

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

**DECREE No. 3/2003
Of 29 October 2003**

ORGANIC STRUCTURE OF THE MINISTRY OF JUSTICE

The Decree-Law No. 7/2003 modifying the organic structure of the Government of the Democratic Republic of Timor-Leste determines the establishment of the services and bodies that comprise the different Ministries, namely the Ministry of Justice, in order to guarantee its capacity to design, execute, coordinate and assess the policy approved for the areas of Law and Justice.

In view of the need to approve the Organic Structure of the Ministry of Justice, and pursuant to the provisions of subsection 1.1(i) and section 7, respectively, of the said Decree-Law No. 7/2003, of 20 September, the Government enacts the following that shall have the force of law:

**CHAPTER I
Nature and competencies**

**Section 1
Nature**

1. The Ministry of Justice is the Government department responsible for designing, executing and coordinating the policy as defined and approved by the National Parliament and by the Council of Ministers, for the areas of Justice and Law.
2. The Ministry of Justice ensures, within the scope of its competencies, the relations of the Government with the courts, the Public Prosecution Service, the Superior Council for the Judiciary and the Superior Council for the Public Prosecution, as well as with all other agents in the area of Justice and Law, notably with the entity representing the lawyers.

**Section 2
Competencies**

1. The competencies of the Ministry of Justice include:
 - (a) make provision for the adoption of regulatory measures appropriate for the pursuit of the policies for the areas of Justice and Law, as defined by the National Parliament and by the Government, as well as ensure the study, design and monitoring of such measures;
 - (b) promote the development of a legal system appropriate for the country;

- (c) establish and guarantee adequate mechanisms for assuring the citizenship rights of the Timorese and promote the dissemination of such rights;
- (d) establish and guarantee adequate mechanisms for the registries and notarial services;
- (e) establish and guarantee adequate mechanisms for the execution of prison sentences and for social reintegration;
- (f) organise and provide services in the area of information, administration and registration of real property throughout the country;
- (g) ensure mechanisms for legal aid and assistance for the most disadvantaged citizens;
- (h) ensure the training of staff required for the exercise of specific functions in the area of justice.

CHAPTER II

Organisational structure

PART I

Overall structure

Section 3

Structure of the Ministry of Justice

The Ministry of Justice is comprised of the Office of the Minister, the Permanent Secretary, Direct State Administration Services, bodies under its administrative supervision, and the Advisory and Coordinating Boards.

PART II

The Office of the Minister

Section 4

The Office of the Minister

1. It is incumbent upon the Office of the Minister:

- (a) to directly assist the Minister and the Vice-Minister;
- (b) to directly assist the Minister and Vice-Minister in their relations with foreign entities;
- (c) to ensure the administrative and protocol services required for the exercise of the functions of the Minister and Vice-Minister;
- (d) to prepare a schedule of the Office's activities;
- (e) to organise matters to be submitted to the Minister and Vice-Minister for consideration, as well as correspondence and the files of the Office;
- (f) to ensure the communication of the Minister and Vice-Minister with the public and with other entities;
- (g) to prepare working meetings between the Minister and the Vice-Minister;
- (h) to discharge any other tasks as may be assigned thereto by the Minister or Vice-Minister;

2. The Office of the Minister is headed by a Chief of Staff, reporting directly to the Minister and Vice-Minister.

PART III
Permanent Secretary

Section 5
Permanent Secretary

1. It is incumbent upon the Permanent Secretary:
 - (a) to provide overall guidance to the services in accordance with the Government programme and directives issued by the Minister and Vice-Minister;
 - (b) to propose the most appropriate measures for achieving the goals set forth in the preceding paragraph;
 - (c) to monitor the implementation of international cooperation projects and programmes and assess them, without prejudice to their internal assessment mechanisms;
 - (d) to coordinate activities with donors and with the Ministry of Planning and Finance;
 - (e) to coordinate and harmonise the execution of annual and multi-annual plans according to the requirements;
 - (f) to ensure the effectiveness of the services and bodies of the Ministry and the articulation and cooperation between them and with other institutions in the field of Justice and Law;
 - (g) to coordinate and organise activities of the Advisory Board and of the Coordinating Board;
 - (h) to discharge any other task as may be assigned to him or her;
2. The Minister shall assign the technical and administrative staff required for the execution of the tasks entrusted to the Permanent Secretary.

