is hereby established in order to address the serious disturbances of public order.

Thus, pursuant to paragraph c), item 1, of article 115 of the Constitution, and to article 8 of the Law on Internal Security, the Government issues the following decree to have the force of law:

Article 1
Special Crime Prevention Operations

Security Forces may plan and execute special crime prevention operations in delimited geographical areas with the objective of:

- a) Controlling, detecting, locating, preventing the introduction, ensuring the removal, or verifying the regularity of the situation of weapons, their components and ammunition or explosive or toxic substances and products, thereby reducing the risk of commission of offences habitually associated in these cases, even where the suspicion exists that the crime has been or may be committed as a way of carrying-out or covering another crime or other crimes;
- b) Preventing or controlling situation of serious disturbance of the public order, including fights, riots, and barricades.

Article 2 Geographical Areas

1. Delimitation of geographical areas for conducting special crime prevention operations may cover:
 - a) Check points to detect and apprehend weapons, devices, products or substances listed in the Law regulating weapons and ammunition;
 - b) Collective transport terminals, land transport, as well as the interior of such transports, including ports, airports, public ways or other public places and respective ways of access, attended by people who, as a result of surveillance actions, patrolling, or police information, can be said that they dedicate themselves to committing the offences provided for in article 1 above.
2. Security area can be delimited, where movement shall be conditioned, covering places where there are serious alterations of the public order, riots and barricades, and in which special crime prevention operation are conducted.

Article 3 Measures of Execution

1. Depending on the need, special crime prevention operation may comprise the following:
 - a) Identification of people finding themselves in geographical areas where the special crime prevention operations are being conducted;
 - b) Conducting people to police posts, where a reliable identification in the area of operations is not possible;
 - c) Searching people, vehicles or equipment;

- e) Restriction to freedom of movement, determined for reasons of public order or with a view to guaranteeing the security of peoples and goods;
 - f) Explicit and direct order to dwellers, within an area of security, to keep in their domiciles for the period of the special crime prevention operations, with a view to guaranteeing the security of peoples and goods;
2. Where the operations to be conducted constitute a continuation of other operations initiated in the determined place and date, they may proceed beyond the established geographical space and time limit.

Article 4
Judicial Control of Special Crime Prevention Operations

1. Special crime prevention operations shall always be communicated to the Public Prosecution through the district prosecutor-general with territorial jurisdiction over the targeted geographical area.
2. The communication shall be made well in advance by the PNTL General Commander and shall specify the geographical and temporal delimitation of the measures to be taken.
3. Without prejudice to the technical and tactical autonomy of the Security Forces and Services, and using the most appropriate and available technical modality, the operations may be followed up by a magistrate, who shall be responsible for the commitment of the acts falling under the competency of the Public Prosecution that the operations may require.
4. Where, in the framework of a special crime prevention operation, it becomes necessary to conduct home searches or other acts of the exclusive competency of the investigating judge, the measures deemed necessary for the effective follow up by this magistrate shall be adopted, in the most appropriate and available technical modality.
5. Where the operation is to be conducted in more than one district, the judge to intervene shall be the one who, pursuant to the law, has jurisdiction over the territory of the district in which the operations initiate.

Article 5
Entry into Force

The present statute shall enter into force on the day immediately after its publication.

Approved by the Council of Ministers on 8 March 2007.

The Prime Minister

[signed]

José Ramos-Horta

Promulgated on 8 March 2007

For publication

The President of the Republic

[signed]

Kay Rala Xanana Gusmão