

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

Decree-Law 12/2008

ORGANIC STATUTE OF THE MINISTRY OF JUSTICE

Decree-Law No. 7/2007 of 5 September relating to the organic structure of the IV Constitutional Government of the Democratic Republic of Timor-Leste determines the establishment of the services and bodies comprising the different Ministries, namely the Ministry of Justice, in order to guarantee the performance of the Government in designing, executing, coordinating and evaluating the policies approved for the areas of Law and Justice.

The Ministry of Justice needs to reformulate its organic structure and reorganize its services pursuant to the provisions of the Organic Structure of the IV Constitutional Government and in compliance with the organic structure of the civil service.

Thus,

Pursuant to article 115.3 of the Constitution of the Democratic Republic of Timor-Leste and article 37 of Decree-Law No. 7/2007 of 5 September, the Government enacts the following that shall have the force of law:

CHAPTER I
Nature and competencies

Article 1
Nature

1. The Ministry of Justice is the organism responsible for designing, implementing, and coordinating the policy as defined and approved by the National Parliament and the Council of Ministers for the areas of Justice and Law.
2. Within the scope of its competencies, the Ministry of Justice shall ensure the relations of the Government with the Courts, the Public Prosecution Service, the Superior Council for the Judiciary and the Superior Council for the Public Prosecution, as well as with all other agents in the area of Justice and Law, namely with the entity representing the Lawyers.

Article 2
Competencies

The competencies of the Ministry of Justice shall include:

- a) To prepare draft legislation and regulatory measures appropriate for the pursuit of the policies for the areas of Justice and Law, as well as ensure the study, design and monitoring of the execution of such measures;
- b) To ensure, whenever so requested, the systematic and material harmonization of legislative statutes;
- c) To regulate and manage the prison system, the execution of penalties and security measures, as well as the services of social reinsertion;
- d) To ensure mechanisms for providing legal aid and assistance for the most disadvantaged citizens;
- e) To establish mechanisms that ensure the respect for Human Rights;
- f) To promote the dissemination of the rights and duties of citizenship;
- g) To organize and provide services in the area of administration and registration of real property throughout the national territory and promote the implementation of measures required for the management of the real property of the State;
- h) To establish and guarantee the proper functioning of registry and notary services;
- i) To ensure the legal training of staff required for the exercise of functions in the area of Justice and Law.

CHAPTER II
Organic structure

Part I
Overall structure

Article 3
Overall structure

1. The Ministry of Justice is comprised of the General Director, the Inspection and audit Office, the National Directorates and the organisms that operate with technical autonomy under tutorship of the Ministry.
2. The Consultative Council of the Ministry of Justice and the Coordination Council for Justice are hereby established as consultative organs of the Ministry of Justice.

Section II
Direct administration services

Article 4
Director Administration Services

1. The following are direct State administration services:
 - a) The General Director;
 - b) The Inspection and Audit Office;
 - c) The National Directorate for Legal and Legislation Advisory Services;
 - d) The National Directorate for Human Rights and Citizenship Rights;
 - e) The National Directorate for Registry and Notary Services;
 - f) The National Directorate for Prison and Social Reinsertion Services;
 - g) The National Directorate for Land, Property, and Cadastre Services;
 - h) The National Directorate for Administration, Finance, and Data Processing Services;
2. The services provided for in the preceding paragraph shall be headed by a National Director who will depend directly on the Minister of Justice.

Article 5
General Director

1. It shall be incumbent upon the General Director:
 - a) To ensure the general guidance of the services in accordance with the programme of the Government and the superior instructions;
 - b) To coordinate and harmonize the execution of the annual and pluriannual plans in accordance with the requirements;
 - c) To propose the measures deemed adequate to the functioning of the Ministry from the organizational viewpoint;
 - d) To follow up, in coordination with the Office of the Minister, the execution of the projects and programmes of international cooperation and technical assistance and undertake their internal evaluation, without prejudice to other existing evaluation mechanisms;

- e) To coordinate the activities with donors and with the Ministry of Planning and Finance;
 - f) To ensure efficiency, articulation, and cooperation among services and bodies of the Ministry of Justice and other institutions within the scope of Justice and Law;
 - g) To undertake any other activities entrusted to him or her by law or delegated by the Minister.
2. The Minister shall specify the technical and administrative support necessary to the execution of the tasks entrusted to the General Director.

