

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

Decree No. 6/2004
6 September 2004

Organic Structure of the Centre for Legal Training

The Centre for Legal Training, as provided in article 16 of Decree No. 3/2003, of 29 October, and whose structure is regulated by the present decree, shall play a decisive role in consolidating the judicial institutions of Timor-Leste and in developing the capacities of the professionals of the different judicial careers, while having respect for the independence that characterizes the exercise of their various functions.

A normative solution, simple and effective, and adequate to the social and cultural reality of Timor-Leste has been adopted, taking into due consideration the diversity of the technical-professional knowledge previously acquired by the recipients of the training to be provided by the Centre for Legal Training.

Pursuant to Article 19.1 of Decree No. 3/2003, of 29 October, the Government enacts the following that shall have the force of law:

Article 1
Nature

1. The Centre for Legal Training, an institution under the purview of the Ministry of Justice, is based in Dili.
2. The Centre is a public institution dedicated to training, conducting research and disseminating technical-scientific knowledge in the areas of law and public administration related to the justice sector.
3. The Centre functions under the tutelage of the Ministry of Justice and enjoys technical autonomy.

Article 2
Responsibilities

1. The CFJ is responsible for:
 - (a) fostering the training of national trainers in the area of law, of justice and of public administration related to the justice sector;
 - (b) professional training of judicial magistrates and public defenders;

- (c) training of court and prison officials;
 - (d) assisting with legal and administrative training activities for senior officers of the public administration, lawyers and other judicial operators, notably registrars and notaries;
 - (e) assisting with training activities in the legal and criminal area designed for members of the security and defence forces;
 - (f) promoting the carrying out of studies and research activities;
 - (g) publishing or promoting the publication of works or journals for the dissemination of technical-legal issues;
 - (h) assisting in drafting legislative instruments as requested;
 - (i) assist in implementing specialisation courses in legal language for translators and interpreters.
2. The responsibilities of the Centre in relation to training are pursued in conjunction with the Superior Councils, Ministries or other bodies to which the recipients of training are answerable.

Article 3

Training activities

1. In pursuing its responsibilities, the CFJ organises initial and complementary training, of a short- or medium-term duration, as well as seminars and conferences focused on specific topics in the areas of justice, of law and of public administration related to the justice sector;
2. The training activities referred to in the previous subarticle are carried out directly by the Centre or in cooperation with other institutions, national or international.
3. In addition to the training provided in Dili, the Centre shall promote activities in localities where the District Courts are based and elsewhere, whenever deemed feasible and effective.

Article 4

Financial regime

The financial charges required for the implementation of the activities and the functioning of the structure provided for in this decree are supported by the Budget of the Ministry of Justice.

Article 5

Organs

The organs of the Centre for Legal Training are as follows:

- (a) The Managing Board;
- (b) The Director;
- (c) The Pedagogical Board.

Article 6

Managing Board

1. The CFJ Managing Board is composed of the President of the Court of Appeal, the Prosecutor-General, and the Minister of Justice, with the latter acting as its chairperson.
2. Members of the Managing Board shall perform cumulatively the functions with which they have been invested and shall sit on the Pedagogical Board as ex-officio members.

Article 7

Competency of the Managing Board

The competencies of the Managing Board are as follows:

- (a) to define the grand guidelines on matters of legal and administrative training;
- (b) to propose the adoption of measures appropriate for the creation and implementation of a legal system, effective and uniform, which will contribute toward strengthening the national unity of Timor-Leste, taking into account the country's social, cultural and institutional reality;
- (c) to coordinate the application of such measures by the judicial system of Timor-Leste by providing the various operators with access to congenial conditions for the smooth functioning of their services;
- (d) to approve the annual training programme and review its progress report;
- (e) to submit to the Minister of Justice the annual work plan and the CFJ's draft budget, along with an opinion thereon;
- (f) to propose to the Minister of Justice the appointment of the CFJ Director;
- (g) On its own initiative or following a proposal by the Director, nominate lecturers and trainers for appointment by the Minister of Justice;
- (h) to exercise such other competencies as conferred by law.

Article 8

The Director

1. The CFJ is headed by a Director to be appointed by the Minister of Justice, on the basis of a proposal by the Managing Board.
2. The Director shall preferably be appointed from among lawyers of recognized merit.
3. Where the office of Director is held on a full time basis and the incumbent thereof has a labour relationship with the State, he or she shall be appointed on a temporary basis or by requisition.
4. The Director shall, in his or her absences or inability to act, be replaced by the Deputy Director.

Article 9

Competency of the Director

1. The competencies of the CFJ Director are as follows:

- (a) to represent the Centre before public and private entities, as and when the Centre is not represented by the Managing Board;
- (b) to direct, coordinate and monitor the activities of the Centre in order to guarantee the execution of the annual training programme and the smooth functioning of all its services;
- (c) to draw up the annual training work plan, the annual training programme, and the rules of procedure of the Centre and submit them to the Managing Board;
- (d) to convene the Pedagogical Board on his or her own initiative or at the request of any of its members;
- (e) to propose the appointment of lecturers and trainers;
- (f) to authorise expenditures within the scope of his or her competency;
- (g) to coordinate the preparation of the draft budget for the Centre;
- (h) to coordinate activities relating to the publication of the Judicial Journal;
- (i) to exercise such other activities as assigned by law or by the rules of procedure, and those deemed necessary for the smooth functioning of the Centre or that must be pursued, provided these are not entrusted by law to any other organ.

