



DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF JUSTICE

MINISTRY DIPLOMA NO. 3/2006
24 August 2006

Government Decree no. 3/2003, of October 29th, approving the Organic Statute for the Ministry of Justice, foresees in its article 11 the existence of the National Board of Prison Services and Social Reinsertion, and in article 19 paragraph 2 the approval of the organic diplomas of the services by way of Ministerial Diploma.

The National Board of Prison Services and Social Reinsertion has structured its functioning around the needs and based on the already existing structures, and presently does not yet have the necessary organic statute for the good execution of its functions.

The choice was for a simple and effective structure, adequate to the Timorese social reality, that meets the most urgent issues of the National Board of Prison Services and Social Reinsertion, without losing sight of the constant improvement of these Services.

The Government, through the Minister of Justice and under article 19 of Government Decree no. 3/2003, orders the publication of the following diploma:

Organic Structure of the National Board of Prison Services and Social Reinsertion

CHAPTER I Nature and attributions

Article 1 Nature

The National Board of Prison Services and Social Reinsertion (NBPSSR) of the Ministry of Justice is the responsible service for the definition, management and security of the prison system and social reinsertion.

Article 2 Attributions

1. The NBPSSR has the following attributions:
 - a) Guide and organize the functioning of the penalty execution services and freedom depriving security measures, as well as of the detention services for delinquent minors;
 - b) Coordinate and nurture the economic activities of the prison establishments, as well as guide education, professional training and occupation of the free times of inmates and delinquent minors;
 - c) Promote the social reintegration of the inmates and delinquent minors through the connection with the social, family and professional environment;
 - d) Organize and keep updated the individual cases and files concerning persons in preventive custody, unimputable persons subjected to security measures, convicts and delinquent minors;
 - e) Distribute the inmates throughout the prison establishments and the minors throughout the re-education centres;
 - f) Draft general and specific security plans for its facilities and ensure their execution, as well as program the needs in terms of prison facilities and equipment;
 - g) Provide technical advisory to the courts, drafting reports and plans for the granting of parole, and preparing cases involving indults, earlier liberation and penalty flexibilization measures;
 - h) Collaborate in the evaluation of the punishment and prevention function of the prison and social reinsertion policy;
 - i) Collaborate with the further Justice services.

CHAPTER II Bodies

Article 3 Bodies

1. The National Board of Prison Services and Social Reinsertion has the following bodies:
 - a) The national director;
 - b) The technical council.

Article 4 National Director

1. The National Director is appointed by the Minister of Justice, preferably from persons of acknowledged merit and experience in the professional area or with relevant skills in related areas.
2. Should the position of Director be exercised in full time and fall upon a person who is bound to the State, the appointment is done by commission of service or requisition.

Article 5 Competences of the National Director

1. It is up to the national director to:
 - a) Superintend the services, coordinate and guide their activity, according to the orientation defined by the Minister of Justice;
 - b) Approve the necessary instructions and regulations for the operation of the central and regional services;
 - c) Exert administrative and disciplinary authority over all the staff;
 - d) Guide the staff management at the central services and superintend the staff management at the regional services;
 - e) Head the technical council;
 - f) Superintend international relations and ensure the representation of NBPSSR in committees, work groups and foreign or international bodies related with prison services;
 - g) Propose the creation, closing or extinction of prison establishments or re-education centres and approve the respective regulations;
 - h) Promote to the respective judge the suspension of the execution of security measures or the extension of the penalties, according to the law;
 - i) Superintend the promotion of the social reinsertion of inmates and delinquent minors in the social, family, educational and professional scopes;
 - j) Supervise and accompany the performance of prison establishments and re-education centres, namely in the areas of management, security and social and professional rehabilitation;
 - k) Promote information and public relation actions addressed to the staff of the prison services and the overall public;
 - l) Maintain regular contacts with the media and promote the socialization of matters of interests for the prison services;
 - m) Exert the further powers bestowed by the law or delegated by the Minister of Justice.

2. The national director is assisted in his or her tasks by a deputy director, also appointed by the Minister of Justice, who replaces him or her in his or her absences and impediments, and on whom competences can be subdelegated, according to the general law and the present diploma.