Article 6 Inspection and Audit Office

1. The Inspection and Audit Office is the service under the direct dependence of the Minister of Justice responsible for exercising disciplinary action and carrying out audit exercises to the National Directorates, the Judicial Training Centre, and the Office of Public Defense.
2. The Inspection and Audit Office shall be headed by an Inspector and shall comprise two sub-inspectors.
3. For remuneration purposes, the post of Inspector shall be equivalent to the post of General Director, and the post of sub-inspector shall be equivalent to the post of National Director.

Article 7 Competencies of the Inspection and Audit Office

1. In the framework of its competencies, it shall be incumbent upon the Inspection and Audit Office to, namely:
- a) Evaluate the activities of administrative, financial and patrimonial management of all services under the direct and indirect tutorship of the Ministry, pursuant to the applicable law;
 - b) Establish and pursue disciplinary proceedings relating to all functionaries of the Ministry of Justice, pursuant to the applicable law;
 - c) Undertake inspections, investigations, surveys and audits, without prejudice to the specific competencies of the Finance General Inspection Services;
 - d) To undertake all other tasks entrusted to it by law or delegated by the Minister.

2. As a judicial institution with technical autonomy, the Office of Public Defence shall not be subject to the disciplinary action of the Inspection and Audit Office.

Article 8
Competencies of the National Directorates

1. National Directorates shall execute the policies of their respective areas of competence under the coordination of the Minister of Justice.
2. It shall be incumbent upon the National Directorates to attend to the needs of recruitment of staff for their respective services, and it shall be the duty of the National Directorate for Administration, Finance and Data Processing Services to initiate all the mechanisms deemed necessary for the recruitment of such staff.
3. Requests for support deemed necessary for pursuing the competencies of the National Directorates in compliance with previously approved budgets shall be submitted to the National Directorate for Administration, Finance and Data Processing.
4. Expenses resulting from district services of National Directorates shall be ensured by the National Directorate for Administration, Finance and Data Processing Services.

Article 9
National Directorate for Legal and Legislation Advisory Services

1. The National Directorate for Legal and Legislation Advisory Services is the service responsible for providing legal support to the Ministry of Justice within the scope of the Government competence, as well as for conducting legal studies and drafting legislative instruments.
2. It shall be incumbent upon the National Directorate for Legal and Legislation Advisory Services, namely, to:
 - a) Prepare draft legislative instruments;
 - b) Conduct studies, issue opinions and provide the necessary technical information on draft legislative instruments or other legal documents submitted to it and that fall under the competence of the Minister of Justice.
 - c) Carry out legal investigation and comparative law studies and monitor legislative innovations and updates;
 - d) Follow up and evaluate legislative policies in the areas of Justice and Law, namely with respect to social and economic framework;
 - e) Ensure, whenever so requested, the systematic and material harmonization of legislative statutes

- f) Set up and maintain files relating to all legislative drafting processes carried out by the Ministry;
- g) Establish and maintain a legal documentation centre;
- h) Gather and compile information, process it and publish statistical data from the area of Justice and Law;
- i) Set up and maintain a Translation and Interpreting service for the exercise of the competences of the Ministry of Justice;
- j) Collaborate with public and private entities, national and foreign, in the area of justice and law.

Article 10

National Directorate for Human and Citizenship Rights

1. The National Directorate for Human and Citizenship Rights is the service responsible for enforcing and ensuring the complying with Human Rights, for publicising and implementing the legislation produced by the Ministry of Justice, and for clarifying the public on the rights and duties of the citizens.
2. It is specifically incumbent upon the National Directorate for Human and Citizenship Rights:
 - a) To promote policies for disseminating Human Rights as well as civil rights and duties of the citizens;
 - b) To enforce the respect for International Treaties on Human Rights that have been ratified by the Democratic Republic of Timor-Leste;
 - c) To coordinate the implementation of the National Plan of Action for Human Rights;
 - d) To promote, in coordination with the National Directorate for Legal and Legislative Advisory Services, the activities deemed necessary for the implementation of the legislative statutes produced by the Ministry of Justice.
 - e) To collaborate with public and private entities, national or foreign, in the area of Justice and Human Rights.
3. The National Directorate for Human and Citizenship Rights may propose the Minister, within the scope of his or her competences, the presentation of reports and draft resolutions to the Council of Ministers.