PART IV
Direct State Administration Services

Section 6
Direct State Administration Services

1. The Direct State Administration Services comprise:
 - (a) National Directorate of Legal Advice and Drafting;
 - (b) National Directorate of Citizenship Rights;
 - (c) National Directorate of Registries and Notarial Services;
 - (d) National Directorate of Prison Services and Social Reintegration;
 - (e) National Directorate of Land and Property;
 - (f) National Directorate of Administration, Finance and Personnel;
2. The Directorates listed in subsection 1 above are headed by a director.

Section 7
Common Competencies of the Directorate

1. The Directorates referred to in the preceding section assist the Minister and the Vice-Minister in defining the policies of their respective areas of competency.
2. The Directorates initiate the recruitment of the employees of the respective service, in consultation with the National Directorate of Administration, Finance and Personnel.
3. The Directorates take the actions required for the use and development of human and material resources assigned thereto.

Section 8
National Directorate of Legal Advice and Drafting

1. The National Directorate of Legal Advice and Drafting is the service responsible for providing legal assistance within the scope of the Government competence, as well as conducting legal studies and preparing draft legislative and regulatory acts.
2. It is specifically incumbent upon the National Directorate of Legal Advice and Drafting:
 - (a) to prepare draft regulatory acts;
 - (b) to conduct studies, issue opinions and provide the necessary technical information on draft regulatory acts and on other legal documents referred thereto;
 - (c) to monitor, assess and inform on the country's legal system and propose measures required for the improvement thereof;
 - (d) to carry out legal investigation and comparative law studies and monitor legislative innovations and updates;
 - (e) to monitor and assess legislative policies in the areas of Justice and Law, notably with respect to social and economic frameworks;
 - (f) to gather and compile information, treat and publish statistics from the area of Justice and Law;
 - (g) to provide legal assistance to other government departments and to the Council of Ministers, in consultation with the Secretariat of State for the Council of Ministers;
 - (h) to set up and maintain files relating to all legal drafting processes conducted by the Ministry;
 - (i) to establish and maintain a legal documentation centre;
 - (j) to collaborate with public and private entities, national and foreign, in the area of Justice and Law.

Section 9
National Directorate of Citizenship Rights

The National Directorate of Citizenship Rights is the service responsible for studying, adopting, promoting and publicising measures aimed at assuring citizens the exercise of their rights.

2. It is specifically incumbent upon the National Directorate of Citizenship Rights:

- (a) to promote awareness policies on citizenship rights, human rights, women's and children's rights and non-domestic violence;
- (b) to promote and publicise the policies referred to in the preceding paragraph, notably through the media;
- (c) to organise and conduct seminars on the promotion of women's and children's rights, in consultation with the Public Defenders Office;
- (d) to assist in the preparation of draft laws on citizenship-related matters, or to issue opinions thereon;
- (e) to create a periodic bulletin and other information materials meant to publicise citizenship rights.

Section 10

National Directorate of Registries and Notarial Services

1. The National Directorate of Registries and Notarial Services is the service responsible for studying and executing policies related to registries and notarial services.

2. It is specifically incumbent upon the National Directorate of Registries and Notarial Services:

- (a) to study, prepare and provide information on draft laws within the scope of its competencies;
- (b) to establish and maintain a civil and criminal registry, a registry of legal entities, a registry of real property, a registry of companies and businesses, and a registry of vehicles;
- (c) to establish the required procedures for civil identification, recognition and granting of citizenship, and issuance of passports;
- (d) to lead, inspect and monitor the activity carried out by the registries and notarial services;
- (e) clarify any doubts arising out of the application and execution of the respective legislation;
- (f) to propose the opening or closure of registries or notarial services based on regional needs or the population size;
- (g) to maintain facilities and equipment required for operating the registries and notarial services;
- (h) to assist the competent entity with the electoral registration process;
- (i) to cooperate with government bodies and non-governmental institutions with a view to better performing its tasks.

Section 11

National Directorate of Prison Services and Social Reintegration

1. The National Directorate of Prison Services and Social Reintegration is the service responsible for defining, managing, and securing the prison and social reintegration system.