Article 6 **Technical council**

1. The technical council, headed by the national director, consists of the following members:
 - a) The deputy director;
 - b) The heads of Prison Establishments;
 - c) The heads of Re-education Centres;
 - d) The national director of Administrative, Finance and Staff Services of the Ministry of Justice;
 - e) A staff member from each prison establishment and re-education centre, indicated by the Minister of Justice.
2. The technical council meets ordinarily ever three months, and extraordinarily whenever summoned by its president.
3. The national director may call to take part in meetings of the technical council, without the right to vote, other persons or entities believed to be able to have a valid contribution towards the discussion of the issues on the table.

Article 7 **Competences of the technical council**

It is up to the technical council to:

- a) Pronounce on penitentiary treatment rules and criminal rehabilitation strategies for inmates and delinquent minors;
- b) Analyse the functioning of the services and suggest adequate measures;
- c) Issue opinions on studies and technical issues within the professional, educational and social reinsertion scopes;
- d) Pronounce on the regulations of prison establishments and re-education centres;
- e) Give opinions on the plans and annual reports of the prison establishments and re-education centres, and issue the recommendations it considers to be relevant.

CHAPTER III **Services**

Article 8 Services

1. NBPSSR covers central services and regional services.
2. Central services include:
 - a) The Department of Administration, Logistics, Finance and Human Resources;
 - b) The Technical Department.
3. Regional services include:
 - a) Prison Establishments;
 - b) Re-education Centres.

Section I Central Services

Article 9 Department of Administration, Logistics, Finance and Human Resources

1. The Department of Administration, Logistics, Finance and Human Resources is headed by a head of department, responsible for ensuring all administrative and financial procedures that are necessary to the functioning of the central and regional services of NBPSSR, namely:
2. In the area of inmates and delinquent minors:
 - a) Collect information towards the classification of inmates and delinquent minors according to criteria set in the law concerning the execution of penalties and in the law regulating the application of protective measures for delinquent minors;
 - b) Organize and keep updated the individual files of the inmates and delinquent minors and the respective computer records;
 - c) Inform the courts and other entities, according to the law, regarding the situation of inmates and delinquent minors.
3. In the area of human resources:
 - a) Prepare and propose procedures concerning the recruitment, biographic registry, selection, hiring, promotion, renewal and termination of contracts for all the staff, as well as updating and storing them;
 - b) Promote the application of instruments for appreciating merit in the performance of functions, in order to evaluate staff;
 - c) Instruct the cases concerning absences, leaves, releases and classifications for all the staff, as well as updating and storing them;
 - d) Propose inspections, audits and disciplinary procedures whenever these are considered to be necessary or convenient;

4. In the area of resources and archive:
 - a) Proceed to the reception, opening, classification, sending and registration of all NBPSSR correspondence;
 - b) Proceed to the distribution and archiving of the documents;

5. In the area of finance:
 - a) Draft annual and budget plans for NBPSSR;
 - b) Prepare the necessary documentation for the budget execution and control of NBPSSR;
 - c) Inform the cases in what regards legality and pertinence;
 - d) Collaborate in the drafting of budget projects for the prison establishments and re-education centres, in coordination with the National Board of Administration, Finance and Staff Services, and monitor their execution;
 - e) Direct the necessary information for the processing of wages and other allowances;
 - f) Organize, direct, accompany and make payments for expenses regarding professional training activities and economic activities of prison establishments and re-education centres, implementing financial management rules;
 - g) Draft the annual account for NBPSSR.

6. In the area of estate:
 - a) Keep updated the inventory and record of the assets, look after its conservation and organize the disposal processes;
 - b) Prepare processes for the acquisition of goods and services;
 - c) Propose the construction, expansion and improvement of buildings, infrastructures, technical facilities and equipment;
 - d) Accompany and verify the execution of maintenance works carried out by external workers or professional labour.

