

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

DECREE-LAW No. 8/2004

5 MAY 2004

THE ORGANIC LAW

OF THE NATIONAL POLICE OF TIMOR-LESTE (PNTL)

Historical reasons prevailing at the time have determined that our country, as a Nation and State went through great tribulations and vicissitudes until being recognized internationally as the Democratic Republic of Timor-Leste.

The formation of the State has proved to be a process that is far from being linear, with solutions that, given their inherently provisional nature, in many cases were not in tune with the national reality and not conducive to the involvement of the community in the process of forming such an important institution as the PNTL.

This undeniable fact requires a process of restructuring the PNTL and its capabilities in a more effective way, with due caution to make this institution more aligned with the characteristics of our society, in order to maintain the continuity of the legal basis demanded by such a process.

The rule of law should, nevertheless, be safeguarded without prejudice to the transformations that might be required for the PNTL to be viewed as a national institution of paramount importance in keeping law and order, and ensuring the smooth functioning of the democratically elected institutions. Security and stability are essential to national development and the well-being of the people.

Given its nature, the PNTL presents itself as a security force that is strictly non-partisan, which is an essential condition to enable it to perform its functions as the sole police corps that pools together all of its capabilities, thereby maximizing the use of scarce human and financial resources.

Thus, pursuant to the combined provisions of section 115.3 and section 116(d) of the Constitution of the Republic, the Government enacts the following that shall have the force of law:

CHAPTER I
GENERAL RULES

Article 1

Nature of the PNTL

1. The National Police of Timor-Leste (PNTL) is the security force that has the mission to defend the democratic legality, to guarantee the people's safety and welfare and to safeguard the citizens' rights, under the terms established by the Constitution and the Law.
2. The PNTL is a security force, strictly non-partisan, whose motto is to uphold law and order.
3. The PNTL is subordinate to the Ministry of the Interior and it has the same organisation throughout the national territory.
4. The PNTL shall be organized hierarchically at all levels of its structure, making however a distinction between police functions and general functions of public administration, obeying the command hierarchy and the general rules of the public administration.

Article 2

Competencies

1. In situations of institutional normality, the competencies of the PNTL are those that arise from internal security legislation and in exceptional situations are those that arise from legislation on national defence, state of siege and state of emergency.
2. Within the framework of internal security policy and without prejudice to the legal responsibilities of other entities, the fundamental goals of the PNTL are:
 - (a) to guarantee the maintenance of public order, security and peace;
 - (b) to promote conditions to assure the normal operation of the democratic institutions and the exercise of the rights and the fundamental freedoms of citizens;
 - (c) to prevent crime and the occurrence of actions contrary to the law and regulations;
 - (d) to combat organized crime and terrorism, in coordination with all other forces and security services;
 - (e) to perform the functions set out in the law in regard to the penal process and collect information about crime occurrences, to impede crime consequences and pursue the perpetrators of crime;

(f) to collect, process and disseminate information relevant to the prevention and combat of crime;

(g) to operate the national office of INTERPOL;

(h) to guarantee the surveillance of the borders by controlling the movement of people and goods in consultation with other relevant agencies;

(i) to ensure compliance with the procedures for the entry, stay, exit and expulsion of foreigners from the national territory;

(j) to ensure road safety by planning, monitoring and directing traffic;

(k) to ensure security at sporting or similar events;

(l) to participate in port and marine security, under the terms defined by law;

(m) to render help to members of the public and assist victims of accidents;

(n) to participate in international missions, under the terms defined by the Government;

(o) to contribute to the training of and information to citizens in security-related matters;

(p) to participate in the presentation of State honours;

(q) to collaborate with and support the State Security Service in the prevention and combating of subversive actions against the institutionally established order and the democratically elected organs;

(r) to collaborate with and assist FALINTIL-FDTL in the defence of the national sovereignty and territorial integrity;

(s) to fulfil all the other responsibilities as determined by law.

3. It is the exclusive responsibility of the PNTL, in the whole national territory to control the manufacture, storage, sale, use and transport of weapons, ammunition and explosive substances and other similar products that do not belong to the Armed Forces or other security forces recognized by law.

