



DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF JUSTICE
Office of the Minister

Dispatch
No. 026/VIII/MJ/2006

According to Article 36 paragraph 36.2 sub-paragraph (d) of UNTAET's Regulation 2001/23, of August 28th, I determine the following:

The Code of Ethics and Conduct for the Prison Guards of the National Board of Prison Services and Social Reinsertion, attached to the present dispatch, is hereby approved.

The Code is to be translated into Tetum and posted, in Portuguese and in Tetum, at the administrative facilities of the prison establishments.

Dili, 24 August 2006

The Minister of Justice
[Signature]
(Domingos Sarmento)



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ATTACHMENT

CODE OF ETHICS AND CONDUCT FOR PRISON GUARDS

NATIONAL BOARD OF PRISON SERVICES AND SOCIAL REINSERTION

The prison services and social reinsertion, because of their specific characteristics as State internal security services, should be subjected to strict operational rules and especially to strict ethics and conduct rules. When enforcing the State power to apply freedom deprivation measures, they must respect and enforce the respect for the human rights of the inmates.

The present Code of Ethics shall function as a orientation guide for all prison guards, determining their daily behavior and the relationships among themselves and with the inmates.

Thus, only individuals with superior moral and professional training and with the highest sense of duty may be chosen to carry out functions at a time so demanding and decisive for the State.

Considering that in this diploma the prison guards are subjected to the juridic regime for civil servants of the State, the internal discipline and conduct rules that may originate a disciplinary proceeding, as well as the respective penaties, are hereby referred to the general law.

Chapter I Nature and Competences

Article 1 Applicable Regime

The staff integrated in the prison garrison of the National Board of Prison Services and Social Reinsertion (DNSPRS) is subjected to the same juridic regime as State civil servants, with the specific characteristics of the present diploma.

Article 2 Competences

1. The prison garrison is responsible for ensuring security and order at the prisons, ensuring the enforcement of the penitentiary law and regulations, hold custody over inmates outside the prisons but under the care of the penitentiary administration, and participate in the resocialization plans for inmates.
2. Besides the tasks mentioned in the previous paragraph, the prison garrison staff, if duly qualified, may also be given training, monitoring and service guidance tasks, as well as tasks related with the guidance of production sectors and the occupation of the inmates' free time.

Article 3 Permanent Service

1. The service of the prison guards is considered to be permanent and mandatory, even in times of leave or rest, with the staff being responsible to take all necessary measures in order to prevent or solve situations that endanger the order and security of prison establishment, as well as to put an end to prisoner escapes.
2. All days of the week, including Saturdays and Sundays, are considered as normal working days.
3. The trip between the residence and the work place is considered part of the service.

Article 3 Hierarchical Dependence

1. The prison guards are hierarchically subordinated to the national director of Prison Services and Social Reinsertion, who carries out the respective technical management and guidance either directly or through a competent body.

2. The staff allocated to the district service are directly subordinated to the respective directors, who may delegate their competence upon their legal substitutes.

Article 4

General Competence of the Prison Garrison

1. The prison guards are responsible for:
 - a) Performing surveillance over the entire area of the service facilities during the scheduled day and night periods, never leaving their posts without superior authorization;
 - b) Observing the inmates at the workshops, training areas, work places, yards or living quarters, with the possible discretion, so as to detect situations that go against the order and security of the services or against the physical and moral integrity of all those who are within the facilities;
 - c) Maintaining a relationship with the inmates that is characterized by fairness, firmness and humanity, seeking to provide a good influence by example;
 - d) Collaborating with the further services and staff in tasks of common interest, namely providing adequate information for the purposes of execution of sentences, preventive custody and security measures, as well as, when called upon, provide opinions regarding leaves from the facilities, disciplinary sanctions, parole and open regimes for the inmates;
 - e) Collaborating and presenting suggestions on the distribution of inmates by training, educational or professional activities that are more adequate to their aptitudes and characteristics;
 - f) Immediately transmitting to the relevant hierarchic superior the demands and complaints of the inmates;
 - g) Reporting to a superior officer, as soon as possible, the discipline breaches of which they become aware;
 - h) Accompanying and monitoring the inmates who are transferred or that, because of another reason, travel outside the prison establishment;
 - i) Capturing and reconducting to the nearest prison establishment any escaped inmates or any inmate who is outside the establishment without authorization;
 - j) Providing assistance and maintaining security and surveillance during the inmate visitation period, as well as verifying and controlling the products or articles belonging or destined to them;
 - k) Carrying out the necessary or useful activities for the first reception of inmates, enlightening them as to the applicable legal and regulatory dispositions.

