

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

DECREE No. 3/2004

ORGANIC STRUCTURE OF THE MINISTRY OF THE INTERIOR

The Decree-Law No. 7/2003 proceeded with a reshaping of the organic structure of the Government by amending the Decree-Law No. 3/2002 of 20 September. One of its amendments was the establishment of the Ministry of the Interior, upon which are conferred the responsibilities that previously fell within the scope of the Ministry of Internal Administration.

Arising from the need to approve the organic structure of the Ministry of the Interior, and pursuant to section 1.1(e) and section 10 of the aforementioned Decree-Law, the Government enacts the following that shall have the force of law:

CHAPTER I General Provisions

Article 1 Concept

The Ministry of the Interior, hereinafter referred to in short as MINT, is the central organ of the State apparatus responsible for leading, executing and coordinating actions intended to keep public order, security and peace, protect people and assets, and defend the national economy, in conformity with the policy as defined and approved by the Government.

Article 2 Goals

The MINT shall pursue the following goals:

- (a) keep public order, security and peace by preventing and combating crime and breaches of legality;
- (b) promote civic education among citizens about a wilful and conscious respect for the law;
- (c) provide protection to public places and defend the national economy;
- (d) ensure the correct relationship between the PNTL and the community.

Article 3

Responsibilities

The Ministry of the Interior shall have, among others, the following responsibilities:

- (a) prevent the commission of crimes, infringements and any other acts that are contrary to the law;
- (b) adopt measures designed to keep law and order;
- (c) protect the head offices of diplomatic missions and international organisations accredited to the country;
- (d) conduct road safety campaigns by ensuring the education of citizens about respect for traffic laws;
- (e) ensure the adoption of integrated measures and programmes aimed at preventing calamities from happening and guaranteeing an effective action by the State in case of calamity;
- (f) rescue and ensure the safety of people and assets in case of fire, flood, landslide, earthquake or any other situation that poses a threat to the safety of people and assets;
- (g) develop a systematic programme on civic education to counter natural and human-caused disasters, strengthening social solidarity for a more responsible and interactive citizenry;
- (h) oversee and control migration and create and supervise a system for monitoring the residency and movement of foreigners in the country;
- (i) control the safe entry and exit of goods into and from the country, in conjunction with all other relevant authorities;
- (j) ensure security and safety at land, sea and air boundaries in collaboration with the Defence Force;
- (k) collect and process information of relevance to the internal security of the country;
- (l) authorise the formation of private security companies and supervise the activities of such companies;
- (m) perform any other tasks that are consistent with the nature of its functions.

CHAPTER II

ORGANIC STRUCTURE

Article 4

Areas of activity

The Ministry of the Interior shall be structured in accordance with the following areas of activity:

- (a) Civil safety;
- (b) Security of facilities and accreditation;
- (c) Inspection of services;
- (d) Police;
- (e) Police training.

Article 5 Structure

1. The MINT shall have the following structure at the central level:
 - (a) Office of the Minister;
 - (b) Permanent Secretary;
 - (c) National Directorate of Administration, Finance and Personnel;
 - (d) National Directorate of Civil Safety;
 - (e) National Directorate of Security of Facilities and Accreditation;
 - (f) Office of Inspection;
 - (g) National Police of Timor-Leste;
 - (h) Police Academy.

2. Though having their own legal personality, the National Police of Timor-Leste (PNTL) and the Police Academy are institutions subordinate to the MINT.

3. The MINT shall, at the local level, be structured in accordance with service requirements.

CHAPTER III Functions of subordinate structures and institutions

Article 6 Office of the Minister

The Office of the Minister shall have the following specific functions:

- (a) provide direct advice to the Minister and Vice-Minister by conducting studies, issuing opinions and providing information as requested;
- (b) draft legal orders within the scope of the activity of the Ministry;
- (c) organise and update, on a continued basis, legislation and legal documentation of relevance to the Ministry;
- (d) provide the administrative and protocol services that the Minister and Vice-Minister require for the performance of their functions;
- (e) plan the activities to be carried out by the Minister and Vice-Minister;
- (f) organise matters to be submitted for the consideration of the Minister and Vice-Minister, handle their correspondence and file their paperwork and documentation;
- (g) ensure communication with the public and other entities;
- (h) organise and assist at working meetings chaired by the Minister or Vice-Minister;
- (i) perform any other tasks as assigned by the Minister or Vice-Minister.