2. At the request of the Coordinating Board members, the Director may, for consultative purposes, attend Coordinating Board meetings.

Article 10

Pedagogical Board

1. The Pedagogical Board is composed of Managing Board members, the CFJ Director and the Deputy Director, as well as one representative from the Superior Council for the Judiciary and another one from the Office of the Public Defender, as designated by the members of these bodies.
2. Whenever the Pedagogical Board needs to make decisions on issues relating to any judicial operator other than a judicial magistrate or public defender, the representative from the body that supervises the respective professional class shall, though with an intervention restricted to matters relating specifically to the profession, attend Pedagogical Board meetings.
3. The Pedagogical Board is chaired by the President of the Managing Board.
4. Decisions are taken by a majority vote of those present in the meeting and its Chairperson shall, when necessary, have a casting vote.

Article 11

Competency of the Pedagogical Board

The competencies of the Pedagogical Board are as follows:

- (a) to make proposals for the various training activities that will serve as the basis for the annual training programme;
- (b) to prepare and approve regulations for assessing each of the training activities to be conducted by the Centre, and establish the requirements for admission to those activities;

- (c) to approve syllabuses for the different subjects or training activities, as the case may be, to be submitted by the lecturers or trainers;
- (d) to assess the performance of lecturers and trainers and the importance of the subjects being taught;
- (e) any other tasks as assigned by law or by the rules of procedure or as requested by the Managing Board.

Article 12

Functioning of the Pedagogical Board

1. The Pedagogical Board shall meet three times a year and shall be convened by its President.
2. The Board may meet extraordinarily at the request of any of its standing members or any of those representing a given profession.
3. Decisions are taken by a majority vote of those present, and the President shall have a casting vote, when necessary.
4. The Board shall not function unless a quorum of at least four of the members referred to in subarticle 10.1 above are in attendance.

Article 13

Services

The CFJ services are as follows:

- (a) the secretariat;
- (b) the library;
- (c) the journal.

Article 14

The Secretariat

1. The secretariat, which is headed by the Deputy Director, is responsible for ensuring the functioning of the administrative and financial area of the Centre.
2. The competencies of the secretariat are as follows:
 - (a) to prepare a draft budget for the CFJ, monitor its execution and propose any amendments deemed appropriate;
 - (b) to ensure services in the area of budget, accounting, budgetary management, and procurement;
 - (c) to ensure the reception, registration, classification, distribution and dispatch of correspondence, paperwork and other documents;
 - (d) to store all files and other documentation in filing cabinets;
 - (e) to organise and keep updated biographic files of the staff and other persons rendering services to the Centre;
 - (f) to keep an updated file of papers presented by trainers and lecturers and of syllabuses of the subjects being taught;

- (g) to carry out typing and reproduction works
- (h) to maintain the premises, equipment and property owned by the Centre;
- (i) to carry out such other functions as may be assigned by the Director or by the Deputy Director.

Article 15

The Library

The Library services, under the coordination of the Deputy Director, shall be responsible for:

- (a) providing documentation, scientific and technical support to trainees, judicial magistrates, lawyers, jurists and other officials as requested;
- (b) proposing the acquisition of books, magazines and other relevant publications;
- (c) preserving, cataloguing and disseminating its documentation assets;
- (d) implementing and running a reading system accessible to specialised users and the general public;
- (e) disseminating legal literature through samples and book fairs on law and justice;
- (f) ensuring access to the Internet and other legal databases in connection with training activities.

Article 16

Judicial Journal

1. As a tool for informing and disseminating issues of a legal nature, the Judicial Journal, under the coordination of the CFJ, shall be published with a six-month periodicity and shall have the Minister of Justice as its Director.
2. The Regulation for the Journal shall, in addition to other aspects relating to its operation, establish its coordination mechanisms, and choice and selection criteria in relation to the issues to be published, including the periodicity of the Journal and the matrix of its typical contents.

Article 17

Editorial Board

In addition to the Director of the Journal, the Editorial Board is composed of representatives from the Judiciary, the Public Prosecution Service and the Office of the Public Defender, to be appointed under the terms to be defined in the Regulation.

Article 18

Provision of Services

The hiring of staff for the provision of services in the training area shall be undertaken by the Managing Board, subject to the approval of the Minister of Justice.

Article 19
Rules of procedure

The CFJ rules of procedure shall be approved by the Minister of Justice within 30 days following the entry into force of the present decree.

Article 20
Entry into force

This decree shall come into force upon its publication.

Approved by the Council of Ministers on 16 July 2004.

The Prime Minister

[Signed]
(Mari Bim Amude Alkatiri)

The Minister of Justice

[Signed]
(Domingos Maria Sarmento)