Article 11
National Directorate for Registries and Notary Services

1. The National Directorate for Registries and Notary Services is the service responsible for studying and executing policies relating to registries and notary services.
2. It is incumbent upon the National Directorate of Registries and Notary Services, namely:
 - a) To study, prepare and disseminate draft legislation related to its laws within the scope of its competencies;
 - b) To promote and ensure the services of civil registry, criminal registry, registry of non-profit corporate bodies, real property registry, commercial registry, and registry of movable property subject to registration;
 - c) To establish the procedures required for civil identification, recognition and granting of citizenship, and issuance of passports;
 - d) To lead, inspect and monitor the activity carried out by the registries and notary services;
 - e) To clarify any doubts arising from the application and execution of the respective legislation;
 - f) To propose the opening or closure of notary services based on regional needs or population size;
 - g) To ensure the maintenance of the facilities and the equipment required for operating the registries and notary services;
 - h) To assist the competent entity with the electoral registration process;
 - i) To cooperate with Government bodies and non-governmental institutions with a view to better performing its tasks;
 - j) Cooperate, within the scope of its competences, with national or foreign public and private entities.
3. The National Directorate for Registries and Notary Services may establish territorial delegations in order to ensure the development of its activities.

Article 12
National Directorate of Prison and Social Reintegration Services

1. The National Directorate of Prison and Social Reintegration Services is the service responsible for defining, managing, and securing the prison system and the social reintegration service.
2. It is namely incumbent upon the National Directorate of Prison and Social Reintegration Services:
 - a) To lead the organization and functioning of the services responsible for the execution of prison sentences and liberty-depriving security measures of inmates;
 - b) To lead the organization and functioning of services for educating juvenile inmates;
 - c) To guide the educational and professional training for inmates and juvenile inmates;
 - d) To promote the social reintegration of inmates and juvenile inmates, ensuring liaison with their respective family and social-professional environment;
 - e) To organize and keep up-date individual files related to juvenile inmates, pre-trial inmates, persons immune from legal culpability but subject to security measures, and inmates;
 - f) To distribute inmates among prison centres and juvenile inmates among rehabilitation centres;
 - g) To prepare general and specific security plans for prisons and rehabilitation centres and ensure the execution thereof;
 - h) To provide technical advice to the courts by preparing reports and individual plans for granting release on parole, pardon, early release and leniency of sentences;
 - i) To assist in assessing the punitive and preventive function of the prison and social reintegration policy;
 - j) To foresee the needs in terms of prison facilities and equipment;
 - k) To coordinate and guide the professional training of prison guards;
 - l) To collaborate, within its scope of competences, with all other agents of the Justice services and other relevant entities.

- m) To promote the social reintegration of inmates and juveniles, ensuring liaison with their respective family and social-professional environment;

Article 13

National Directorate for Land, Property and Cadastre

1. The National Directorate for Land, Property and Cadastre is the service responsible for the development and administration of an information system relating to use and ownership of immovable assets in Timor-Leste and for implementing an efficient system to manage State property.
2. It is specifically incumbent upon the National Directorate for Land, Property and Cadastre to:
 - a) To assist government departments in managing the immovable goods of the public and private domains of State's property;
 - b) To promote the necessary measures with a view to, pursuant to the Law, recover the State's real property;
 - c) To promote information and take the necessary administrative procedures enabling to settle disputes over the possession and ownership of immovable property;
 - d) To collaborate with judicial entities as well as those entities helping in finding an alternative way of settling disputes over the possession and ownership of immovable property;
 - e) To administer any immovable property which, pursuant to the Law, is considered abandoned, lost, or accrued to the State;
 - f) To create a national geographic service;
 - g) To establish a national property register;
 - h) To prepare title deeds for subsequent entry at the Land Registry;
 - i) To collaborate, within the scope of its activities, with the other agents of justice as well other relevant entities.
2. The National Directorate for Land, Property and Cadastre may establish territorial delegations in order to ensure the development of its activities.