4. It is the responsibility of the PNTL to guarantee the personal security of the members of the organs of sovereignty and state officials, national or foreign, as well as other citizens reasonably considered to be under a situation of threat.

Article 3

Police Measures

1. Within the scope of its responsibilities, the tasks of the PNTL shall include the use of police measures established by law and applicable under the terms of the Constitution, as follows:

(a) demand identification of any person in a public place or who has been the subject of police surveillance;

(b) surveillance of people, buildings and establishments for defined periods of time;

(c) temporary apprehension of weapons, ammunition and explosives;

(d) deny entrance authorization for undesirable foreigners or foreigners without documents;

(e) initiate the process of expulsion of foreigners.

(f) temporary closure of armouries, depots or factories involved with armaments, explosives or related components;

(g) revoke or suspend authorizations issued to the owners of the establishments referred to in the previous paragraph;

(h) temporary closure of establishments used for the sale of weapons or explosives.

2. The measures foreseen in the paragraphs f), g) and h) of the previous subarticle shall be immediately communicated to the competent court in order to be validated, under risk of penalty of nullity.

Article 4

Use of weapons

1. When performing their competencies, members of the PNTL are entitled to use and carry a weapon of any nature, without having a license or authorization. However, if such weapon is the personal property of a member of the PNTL, then the use and carriage of such weapon must be declared.

2. The previous subarticle shall not apply to those personnel who are subject to compulsory retirement as a disciplinary penalty.

Article 5

Legitimate use of force

1. In the case of disturbance of public order and peace, the use of force is authorized, and where this is insufficient, other means can be used to overcome illegitimate resistance against members of the PNTL, in the performance of their duties.

2. The coercive means will only be able to be used in the following cases:

(a) to repel an immediate and unlawful aggression in self defence or in defence of other people;

(b) after the use of all means to overcome resistance to the performance of their functions and after having given an explicit warning.

3. The PNTL cannot impose restrictions or use coercive means other than those that are strictly necessary.

4. The PNTL can use weapons of any model and calibre.

5. The use of firearms shall be regulated by specific order.

Article 6

Police hierarchy and divisions

1. Within the sphere of its legal competence, the police hierarchy includes officials performing police functions within the command structure, namely:

(a) the General Commander of the PNTL and his or her Deputies;

(b) the Commander of Operations and his or her Deputy;

(c) the PNTL District Commanders;

(d) the Commander of the Rapid Intervention Unit;

(e) the Commander of the Border Patrol Unit;

(f) the Commander of the Reserve Police Unit;

(g) the Commander of the Criminal Investigation Unit;

- (h) the Commander of the Marine Police Unit;
- (i) the Commander of the Traffic and Road Safety Unit;
- (j) the Commander of the Community Protection Unit;
- (k) the Commander of the VIP Protection Unit;
- (l) the Director of Migration;
- (m) the Director of the PNTL Intelligence Service;
- (n) the Director of the Police Academy.

2. Without prejudice to subarticle 1 above, law enforcement and criminal investigation officials include all members of the PNTL performing police functions.

3. As a criminal investigation organ, the PNTL shall act under the direction of the competent judicial authority in accordance with the penal procedural norms.

4. The functional dependence referred to in the previous subarticle takes place subject to the hierarchical organization of the PNTL.

Article 7

Duty to attend

A person, who is notified or summoned by the PNTL, has the obligation of attending at the date, time and place designated under risk of penalty of discipline and criminal responsibility under the terms of the law.

Article 8

Rules of procedure

1. Organizational and administrative procedures adopted by the PNTL that do not affect the rights of a citizens or are not regulated by a specific statute may be dealt with by Rules of Procedure.

2. Rules of Procedure are rules of obligatory execution for all PNTL employees and agents and shall follow the described items in Annex I to this Decree-Law, which is an integral part hereof.

Chapter II
Organic Structure

Section I

PNTL General Command

Article 9

PNTL Structure

1. The PNTL shall be structured in accordance with the administrative divisions of the country and shall comprise:
 - (a) the General Command;
 - (b) the Superior Police Council;
 - (c) the district and local commands of the PNTL.
2. The General Command is organized in two main areas being Operations and Support.
3. Each PNTL division level is headed by a commander of appropriate rank.