Article 7 Permanent Secretary

The Permanent Secretary shall perform coordination functions in relation to the activities of the Ministry as a whole, and he or she is specifically responsible for:

- (a) ensuring compliance of all of the services with the Government programme and superior directives;
- (b) proposing the most appropriate measures for attaining the objectives set out in the preceding paragraph;
- (c) ensuring effectiveness, articulation and cooperation between the directorates and all other institutions of the Ministry;
- (d) studying technical, material and financial possibilities of cooperating with international organisations;
- (e) coordinating the participation of the Ministry in international cooperation actions in conjunction with the Ministry of Foreign Affairs and Cooperation;
- (f) monitoring the execution of international cooperation programmes and projects and carry out an in-house evaluation thereof, without prejudice to the existence of their own evaluation mechanisms;
- (g) coordinating activities with development partners in consultation with the Ministry of Planning and Finance;
- (h) developing and maintaining a database on international cooperation programmes and projects in the sector;
- (i) coordinating and harmonising the execution of annual and multi-annual plans;
- (j) coordinating the preparation of Advisory Board and Coordinating Board meetings;
- (k) performing any other tasks consistent with the nature of its functions.

2. The Permanent Secretary shall have the technical and administrative support necessary for the performance of his or her functions.

Article 8

National Directorate of Administration

The National Directorate of Administration, Finance and Personnel shall be responsible for activities in the areas of administration, budget, property and human resources management of the MINT; and it shall have, among others, the following specific functions:

- (a) ensure the general administrative support of the Ministry;
- (b) ensure the inventory, maintenance and preservation of the State-owned assets assigned to the Ministry;
- (c) draft the integrated budget of the Ministry;
- (d) coordinate the execution and control of budget appropriations;
- (e) ensure compliance with laws, regulations and other legal provisions of an administrative and financial nature;
- (f) coordinate the process of formulating and executing human resources development policies and strategies;
- (g) establish rules for general, vocational and specialised training for personnel of the various sectors of the Ministry and coordinate the execution thereof;
- (h) comply with and enforce legislation applicable to public administration employees and issue opinions, as requested, on the hiring of expatriate labour;
- (i) draft the staffing table of the Ministry;
- (j) perform any other activity consistent with the nature of its functions.

Article 9
National Directorate of Civil Safety

It is the responsibility of the National Directorate of Civil Safety to coordinate the activity of the MINT in the areas of protection against and prevention of catastrophes, calamities and disasters, as well as assistance to the population and rescue of victims; and it shall have, among others, the following specific functions:

- (a) organise the National Fire Service;
- (b) prepare technical standards for the prevention and combat of fire, floods, landslides, earthquakes and, in general, all calamities that put people and assets at risk;
- (c) prepare and update, on a continued basis, a national emergency plan for the different types of calamities and disasters, ensuring the rescue of and relief assistance to affected people;
- (d) rescue and ensure the security of people and assets in case of flood, fire or calamity situations;
- (e) ensure the coordination of assistance to the victims in case of disaster or catastrophe;
- (f) promote, develop and maintain a national telephone rescue number;
- (g) issue opinions on new civil engineering projects with regard to security-related matters;
- (h) conduct searches, exams and inspections of buildings, establishments or means of transport, in the public interest or at the request of the people concerned;
- (i) perform any other tasks consistent with the nature of its functions as may be ordered at a superior level;

Article 10
National Directorate of Security of Buildings and Accreditation

It is the responsibility of the National Directorate of Security of Buildings and Accreditation to provide security and control access to public administration buildings and facilities; and it has, among others, the following specific functions:

- (a) prepare security plans for public administration buildings and facilities;
- (b) define public access, reserved and restricted areas;
- (c) set up mechanisms to control the movement of the public in accordance with movement restrictions;
- (d) establish rules on the access to public administration car parks and issue authorisations to access such sites;
- (e) prepare a filing system containing personal data of people with rights of access and issue their respective authorisations;
- (f) provide security to meetings organised by public administration;
- (g) collaborate with the police services within the scope of its responsibilities.

Article 11

Office of Inspection

1. The Office of Inspection is the organ with disciplinary competence over all structures and institutions subordinate to the MINT, and has, among others, the following specific functions:

- (a) conduct audits, inspections, enquiries and investigations in accordance the rules of procedure;
- (b) set up a claims system for the general public;
- (c) conduct disciplinary proceedings and investigations;
- (d) propose, as a follow-up to inspection work, measures conducive to the improvement of the subordinate services and institutions.

2. The Office of Inspection shall be constituted of an odd number of members and shall comprise at least one member holding a degree in law, one member external to the MINT and one PNTL senior officer. It shall not be exclusively constituted of PNTL or MINT officials.

3. The Rules of Procedure of the Office of Inspection shall be approved by order of the Minister of the Interior and shall be endorsed by the Inter-ministerial Committee on Internal Security.

Article 12

National Police of Timor-Leste

1. The National Police of Timor-Leste (PNTL) is the State internal security force, with legal personality of its own, and directly subordinate to the MINT.