2. It is specifically incumbent upon the National Directorate of Prison Services and Social Reintegration:

- (a) to organisationally and operationally lead the services responsible for the execution of prison sentences and for the provisional custody of adults, and the services responsible for the education of juveniles;
- (b) to coordinate and foster economic activities by prison centres, as well as guide the educational and vocational training and the occupation of leisure time by inmates and juveniles;
- (c) to promote the social reintegration of inmates and of juveniles, ensuring liaison with their respective family, and social and professional environment;
- (d) to organise and keep individual files related to juvenile delinquents, pre-trial inmates, and persons immune from legal culpability but subject to commitment procedures updated;
- (e) to distribute inmates among prison centres and juveniles among rehabilitation centres;
- (f) to prepare general and specific security plans for prison and rehabilitation centres and ensure the execution thereof;
- (g) to provide technical advice to the courts by preparing reports and plans for granting probation or pardon, parole, and leniency of sentences;
- (h) to assist in assessing the punitive and preventive function of the prison and social reintegration policy;
- (i) to foresee needs in the fields of prison facilities and equipment;
- (j) to collaborate, within its remit, with all other agents of the Justice services.

Section 12

National Directorate of Land and Property

1. The National Directorate of Land and Property is the service responsible for administering the information system on land and property, as well as establishing the required conditions for the effective management of the State's property.

2. It is specifically incumbent upon the National Directorate of Land and Property:

- (a) to assist government departments in managing the state's public and private domains;
- (b) to execute measures necessary to recover state property;
- (c) to execute measures necessary to settle disputes over the possession or ownership of property held by private entities;
- (d) to administer any property abandoned, lost or accrued to the state, which has not been assigned to another entity;
- (e) to establish a national information system on land and property;
- (f) to establish a national property register;
- (g) to issue title deeds for subsequent entry at the Land Registry
- (h) to take part in studies on the re-organisation and modernisation of land and property legislation.

Section 13
National Directorate of Administration, Finance and Personnel

1. The National Directorate of Administration, Finance and Personnel is the service responsible for assisting the Office of the Minister and all other services of the Ministry of Justice.

2. It is specifically incumbent upon the National Directorate of Administration, Finance and Personnel to ensure the overall administration of the Ministry, while respecting the competencies of all other services, and:

- (a) to prepare the Ministry's draft annual budget in accordance with the requirements presented by the other services and bodies;
- (b) to coordinate the preparation, execution and monitoring of the Ministry's budget appropriations;
- (c) to ensure an inventory of, and manage, maintain and preserve, the state property assigned to the Ministry, and to execute contracts for the provision of goods and services;
- (d) to prepare, in consultation with all other services, the Ministry's National Action Plan, as well as reports thereon;
- (e) to plan, coordinate and ensure, in consultation with the various services of the Ministry, a methodological management of the Ministry's human resources, namely in respect of recruitment, hiring, training, monitoring, appraisal, promotion and retirement;
- (f) to prepare the Ministry's overall staffing table and assist the other services in preparing their respective staffing table;
- (g) to process the Ministry's payrolls;
- (h) to coordinate the procurement of the Ministry's information technology and ensure the provision of such information technology services;
- (i) to prepare security plans for the Ministry's staff and material resources.

PART V
Bodies under the Ministry's administrative supervision

Section 14
Bodies

The following bodies are under the administrative supervision of the Ministry, while being autonomous in their competencies:

- (a) the Public Defenders Office;
- (b) the Judicial Training Centre.

Section 15
The Public Defenders Office

1. The Public Defenders Office is an entity that is autonomous in its competence under the Ministry of Justice, entrusted with providing legal, judicial and extra-judicial assistance to low-income citizens.
2. It is specifically incumbent upon the Public Defenders Office:
 - (a) to provide legal aid and defence in judicial proceedings, under the terms established by law, as well as to assure the persons they assist the right to the adversary system and the right to counsel;
 - (b) to promote extra-judicial conciliation between parties with a conflict of interest;
 - (c) to act as a curator, under the terms established by law;
 - (d) to defend, as a matter of top priority, the rights of women, children, the elderly, the mentally or physically impaired, and prison inmates;
 - (e) to work with police and prison authorities, with a view to assuring people the exercise of their individual rights and guarantees;
 - (f) to work with judicial administration bodies throughout the country and, where applicable, with International Courts;
 - (g) to defend and advocate for consumer rights and interests;
 - (h) to inform people about their rights and provide legal advice on matters within its competence.
3. The organic and functional structure of the Public Defenders Office shall be set out by a specific decree.