Article 10

Technical Department

The technical department is headed by a head of department, responsible for ensuring the application of penitentiary treatment methods and preventing criminal reiteration, as well as for the rehabilitation and social reinsertion of inmates, namely:

- a) Propose the allocation of inmates to prison establishments and re-education centres;
- b) Implement actions in the areas of education, professional training, social and cultural leisure activities for the inmates and delinquent minors, and coordinate their application with other services of NBPSSR;
- c) Implement actions in the community towards the involvement of public and private entities, in view of the social reinsertion of inmates and delinquent

- minors, namely in the areas of education, exploration of economic activities, employment, housing, health and occupation of free time;
- d) Propose the allocation of the human resources considered as convenient to prison establishments and re-education centres, so as to improve the efficiency of the penitentiary and educational intervention;
 - e) Draft studies concerning the penitentiary treatment of inmates, as well as issue the requested information and opinions.
 - f) Ensure the necessary technical advisory to be provided to the courts.

SECTION II

Regional Services

Article 11

Regional Services

1. Prison establishments are meant for the execution of freedom deprivation sentences.
2. Re-education centres are meant for the execution of freedom deprivation and educational measures for delinquent minors.
3. Prison establishments and re-education centres may have different regimes, according to the law that regulates the execution of the freedom deprivation measures and the law that regulates the application of protective measures for delinquent minors.

SUBSECTION I

Prison Establishments

Article 12

Bodies

1. Prison establishments have the following bodies:
 - a) Head of the prison establishment;
 - b) Reinsertion council.

Article 13

Head of the Prison Establishment

1. Prison establishments are headed by the head of the prison establishment, who depends directly from the national director.
2. The heads of prison establishments are responsible for directing the sections, namely those of surveillance, health and social reinsertion.
3. It is up to the head of the prison establishment to:

- a) Preside over the reinsertion council;
 - b) Give the proper instructions and orders of service;
 - c) Exercer o poder disciplinar que legalmente lhe competir relativamente a funcionários;
 - d) Aplicar aos reclusos as medidas disciplinares que por lei lhe competir;
 - e) Exercer as demais competências conferidas por lei.
4. It is also responsible for the carrying out finance management tasks regarding daily maintenance and the good operation of the prison establishment.
 5. The head of the establishment is replaced, in his or her absences and impediments, by a section coordinated indicated by him or her.

Article 14

Reinsertion Council

1. The Reinsertion Council consists of the head of the prison establishment, who presides over it, and the coordinators of the sections of surveillance, social reinsertion and health, appointed by the head of the prison establishment.
2. The head of the prison establishment may call to take part in meetings of the reinsertion council, without the right to vote, other persons or entities believed to be able to have a valid contribution towards the discussion of the issues on the table.

Article 15

Competences of the Reinsertion Council

1. It is up to the Reinsertion Council to:
 - a) Propose solutions that improve the delivery of services within the scope of preventing criminal reiteration;
 - b) Give opinions as to the individual readaptation plans for each inmate, evaluate its results and suggest the changes deemed to be appropriate;
 - c) Pronounce on the application of disciplinary measures to inmates;
 - d) Give opinions on the subjects brought to it by the law judge;
 - e) Pronounce on the intents of the inmates.
2. The Reinsertion Council deliberates by simple majority, with the president having quality vote.
3. The Reinsertion Council meets whenever necessary, and at least once a month.

Article 16

Organization of the services

Prison Establishments are structured in different areas, aiming towards the greater efficiency of the Services, covering the sections of administration, surveillance, health and social reinsertion.

Article 17 **Prison Administration Section**

1. The Prison Administration Section is coordinated by a staff member appointed by the head of the prison establishment, who is responsible for ensuring all administrative procedures regarding the inmates, namely:
 - a) Ensure the necessary procedures for the reception and housing of inmates, enlightening them as to the rules and regulations of the Establishment, reception of money and other valuables, their registry and storing;
 - b) Organize and keep updated the files and archives concerning the inmates;
 - c) Receive, register and inform the inmates as to notifications, communications or information from the courts;
 - d) Provide the information requested to it by courts and other entities, according to the law, on the situation of inmates;
 - e) Provide administrative support to the head of the prison establishment;
 - f) Receive and send correspondence to and from inmates;
 - g) Issues the opinions requested to it by the head of the prison establishment.