Article 10

The General Command

1. The general command is located in the capital of the country and it comprises:
 - (a) the General Commander and deputies;
 - (b) the Professional Ethics Office
 - (c) the National Command of Operations;
 - (d) the National Directorate of Administration;
2. The PNTL General Commander and his Deputies shall have their own support office constituted by a chief of staff, secretaries and administrative assistants, in such numbers as are necessary to conduct their tasks.
3. The Deputy General Commanders shall, ex-officio, be in charge of the National Command of Operations and the National Directorate of Administration.

Article 11

General Commander

1. The General Commander of the PNTL shall have the competency to conduct, coordinate, manage, control and supervise all of the organs, commands and services of the PNTL, as an institution subordinate to the Ministry of the Interior.
2. Additional responsibilities of the General Commander shall include the following:
 - (a) to represent the PNTL;
 - (b) to preside over the Superior Police Council;
 - (c) to ensure the execution of all of the activities related to the organization, its means and capabilities, operations, instructions and the technical, logistical and administrative services of the PNTL;
 - (d) to assign or reassign personnel in police and civilian functions, according to the PNTL needs and regulations;
 - (e) to use disciplinary power in accordance with the PNTL disciplinary regulation;
 - (f) to order the carrying out of inspections, inquiries and investigations into the organs and services of the PNTL;
 - (g) to grant licenses for the use and carriage of weapons, as well as the issuance of weapon registration documents, under the terms established by law;
 - (h) to execute the orders issued by the Minister of the Interior;
 - (i) to exercise the competencies delegated by the Minister of the Interior.

Article 12

General Commander Deputies

1. The PNTL General Commander is assisted by two deputy commanders, one of whom is in charge of operations and information, and the other in charge of administration, finance and human resources.
2. In case of absence or inability to act, the PNTL General Commander shall be replaced by his Deputy for Operations and Information.

Article 13

The Professional Ethics Office

1. The Professional Ethics Office shall work under the PNTL General Commander. The office is in charge of inquiries, investigations and disciplinary processes as determined by the PNTL General Commander.

2. The Professional Ethics Office is headed by a senior PNTL officer.
3. The conduct of inquiries and investigations may also be ordered by the Minister of the Interior.
4. The results of the inquiries and investigations shall be sent to the Minister of the Interior who shall decide the most appropriate measures to be taken.

Article 14

National Command of Operations

1. The National Command of Operations is the structure of the General Command with competence to decide on and carry out public security-related actions. It also carries out actions related to the operation and deployment of the PNTL commands and operational units, as well as the development and maintenance of the police information collection and processing system.
2. The National Command of Operations comprises the following units and services:
 - (a) Community Protection;
 - (b) Criminal Investigation;
 - (c) Traffic and Road safety;
 - (d) Marine Security;
 - (e) Information;
 - (f) Migration;
 - (g) VIP Security Unit;
 - (h) Special Units.
3. The Special Units are quartered reserve forces constituted of:
 - (a) Rapid Intervention Unit;
 - (b) Border Patrol Unit;
 - (c) PNTL Reserve Unit.
4. The district and local commands are under operational subordination to the National Command of Operations, without prejudice to the specific competencies of the PNTL General Commander.

Article 15

Community Protection Unit

The Community Protection Unit constitutes part of the general contingent and has the following specific missions:

- (a) to publicize the role and mission of the PNTL to the community;
- (b) to keep public peace and order in collaboration with the community structures and the local population;
- (c) to prevent occurrence of crimes, transgressions and other actions contrary to the Law;
- (d) to protect public assets and buildings and places of strategic importance;
- (e) to conduct investigations into crime-related activity;
- (f) to protect embassies, consulates and other places covered by international conventions;
- (g) to control the execution of the legal provisions regarding the use, load, transport and storage of firearms, ammunition, explosives, chemical substances, poisonous and others that could be dangerous to the public;
- (h) to ensure compliance with legal dispositions that govern public meetings performances;
- (i) to perform any other tasks falling within the scope of its mission.