2. Without prejudice to the structure and functions assigned thereto by specific order, the PNTL has, among others, the following specific functions:

- (a) promote security conditions for ensuring the smooth operation of the democratic institutions and the exercise of the fundamental rights and freedoms of the citizens;
- (b) guarantee the maintenance of public order, security and peace;
- (c) prevent crime and the commission of any other acts contrary to the law and regulations;
- (d) prevent organised crime and terrorism, in coordination with all other security forces and services;
- (e) guarantee border surveillance by controlling the movement of people and goods in conjunction with all other relevant authorities;
- (f) enforce the procedures for the entry, stay, exit and expulsion of foreigners from the national territory;
- (h) ensure the execution of administrative acts emanated from the competent authority to prevent non-compliance with the law or continued breaches thereof;

- (j) pursue the responsibilities assigned thereto by law in regard to the penal process, namely, collect information about crime occurrences, impede crime consequences and pursue the perpetrators of crime;
- (k) collect, process and disseminate information of relevance to the prevention and combat of crime;
- (l) operate the INTERPOL office;
- (m) ensure road safety by planning, monitoring and directing traffic;
- (n) ensure security at sporting or similar events;
- (p) to participate in port and marine security, under the terms defined by law;
- (q) to render help to members of the public and assist victims of accidents;
- (r) to participate in international missions, under the terms defined by the Government;
- (s) cooperate with FALINTIL-FDTL, the State Security Service and the Prison Service to ensure the security of people and goods;
- (u) to contribute to the training of and information to citizens in security-related matters;
- (v) to fulfil all the other responsibilities as determined by law.

Article 13 **Police Academy**

The Police Academy is a State institution directly subordinate to the MINT and especially designed for the training and specialisation of police agents and officers in the various branches of police science.

CHAPTER IV **Managerial bodies**

Article 14 **Designation**

There shall be the following bodies functioning within the Ministry of the Interior:

- (a) the Advisory Board;
- (b) the Coordinating Board.

Article 15 **Advisory Board**

1. The Advisory Board is the body that carries out a periodic assessment of the activities of the Ministry and issues opinions on fundamental matters of the Ministry, namely:

- (a) Status of public security and order in the country;
- (b) Policy on the prevention and combat of crime;
- (c) Liaison with the Courts, the Prosecutor-General' Office, the Public Defender's Office, and the Defence Force;

- (d) Legal instruments and other kind of documentation approved by the different bodies of the MINT.
2. The Advisory Board shall have the following composition:
- (a) the Minister;
 - (b) the Vice-Minister;
 - (c) the Permanent Secretary;
 - (d) the National Directors;
 - (e) the PNTL General Commander;
 - (f) the Deputy General Commanders;
 - (g) the Director of the Police Academy;
 - (h) the Heads of the Offices directly answerable to the Minister.
3. The Advisory Board meets ordinarily once a month and extraordinarily as convened by the Minister.

Article 16

Coordinating Board

1. The Coordinating Board is the body that enables the Minister to:
- (a) coordinate, plan and control the execution of the annual work plan by making the assessment thereof;
 - (b) consider, coordinate and harmonise the sectoral development policies and strategies;
 - (c) consider the annual work plan for the following year and the respective draft budget.
2. The Coordinating Board is comprised of Advisory Board members plus the MINT district representatives and the PNTL district commanders.
3. The Minister of the Interior may invite other national entities, officials and individuals, from within or outside the Ministry, to attend Coordinating Board meetings.
4. The Coordinating Board meets ordinarily once a year and extraordinarily with the authorisation of the Prime Minister.

CHAPTER V

Final provisions

Article 17

Rules of procedure

It is the responsibility of the Minister of the Interior to approve by order the regulations of the different bodies of the MINT, with the exception of legislation concerning the PNTL and the Police Academy, which shall be approved by Government decree.

Article 18
Staffing tables

1. The Minister of the Interior shall submit for the approval of the competent entities the MINT's staffing table, which shall be the same for the administrative services.
2. The PNTL and the Police Academy shall have their own staffing tables.

Article 19
Selection and recruitment

1. Positions on the MINT's single staffing table shall be filled through recruitment under the terms of the general law.
2. The recruitment and selection of personnel for the civil safety service and the PNTL shall be in compliance with specific rules set forth in their statutes.
3. Pending the approval of the statutes provided for in the preceding subarticle, the selection and recruitment of personnel shall be effected under the general law.

Article 20
Revocation clause

All provisions contrary to the present decree are hereby repealed.

Article 21
Entry into force

The present decree shall enter into force the day following its publication.

Approved by the Council of Ministers on 14 April 2004. -

To be published.

The Prime Minister

[Signed]
(Mari Bim Amude Alkatiri)

[Signed]
The Minister of the Interior

[Signed]
(Rogério Tiago de Fátima Lobato)