Section 16
The Judicial Training Centre

1. The Judicial Training Centre is a training and research institution that is autonomous in its competence under the Ministry of Justice.
2. It is specifically incumbent upon the Judicial Training Centre:
 - (a) to train judicial magistrates and public prosecutors in collaboration with their respective Superior Council;
 - (b) to train public defenders, in collaboration with their respective superior council;
 - (c) to train registrars and notaries;
 - (d) to train judicial officers in collaboration with their respective superior council;
 - (e) to train prison officers;
 - (f) to provide vocational training courses in the area of Law and Justice;
 - (g) to support training activities for judges, in collaboration with their respective superior council;
 - (h) to promote and develop legal study and research activities and scientific publications;
 - (i) to establish and maintain a legal library.
3. The organic and functional structure of the Judicial Training Centre shall be set out by a specific decree.

PART VI
Advisory Board

Section 17
Advisory Board

1. The Advisory Board is the body that periodically reviews the activities undertaken by the Ministry, and incumbent upon it, among others, are the following functions:

- (a) to consider the feasibility of decisions made by the Ministry;
- (b) to monitor work plans and programmes;
- (c) to periodically review the activities, assessing the results achieved;
- (d) to promote the interchange of experience and information between all sectors and officials and managers of the Ministry;
- (e) to analyse legislative instruments and others.

2. The Advisory Board is chaired by the Minister and is comprised of the following members:

- (a) Minister;
- (b) Vice-Minister;
- (c) Chief of Staff;
- (d) Permanent Secretary;
- (e) Directors.

3. The Minister of Justice may convene other officials to attend Advisory Board meetings, as deemed convenient.

4. The Advisory Board meets ordinarily once a month and, extraordinarily when and as the Minister so determines.

PART VII
Coordinating Board

Section 18
Coordinating Board

1. The Coordinating Board is the body responsible for coordinating, planning and monitoring the activities carried out by the Ministry within the framework of the government programme, and incumbent upon it, among others, are the following functions:

- (a) to coordinate, plan and monitor the execution of the annual work plan and the review thereof;
- (b) to consider, coordinate and harmonise the sector's development policies and strategies;
- (c) to recommend the approval of the annual work plan for the following year.

2. The Coordinating Board is comprised of Advisory Board members and senior officials from the Ministry.
3. The Ministry of Justice may invite other entities, officials or individuals, from within or outside the Ministry, to attend Coordinating Board meetings.
4. The Coordinating Board meets ordinarily once a year and extraordinarily following authorisation from the Prime Minister.

CHAPTER III
Final and transitional provisions

PART I
Transition of services

Section 19
Ministerial Orders setting out the organic structure of the Ministry services and bodies

1. The organic structures of the services and bodies contemplated in this decree shall be approved, by ministerial order, within 90 days of the entry into force of the present decree.
2. A ministerial order shall establish the organic structure and staffing table of each service and body, namely the number of managerial, supervisory and technical positions.

PART II
Final and transitional provisions

Section 20
Administrative management

1. It is incumbent upon the Ministry of Justice, through the National Directorate of Administration, Finance and Personnel, to provide support in logistic, administrative, financial and information technology matters to the Courts and the Public Prosecution Service, until such a time as these entities have achieved a comprehensive technical and administrative capacity.
2. The Ministry of Justice shall, in consultation with the Superior Council of the Judiciary and the Office of the Prosecutor-General, establish permanent boards to respectively oversee the technical and financial administration of the entities referred to in subsection 1 above.
3. When such entities have acquired capacity to carry out their administrative work in an independent manner, the Ministry shall transfer, by a specific order, the administrative management function to the respective entities.

Section 21

Specialised Registries

Without prejudice to the applicable law, until such a time as specialised registries, in addition to those contemplated in section 10, have been actually established, the National Directorate of Registries and Notarial Services is the entity responsible for all other registrations in the country.

Section 22 Revocatory clause

UNTAET Directive No. 08/2002 is expressly hereby repealed.

Section 23 Entry into Force

This decree shall enter into force on the day following its date of publication.