Article 16

Criminal Investigation Unit

1. The Criminal Investigation Unit has the specific mission to prevent and combat crime, and its mission includes:

- (a) to investigate and conduct preparatory procedures related to the commission of ordinary offences;
- (b) to investigate and conduct preparatory procedures or collaborate in activities related to other offences as required or delegated by the competent instructing entity;
- (c) to conduct surveillance on suspicious individuals, as well as to watch and control suspicious activities in places favourable to the preparation or execution of crimes or that serve as a hiding place for criminals or are favourable to the use of proceeds of crime.
- (d) to perform any other tasks falling within the scope of its mission.

2. The Criminal Investigation Unit shall have full access to houses and enclosures of shows, in the port areas, in ships moored or anchored in territorial waters of the Democratic Republic of the Timor-Leste, in the airports and in the aircraft parked in national territory, in the headquarters of associations and generally in every place that is used to conduct public meetings or where the public's access is allowed by payment of a fee or ticket presentation, which is open to the public to purchase.

3. Police authorities and agents may, while conducting criminal investigation activities, enter, without the need for any formalities, commercial, industrial, prison or social assistance establishments, including hotels, boarding houses, warehouses, public offices or any other facilities other than private dwelling houses, provided that they identify themselves before such entry.

4. The authorities and police agents, in a criminal investigation mission, shall act under the direction of the competent judiciary authority in accordance with the penal procedural norms.

5. The functional dependence referred to in the previous subarticle occurs without prejudice to the hierarchical organization of the PNTL.

Article 17

Traffic and Road Safety Unit

The Traffic and Road Safety Unit is part of the general contingent and they have as their specific mission:

- (a) to guarantee the order and the public security in the roads, ports, airports and other enclosures and transport terminals;
- (b) to guarantee the public security and to assure the policing of access roads, including bridges, airports and marine and river ports;
- (c) to guarantee the protection of passengers and goods in vessels, in public transportation and transportation accessed by the public;
- (d) to organize, control and enforce the laws and regulations relating to the movement of vehicles and people;
- (e) to organize the flow of traffic and the prevention of road accidents and to penalize breaches of traffic laws and regulations;
- (f) to conduct surveillance and the patrol of roads;
- (g) to define the signalling and the demarcation of roads and pavements and to ensure the competent entity carries out this work;
- (h) to develop road safety campaigns and educate the citizens about respect for traffic laws;
- (i) to perform any other tasks falling within the scope of its mission.

Article 18

Marine Unit

The Marine Unit is part of the general contingent and they have as their specific mission:

- (a) to conduct coast surveillance;
- (b) to ensure, in conjunction with all other authorities, that fishing and other activities that are carried out along the coast and the exclusive economic zone comply with the law;
- (c) to monitor, in conjunction with the other administrative authorities, compliance with the tax and customs laws applicable in the national maritime area;
- (d) to collaborate with Falintil-FDTL and other administrative entities in all matters related to the control of the marine borders;
- (e) to perform any other tasks falling within the scope of its mission.

Article 19

Police Information Service

The Police Information Service has the specific mission to design, develop and maintain the PNTL operational information system, and its mission includes:

- (a) to define technical standards related to the search, collection and processing of information and data considered of relevance to the PNTL;
- (b) to carry out the study, selection and filing of information of relevance to the police;
- (c) to carry out research and prepare reports on the crime rate and criminality in conjunction with other police units;
- (d) to participate in international cooperative efforts in security matters;
- (e) to cooperate with other security forces and information services in matters falling within the scope of its mission;
- (f) to perform any other tasks falling within the scope of its mission.

Article 20

Migration Service

The PNTL Migration Police Service has the specific mission to control the entry and exit of people across land borders and airports and its tasks include:

- (a) to control the entry, stay and exit of foreign citizens in the national territory;
- (b) to grant visas in accordance with the law;
- (c) to conduct processes of family reunification;
- (d) to conduct processes of expulsion of foreign citizens;
- (e) to perform any other tasks falling within the scope of its mission.

Article 21

VIP Security Unit

1. The VIP Security Unit constitutes a unit specially designed to provide personal security to such entities as determined by the PNTL within the scope of its responsibilities.
2. The VIP Security Police Unit has the same organizational structure as the other special police units.