2. It is also responsible for creating conditions for the implementation of actions in the areas of education, social and cultural leisure activities, and educational and professional training for inmates.

Article 18 **Surveillance and Security Section**

The Surveillance and Security Section is coordinated by a staff member appointed by the head of the prison establishment, who is responsible for maintaining the security of the prison establishment and carrying out the necessary surveillance over the inmates therein, namely:

- a) Draft the security plan for the prison establishment, so as to ensure security and order, as well as compliance with the law and with the penitentiary regulations;
- b) Carry out surveillance over the facilities of the services, surrounding area, watch towers and gates, during day and night times, according to the allocated shifts and schedules;
- c) Observe the inmates at the workshops, training spaces, work places, yards or living quarters, 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 inside the establishment;

- d) Collaborate with the further services of the establishment, namely the social reinsertion and security ones, in order to carry out the rehabilitation and treatment plans for the inmates;
- e) Accompany and hold custody over inmates being transferred or, for another reason, going outside the prison establishment;
- f) Capture and bring back to the nearest prison establishment escaped inmates or inmates who are outside the establishment without authorization;
- g) Ensure the safeguard, maintenance, operation and distribution of the defense and security material and the telecommunications equipment;
- h) Provide escorts, alone or together with the other security forces, whenever the special dangerousness of the inmates so justifies it.

Article 19 Health Section

1. The Health Section is coordinated by a staff member appointed by the head of the prison establishment, who is responsible for ensuring the proper and immediate rendering of health care to inmates, whether in consultations or interments, namely:
 - a) The prevention, diagnosis and treatment of diseases affecting the inmate population;
 - b) The articulation with public hospitals towards the proper response, referral and monitoring of sick inmates;
 - c) The requisition, reception and storing of clinical products and medication;
 - d) The use of clinical products and the prescription and administration of medications;
 - e) The carrying out of programs for the prevention of transmissible diseases;
 - f) The organization and updating of clinical files, cases and archives;
 - g) The collaboration in terms of health surveys and the collection of statistical data at prison establishments;
 - h) The development of education actions regarding health.

2. The Health Section ensures basic health care and, whenever possible, the rendering of differentiated health care, namely within the scope of mental health, with support from psychologists from the Technical Department of the Central Services.

Subsection II Re-education Centres

Article 20 Re-education Centres

Re-education centres are meant for the execution of internment, guarding and psychological evaluation measures, applied judicially to delinquent minors.

Article 21

Bodies

Re-education centres have the following bodies:

- a) Head of the re-education centre;
- b) Technical and pedagogic council.

Article 22

Head of the re-education centre

1. Re-education centres are headed by a head of the re-education centre, who depends directly from the regional director.
2. It is up to the head of the re-education centre to:
 - a) Preside over the technical and pedagogic council;
 - b) Direct all activities carried out at the centre, giving the necessary instructions and orders of service;
 - c) Submit to the approval of the competent NBPSSR bodies the project for educational intervention and the internal regulation of the centre, as well as the activities plan, budget and report;
 - d) Superintend the educational process for each minor and take the more relevant decisions concerning its execution and evaluation, after hearing the technical and pedagogic council;
 - e) Ensure the permanent connection of the centre with the courts and with public and private entites, so as to develop the activities of the centre;
 - f) Exert the disciplinary power given to it by law on the staff;
 - g) Apply to the minors under its charge the disciplinary measures foreseen by law;
 - h) Exert the further competences given to it by law.
3. The head of the re-education centre is replaced, in his or her absences and impediments, by the coordinator of the technical and pedagogic area.

Article 23

Technical and pedagogic council

1. The technical and pedagogic council consists of:
 - a) The head of the re-education council, who presides over it and has quality vote;
 - b) The coordinators of the sections;
 - c) The officers of the technical and pedagogic section.

2. The council meets once a month and whenever the head of the re-education centre summons it, by his or her initiative or by request of at least two members of the council.
3. Extracts of decisions regarding each minor, for judicial or other purposes, may be taken from the minutes of the meetings.