Seen and approved by the Council of Ministers on 15 September 2003. -

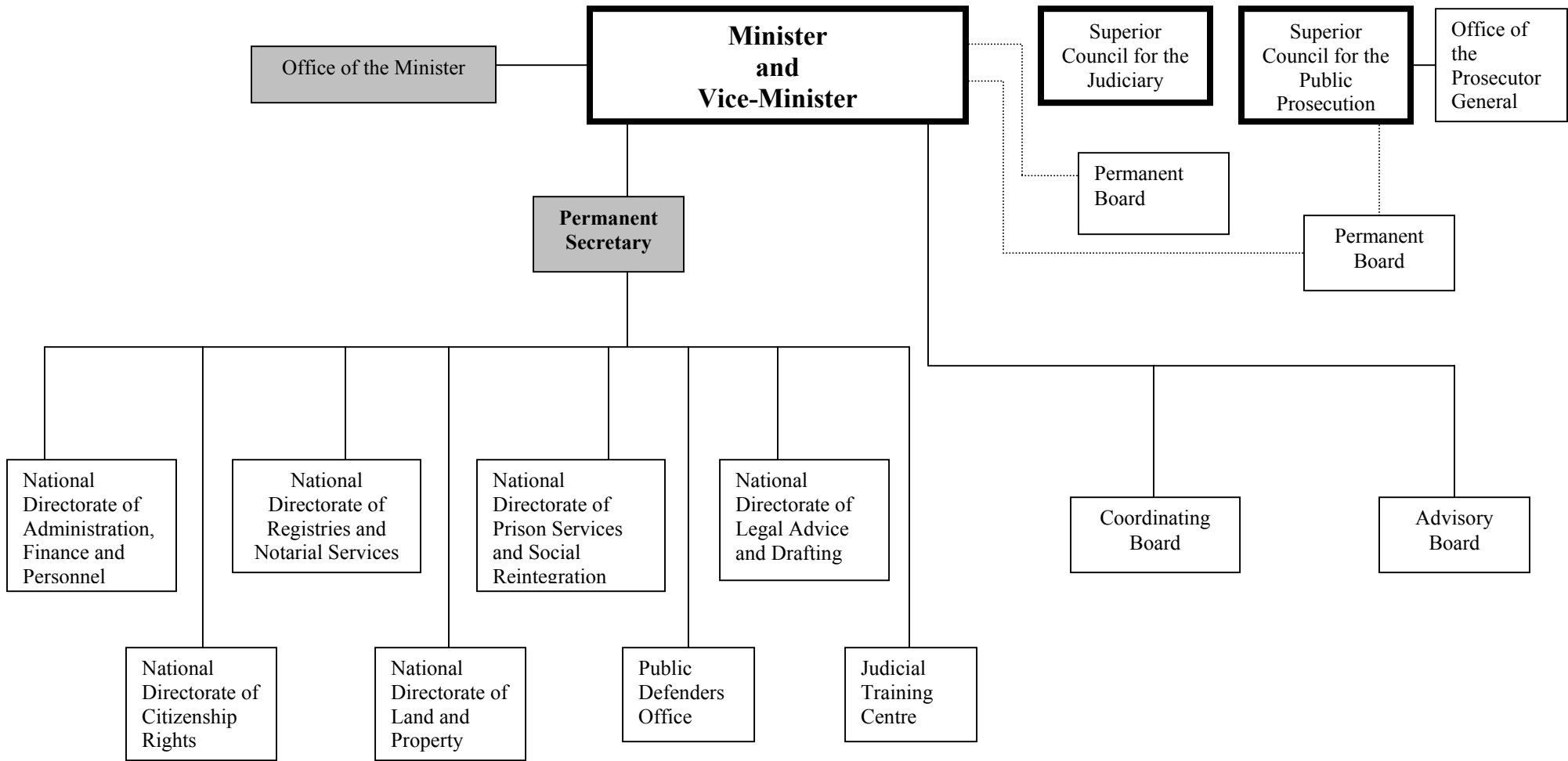
To be published,

The Prime Minister,
Mari Bim Amude Alkatiri

The Minister of Justice,
Domingos Maria Sarmiento

ORGANIGRAM OF THE MINISTRY OF JUSTICE

(15 September 2003)



Remarks:
 ——— Command Line
 Coordination Line