Article 22

Rapid Intervention Unit (RIU)

The Rapid Intervention Unit constitutes a PNTL Reserve Force specially designed to carry out the following missions:

- (a) prevention of organized or widespread violence;
- (b) maintenance and restoration of public order;
- (c) collaboration with other police forces in the maintenance of order, in action against violent crime, in the protection of important facilities and in the provision of security to entities in high-ranking positions;
- (d) collaboration with the district commands in patrolling under specific orders issued by the Commander of Operations;
- (e) any other tasks falling within the scope of its mission.

Article 23

Border Patrol Unit (BPU)

The Border Patrol Unit (BPU) constitutes a PNTL Reserve Force specially designed to carry out the following missions:

- (a) patrolling and surveillance along the borders;
- (b) controlling the entry and exit of people along the land borders;
- (c) ensuring, in conjunction with the other administrative authorities, compliance with tax and customs laws;
- (d) collaborating, when necessary, with F-FDTL and other administrative entities in all matters relating to the control of land borders;
- (e) performing any other tasks falling within the scope of its mission.

Article 24

Police Reserve Unit (PRU)

1. The Police Reserve Unit constitutes a police unit specially designed and expected to intervene, in non-urban areas, in situations of declared violence, where the resolution of such violence demands more than the normal capabilities of police action.

2. The mission of the Police Reserve Unit is to:

- (a) re-establish stability and order in rural areas;
- (b) combat organized and violent crime;
- (c) combat terrorism;

- (d) collaborate with other police forces in patrolling under specific orders issued by the National Commander of Operations;
- (e) collaborate with the other defence and security forces as required by the law;
- (f) perform any other tasks falling within the scope of its mission.

Article 25

Organization of the Special Units

1. The reserve units shall have their headquarters in Dili and shall have the following organization:
 - (a) command;
 - (b) operational groups;
 - (c) support services.
2. By instruction issued by the PNTL General Commander, under proposal of the National Commander of Operations, operational forces can be deployed in the districts; and in this case such forces shall be operationally, logistically and administratively under the district commands, which shall liaise with the National Command of Operations.

Article 26

National Directorate of Administration

1. The National Directorate of Administration is the structure of the General Command with competence for performing activities in the administrative, financial, property and human resources management of the PNTL.
2. The National Directorate of Administration is comprised of the following departments:
 - (a) administration and planning;
 - (b) finance and budget;
 - (c) logistics;
 - (d) human resources.
3. The departments are divided into different sections and these in turn into subsections, in such a way as to have greater effectiveness of services.
4. The logistics department shall have the following sections:
 - (a) general procurement;
 - (b) maintenance of infrastructure, vehicles and equipment;
 - (c) weapons and ammunition;
 - (d) communications;
 - (e) uniforms.

5. The detailed description of the functions of each Department, Section and Subsection can be found in the rules of procedure of the National Directorate of Administration that shall be submitted for the approval of the Minister of the Interior, by the General Commander of the PNTL, under proposal of the Deputy General Commander in charge of the area.

Section II

Superior Police Council

Article 27

Competence

1. The Superior Police Council shall be responsible for issuing opinions on:
 - (a) the appointment of the General Commander of the PNTL;
 - (b) the conditions for police activity with regard to the provision of services to the population;
 - (c) working conditions and staff-related matters, particularly with regard to the definition of the police professional status and the remuneration system;
 - d) training plans, needs and objectives of the courses to be developed by the Police Academy;
 - e) the legal provisions or regulations that concern PNTL, whenever it is pertinent;
 - f) the penalties of suspension, compulsory retirement and dismissal;
 - g) the promotion by choice and promotion by merit;
 - h) the awarding of decorations;
 - i) any other matters of importance within the disciplinary scope of, or relating to, the PNTL, as requested by the Minister of the Interior.

2. Without prejudice to the next article, it is the responsibility of the Superior Police Council to draft rules of procedure to be approved by the Minister of the Interior.