Article 24

Competences of the technical and pedagogic council

It is up to the technical and pedagogic council to pronounce over all issues related with the social, educational and rehabilitational intervention towards the minors, namely:

- a) Coordinate the provision of technical advisory to the courts, before and after the sentences;
- b) Appreciate the draft educational and psychosocial rehabilitation intervention, as well as the internal regulation of the centre;
- c) Analyse the methods and strategies more suited to the monitoring of the execution of judicial decisions regarding minors;
- d) Accompany and evaluate the course of the individual educational project of each interned minor, as well as those concerning minors in other regimes;
- e) Look after the existence of conditions enabling the minors to have a life as close as possible to a normal social life;
- f) Evaluate regularly the outcomes of development programs at the centre and propose the changes that it considers to be convenient;
- g) Pronounce on the application of disciplinary measures to minors, whenever the law so requires it;
- h) Deliberate on the intents of the minors, their parents, legal representatives or guardians, concerning issues of the centre;
- i) Appreciate the activities plan, budget and report of the centre.

Article 25

Re-education Centre Sections

The re-education centres have Administration, Surveillance and Security, Health and Technical and Pedagogic Sections.

Article 26

Administration, Surveillance and Security and Health Sections

The Administration, Surveillance and Security and Health Sections are ruled, with the due adaptations, by articles 17, 18 and 19 of the present Diploma.

Article 27

Technical and pedagogic section

1. The technical and pedagogic section is headed by a coordinator appointed by the national director.
2. The technical and pedagogic section shall consist of officers duly qualified for the proper performance of their functions, namely psychologists, teachers, social workers and rehabilitation officers, seeking to ensure a psychosocial intervention within the scope of the deviant behaviour of the minor and of school education, namely:
 - a) Provide technical advisory to the courts, before and after the sentences;
 - b) Execute the judicial decisions concerning minors, both within the scope of educational monitoring and different internment regimes;
 - c) Draft the educational reports, information and projects requested by law;
 - d) Provide support and follow-up to minors, in articulation with the families and local communities, so as to minimize socially stigmatizing effects and the deficiencies shown during the internment or custody;
 - e) Establish an annual activities plan according to the perspective of educational intervention and psychosocial rehabilitation;
 - f) Provide housing and an educational, training and therapeutical framework for the minors;
 - g) Identify the individual needs of each minor, according to medical or psychological diagnoses;
 - h) Draft the personal educational project for each minor and evaluate its execution, proposing the changes that it considers to be convenient, in view of the judicial decisions and the social reinsertion of the minors;
 - i) Develop school training, cultural and sport, vocational guidance and professional training programs and activities;
 - j) Establish articulation with the family, original environment and other community institutions so as to prepare the social, family, educational and professional process for the mentors.

CHAPTER IV

Revenues

Article 28

Revenues

1. The NBPSSR revenues are the monies given to it by the State Budget and those from the economic activities it carries out.
2. Each prison establishment or re-education centre also has revenue from professional training and economic activities, which shall be dedicated to the expenses of those activities.

Article 29

Organization of economic activities

1. The NBPSSR may, with the authorization of the Minister of Justice, organize economic activities at the prison establishments.
2. Legally constituted associations aiming to provide prison support may work together with the NBPSSR in order to organize those activities.
3. The functioning conditions listed in the previous paragraph are set by a dispatch from the Minister of Justice.

CHAPTER V Final Features

Article 30 Staffing of the National Board of Prison Services and Social Reinsertion

The staffing of the National Board of Prison Services and Social Reinsertion is regulated in a separate diploma.

Article 31 Revoking rule

All legal and regulatory dispositions that contradict the present diploma, namely articles 4 to 8 of UNTAET's Regulation 2001/23, of August 28th, are hereby revoked.

Article 32 Entry into force

The present diploma enters into force 30 days after its publication.

Dili, January 2006

The Minister of Justice,

Domingos Maria Sarmento

Draft Organic Structure for the National Board of Prison Services and Social Reinsertion