Article 5

Competence of the Leadership Staff

- a) Organize the security and surveillance service and distribute, in a rational and equitable manner, the respective tasks;

- b) Instruct the subordinates in the fulfilment of the respective functions, guiding and controlling them, in order to ensure compliance with the prison laws and regulations;
- c) Collaborate with the hierarchic superiors in perfecting the service and discipline of the prison garrison staff, encouraging the strengthening of their professional quality and spirit of cooperation;
- d) Report to the relevant hierarchic superior all incidents or situations that may endanger the order and security of the prison establishment;
- e) Inform the relevant hierarchic superior as to worthy, commendable or reprobable behaviours by their subordinates;
- f) Give opinions, when requested to, in the cases of departure from the establishment, disciplinary sanctions, parole and open regimes for inmates;
- g) Present suggestions and give opinions as to changes to the operation of the establishment in terms of security and surveillance;
- h) Take special security measures in situations of absence or impediment of the director or the person replacing him or her, whenever the order and security of the establishment are in danger;
- i) Collaborate and present suggestions on the distribution of the inmates by the training, education or professional activities most adequate to their aptitudes and characteristics;
- j) Collaborate in the drafting or alteration of internal regulations;
- k) Pronounce or participate, in the situations when such is required, according to the features of the present diploma.

Article 6

Disciplinary regime

The prison garrison staff are covered by the disciplinary regime of the Civil Service Statute, in all that is not specifically defined in the present Diploma.

Chapter II

Framework and Career

Article 7

The prison garrison staff make up a single list, with the National Director of the Prison Services and Social Reinsertion being responsible for setting the appropriation for each Establishment or service, as well as the respective career.

Chapter III

Rights and Duties

Article 8

Right to use identification card

The prison garrison staff are allowed to use the identification card approved through diploma issued by the Minister of Justice.

Article 9 **Enforcing freedom deprivation measures**

The situation of preventive arrest and the carrying out of freedom deprivation sentences by the prison garrison staff are done in common prison establishments, in regime of separation from the other inmates or detained persons.

Article 10 **Rewards**

1. Prison guards who distinguish themselves, in the performance of their duties, by way of exemplary behaviour or acts of special merit or bravery, may be given, separately or cumulatively, leaves up to six days, praises and distinctions.
2. These rewards are published in orders of service and registered on the individual files of the relevant individuals.
3. The leaves and praises mentioned in paragraph 1 are granted by the national director, under proposal by the directors of the prison establishments or the services where the recipients work.
4. For the practise of expecially deserving acts, the national director of Prison Services, by his or her initiative or by proposal from the directors of prison establishments or services, may grant praises or leaves up to 15 days per year.
5. The distinctions are created by a diploma issued by the Minister of Justice, who shall determine their types and conditions for being granted, as well as the relevant entity that may grant them.

Article 11 **Prevention of transmissible diseases**

The prison garrison staff may be subjected to inoculation in order to prevent transmissible diseases.

Article 12 **Duties**

1. The prison garrison staff have the following duties:
 - a) Obey and carry out the legal orders from hierarchic superiors regarding the service;
 - b) Carry out their tasks with assiduity, punctuality, zeal, dedication and competence;

- c) Do not accept, whatever the circumstances may be, any money, gifts or advantages from inmates, their relatives or any other persons, not have with them any kind of deal or activity forbidden by law, as a consequence of the profession;
- d) Do not come to service or perform their functions under the influence of alcohol or any psychotropic substances;
- e) Do not allow objects or valuables belonging to or meant for inmates to enter or leave the prison establishment, without superior authorization;
- f) Do not buy, sell, loan or borrow objects or valuables to or from inmates and their relatives without superior authorization;
- g) Do not use their position in the service to obtain an undue advantage from another staff member or an inmate;
- h) Do not allow communications between inmates and persons who are foreign to the prison establishment without superior authorization;
- i) Do not employ inmates or use their labour without superior authorization;
- j) Do not influence inmates when choosing their representatives;
- k) Maintain secrecy regarding service matters;
- l) Be cordial in their rapports with inmates, both in terms of language used and courteousness, avoid any type of physical or verbal assault and maintain calm and firm attitudes, regardless of the crimes for which the inmates are indicted, accused or condemned;
- m) Respect and ensure the fundamental rights of the inmates;
- n) Participate to the hierarchic superiors, in a timely and objective manner, the occurrences during the service;
- o) Maintain good human and collaboration relationships with the co-workers, so as to improve the performance of the common tasks and look after the unity of the prison garrison;
- p) Come to service, regardless of being summoned, whenever there are urgent situations that require their presence;
- q) Look after the conservation and correct use of the uniform, weaponry and material or equipment items under their care, ensuring they are not used for any other purposes without the written authorization by the director of the prison establishment;
- r) Come to service in full uniform, according to the approved model;
- s) Salute the hierarchic superiors with continence;
- t) Do not provide information or statements to the media on service matters without previous superior authorization;
- u) Do not make distinctions, in the exercise of the respective profession, regarding the treatment of co-workers, staff and inmates, according to their hierarchic position, gender, religious beliefs, ideological or political opinions, ethnicity, race, language, social standing, economic situation, education level and physical or mental condition.

2. The impartiality duty featured in the previous sub-paragraph prevents the prison garrison staff from participating, with their uniforms on, in any public political meetings or demonstrations.

Article 13

The present Diploma enters into force on the date of its approval.