Article 28

Composition and Operation

1. The Superior Police Council is composed of:
 - (a) the General Commander of the PNTL, as chairperson;
 - (b) the Deputy General Commanders;
 - (c) two senior officers appointed by the Minister of the Interior;
 - (d) the National Commanders of the Special Units;
 - (e) the Director of the Police Academy;

- (f) the Director of the Police Information Service;
- (g) the District Commanders.

2. The Superior Police Council shall meet ordinarily every six months and extraordinarily as convened by the PNTL General Commander or at the request of one third of its members to discuss disciplinary matters or subjects regarding the professional status of the PNTL members.

3. The sessions of the Superior Police Council shall be recorded in summarized minutes containing the issues submitted for consideration and the decisions taken by the council, with recording of the attendees who deliberated and the vote results, when the decision has not been taken unanimously.

Section III

Article 29

Territorial PNTL Structure

1. The territorial deployment of the PNTL units shall be in accordance with the administrative division of the territory, with a District Command in each District and local commands (police stations and sub-stations) at the level of lower administrative units.

2. Territorial coordination centres of the PNTL can be created through Rules of Procedure that shall define, depending on local characteristics, the scope of competence and the respective organizational model.

Article 30

District Commands

1. The District Commands are the territorial units of the PNTL located in the district capitals.

2. The District Command comprises the Commander and the Deputy Commander.

3. The Commander is replaced by the Deputy during his absence or inability to act, and in case of the absence or inability to act of the Deputy, the next highest-ranking and longest-serving PNTL officer shall replace the District Commander.

Article 31

Structures of the District Commands

1. The District Commands comprise the operational and security areas and also the administration and finance areas.

2. The District Commander is responsible for Operations and Security and the Deputy is responsible for Administration and Finance.

Article 32

District Commander

The District Commander has the following competencies:

- (a) to represent the PNTL at district level;
- (b) to command all the PNTL forces in his or her respective jurisdiction;
- (c) to appoint the Commanders of the subunits;
- (d) to exercise disciplinary powers;
- (e) to ensure the execution of the administration activity, logistics, budget administration and of human resources in his or her area of responsibility in accordance with the directives, orders or instructions of the PNTL General Command;
- (f) to supervise the activities of the command and ensure the supervision of the operational activities in the subunits within his or her area of responsibility;
- (g) to ensure the enforcement of the Highway Code and all the other regulatory provisions relating to road safety in public roads;
- (h) to collaborate, within the scope of the PNTL responsibilities, with the administrative, military and security authorities;
- (i) to exercise such competencies as delegated or sub-delegated by the PNTL General Commander;
- (j) to perform any other tasks falling within the scope of its mission.

Chapter III

FINAL PROVISIONS

Article 33

Requisition of forces and services

1. Judicial and administrative authorities that require the performance of the PNTL shall file their requests or requisitions to the police authority in the area;

2. The requisitions shall be in writing and communicated by letter, containing the nature of the service to be carried out and the reason for such request or the order supporting such request. In serious or urgent cases, the request can be transmitted by any other appropriate means of telecommunication, or even verbally. In this last case, the order shall be confirmed in writing.

3. Those authorities that request a police service are responsible for the legitimacy of the requested service, but the adoption of the measures and the use of the means to carry out such service shall be determined by the PNTL;

4. The commander invested with police authority in the area shall only decline, by giving written substantiation, those requests or requisitions falling outside PNTL responsibilities or that do not emanate from entities with legal competence to make such requests or requisitions.

5. The decisions taken by the directors of departments, chiefs of units and centres shall be communicated immediately to the superior level.

Article 34

PNTL ID card

1. The PNTL senior officers, officers and agents shall use a card of identification with a specific format.

2. The PNTL identification card shall display the professional status of the holder.

3. The format of the identification card shall be approved by order of the Minister of the Interior.

4. The PNTL identification card is not a substitute for the national citizen's identity card.

Article 35

Careers and Discipline Regulation

1. The careers, system of ranks, as well as the disciplinary regulation of the personnel of the PNTL assigned in police functions, shall be contained in specific orders to be approved by the government, within six months;

2. Until the PNTL Disciplinary Regulation is approved, the pertinent disciplinary rules shall, on a subsidiary basis, be those applied to public administration's employees.

Article 36

Revocation clause

The previous law is revoked in everything that is inconsistent with the spirit and letter of the present law.

Article 37

Entry into force

The PNTL Organic Law shall come into effect the day following its publication in the Official Gazette.

Approved by the Council of Ministers, on April 30, 2004

The Prime Minister

[Signed]
(Mari Bim Amude Alkatiri)

The Acting Minister of the Interior

[Signed]
(Ana Pessoa Pinto)

Promulgated on May 06, 2004

To be published.

The President of the Republic

[Signed]
(Kay Rala Xanana Gusmão)

| | | | |
|-------------|-----------------------------|--|-------------|
| PNTL | | RULES OF ORGANISATION AND PROCEDURE | |
| | SUBJECT: | – Concept, competence and structure | |
| <i>DATE</i> | <i>SCOPE OF APPLICATION</i> | <i>ENTRY INTO FORCE</i> | <i>CODE</i> |
| | GENERAL | IMMEDIATE | 20.01-01/04 |

1. INTRODUCTION

The Organic Law of the National Police of Timor-Leste (**OL/PNTL**) provides in its Article 7 that the dissemination of rules relating to the internal organisation and operation of this Security Force shall be effected through a specific instrument—The Rules of Organisation and Procedure (**ROP**)

With this ROP, the first of a series of rules aimed at structuring the system, item 7 of the said article is thus enforced.

The intended objectives are as follows:

- Streamline the drafting and transmission of orders;
- Standardise procedures;
- Reduce probabilities of error, by act or omission;
- Facilitate the carrying out of the tasks that, given their nature, are not subject to substantive changes over the time;
- Clarify the relationship between supervisory or managerial and executive organs.

2. DRAFTING DISCIPLINE

2.1. Concept of ROP

ROPs are the exclusive means of transmitting directives, regulatory norms or procedures the observance of which is real or likely to be permanent in nature.

2.2 Competency

2.2.1. - Drafting ROPs is the competency of the National Director, Deputy National Directors for matters relating to the Area they are in charge of, and Directors of District Departments within their respective jurisdiction.

2.2.2. - Prior to their submission to the Office for Technical Assistance, International Relations and Cooperation (GATRIC), all draft ROPs shall, under the terms of item 2.5.2, be submitted to the National Director for consideration.

2.2.3. - ROPs drafted by Directors of District Departments shall also require the consideration of the respective Deputy National Director.

2.3. Format

ROPs shall consist of the following format:

| | | | |
|-------------|-----------------------------|--|-------------|
| PNTL | | RULES OF ORGANISATION AND PROCEDURE | |
| | SUBJECT: | – Concept, competence and structure | |
| <i>DATE</i> | <i>SCOPE OF APPLICATION</i> | <i>ENTRY INTO FORCE</i> | <i>CODE</i> |
| | GENERAL | IMMEDIATE | 20.01-01/04 |

2.4. Structure

ROPs shall have the following structure:

2.4.1. Matter

It corresponds to a specific blank space in the form ... where the matter that is the subject of regulation shall be indicated.

2.4.2. Code

It corresponds to compilation and consultation requirements, and ROPs fall into the following functional areas:

From **01.00 to 01.99 – General**

02.00 to 02.99 –

03.00 to 03.99 – Public Security

04.00 to 04.99 –

05.00 to 05.99 – Migration

06.00 to 06.99 –

07.00 to 07.99 – Special Units

08.00 to 08.99 –

09.00 to 09.99 –

10.00 to 10.99 – Criminal Investigation

11.00 to 11.99 –

12.00 to 12.99 – Forensic Investigation

13.00 to 13.99 –

14.00 to 14.99 – General Administration

15.00 to 15.99 –

16.00 to 16.99 – Training

17.00 to 17.99 –

18.00 to 18.99 – Staff Management

19.00 to 19.99 –

20.00 to 20.99 – Miscellaneous

As an example, it can be mentioned that item “Staff Management” includes ROPs on staff-related issues, namely: leave planning procedures, placement procedures, discipline, etc. Item “General” includes all structuring rules relating to the organisation of each of the intervention areas. The remaining items deal with the procedural discipline that shall be exercised while conducting the activities of each of the areas.

This coding is completed by other digits that have the following meaning:

XX . XX - XX / XX
Matter ROP No. Page No. Total of Pages

| | | | |
|-------------|-----------------------------|--|-------------|
| PNTL | | RULES OF ORGANISATION AND PROCEDURE | |
| | SUBJECT: | – Concept, competence and structure | |
| DATE | SCOPE OF APPLICATION | ENTRY INTO FORCE | CODE |
| | GENERAL | IMMEDIATE | 20.01-01/04 |

See example below:

20.01– 01/04, means:

- 20 – Miscellaneous of general application
- 01 – ROP No. 1 of this area.
- 91 – Page No. 1 of the ROP under consideration
- 1 – Total of pages comprising the ROP

2.4.3. Scope of Application

This can be:

- GENERAL, when applicable to all of the Areas of the PNTL, being the exclusive competence of the National Director;
- RESTRICTED, when its application is confined to one Area or District Directorate. In these situations, the delimitation of the scope of application shall be expressly indicated in the respective box of the form. For example: “Criminal Investigation”, “Ainaro District Department”

2.4.4. Date

The blank space “Date” refers to the date of approval, to be affixed only after the respective decision of the Minister of the Interior has been made.

2.4.5. Entry into force

The respective blank space in the form shall refer to the date on which the respective rules shall enter into force.

2.4.6. Introduction

The text of ROPs shall be preceded by an introduction specifying, on a substantiated basis, the raison d’être and the intended objectives thereof.

2.5. Procedures and control

- 2.5.1.** The objective of every ROP is to regulate only one service matter.

| | | | |
|-------------|-----------------------------|--|-------------|
| PNTL | | RULES OF ORGANISATION AND PROCEDURE | |
| | SUBJECT: | – Concept, competence and structure | |
| DATE | SCOPE OF APPLICATION | ENTRY INTO FORCE | CODE |
| | GENERAL | IMMEDIATE | 20.01-01/04 |

2.5.2. Every draft ROP shall, regardless of the department of origin, be submitted to the GATRIC for consideration—articles 7 and 8 of the Organic Law of the Ministry of the Interior—which shall focus on the following aspects:

- Compliance or non-compliance with the relevant legal regime and the rules of the present ROP;
- Existence or non-existence of previous regulations, in whole or in part, on the matter dealt with in the draft;
- In the case of a ROP with a restricted scope of application (see 2.4.3.), the existence of any contradictions with the regime of previous ROPs of a general scope of application.
- Other substantiated observations, of a merely consultative nature, considered to be of relevance to the content of the ROP.

2.5.3. Changes to or updates of any ROP shall follow the procedure referred to in 2.5.2. and shall lead to a new version, signalled in the following manner:

- Making additions to the assigned code by mentioning 1st rev., 2nd rev., etc, as applicable.
- Changing the blank space ‘date’ by inserting the date of approval of the revision therein.

Once the change has been accepted, the ROP shall be again circulated in full.

3. DISSEMINATION AND FILING

- 3.1.** Upon approval, ROPs shall be referred to the Department of Secretarial Services and Public Relations for the purpose of dissemination by Administrative Order.
- 3.2.** Upon receipt of any ROP, Officers-in-Charge of the various Departments, Units and Centres shall learn of the determination contained therein, and shall ensure its dissemination in order that all personnel under their respective authority learn of its content. Officers-in-Charge shall also ensure compliance therewith.
- 3.3.** ROPs shall be filed in a specific folder, which can be easily accessed and consulted

| | | | |
|-------------|-----------------------------|--|-------------|
| PNTL | | RULES OF ORGANISATION AND PROCEDURE | |
| | SUBJECT: | – Concept, competence and structure | |
| <i>DATE</i> | <i>SCOPE OF APPLICATION</i> | <i>ENTRY INTO FORCE</i> | <i>CODE</i> |
| | GENERAL | IMMEDIATE | 20.01-01/04 |

- 3.4. Such folders shall be updated whenever a rule is revised by replacing the previous one with the revised version.