Article 14

National Directorate for Administration, Finance and Data Processing Services

1. The National Directorate for Administration, Finance and Data Processing Services is the service responsible for recruitment of staff, supply, management of logistics, and data processing services of all the Directorates of the Ministry of Justice.
2. It is specifically incumbent upon the National Directorate for Administration, Finance and Data Processing Services:
 - a) To prepare the Ministry's draft annual budget in accordance with the instructions of the Minister of Justice and the draft budgets of each service;
 - b) To execute and control the budget provisions allocated to the Ministry;
 - c) To ensure the inventory, administration, maintenance and preservation of the Ministry's property;
 - d) To conduct supply operations for the Ministry;
 - e) To prepare, in coordination with all other services, the Ministry's the National Action Plan as well as reports thereof;
 - f) To prepare the Ministry's overall staffing table and recruit the respective staff;
 - g) To prepare the Ministry's payrolls;
 - h) To develop the necessary strategies for improving the data processing resources of the services of the Ministry of Justice and other services of the Justice sector;
 - i) To implement and administer the data processing management systems of the Ministry of Justice;
 - j) To promote, within the scope of its competencies, capacity building for the Ministry's staff;
 - k) To ensure the maintenance and security of all the Ministry's equipment
 - l) To ensure the surveillance services of the Ministry;
 - m) To collaborate, within the scope of its competences, with the other agents of the services of Justice.

Section III

Bodies under administrative tutelage and technical autonomy

Article 15 Bodies

While enjoying technical autonomy, the following bodies are under the tutelage of the Ministry of Justice:

- a) The Public Defender's Office;
- b) The Judicial Training Centre.

Article 16 The Public Defender's Office

1. The Public Defender's Office is the body responsible for providing complete and free of charge legal, judicial and extra-judicial assistance to low-income citizens.
2. It is specifically incumbent upon the Public Defender's Office:
 - a) To provide legal aid and defence in judicial proceedings, under the terms established by law, as well as to assure the persons it assists the right to the adversary system and the right to counsel;
 - b) To promote extra-judicial conciliation between parties with a conflict of interests;
 - c) To defend, as a matter of priority, the rights of women, children, the elderly, the mentally or physically impaired, and prison inmates;
 - d) To work with police and prison authorities with a view to ensuring the exercise of the rights and guarantees of inmates and detainees;
 - e) To work with judicial administration bodies throughout the country
 - f) To defend and sponsor the rights and interests of citizens with insufficient economic resources;
 - g) To inform the population about their rights and provide legal advice on matters within the scope of its competences.

Article 17
The Judicial Training Centre

1. The Judicial Training Centre is the body responsible for the training and research in the areas of Justice and Law.
2. It is specifically incumbent upon the Judicial Training Centre:
 - a) To train judicial magistrates in collaboration with their respective Superior Council;
 - b) To train public prosecutors in collaboration with their respective Superior Council;
 - c) To train public defenders in collaboration with their respective Superior Council;
 - d) To train registrars and notaries;
 - e) To train judicial;
 - f) To train the functionaries of the National Directorate for Prison and Social Reinsertion Services;
 - g) To ensure professional training courses for other public functionaries in the area of Justice and Law;
 - h) To support training activities for lawyers, in collaboration with their respective representative entity;
 - i) To promote and develop legal studies, research activities and publication of scientific works;
 - j) To promote the development and management of a legal library.

Section IV
Consultative bodies

Article 18
Coordination Council for Justice

1. The Coordination Council for Justice is the consultative body of the Ministry of Justice for matters relating to Justice.
2. The Coordination Council for Justice shall be composed of the Minister of Justice, who shall preside over, the President of the Court of Appeals, and the Prosecutor-General.

3. The President of the Coordination Council for Justice may, whenever he or she deems it necessary, convene any other entities which, on account of the matter, is considered to be convenient to listen to.

Article 19
Consultative Council of the Ministry of Justice

1. The Consultative Council of the Ministry of Justice is the consultative body for matters relating to the internal organization of the Ministry of Justice.
2. The Consultative Council of the Ministry of Justice shall be composed of the Minister of Justice, who shall preside it over, and all the General Directors of the services under direct and indirect administration of the Ministry of Justice.

CHAPTER III
Final and transitional provisions

Article 20
Complementary legislation

1. The organic structures of the National Directorates and the bodies under the administrative tutelage and technical autonomy shall be regulated or altered by ministerial order to be approved within ninety days of the entry into force of the present statute.
2. The draft statutes referred in the preceding paragraph shall establish the organic structure, the competences, the internal organization and the staffing table of each service or body.

Article 21
Data processing management

1. It shall be incumbent upon the Ministry of Justice, through the National Directorate of Administration, Finance, Data Processing and Personnel Services, to ensure all the requirements for the Courts and the Public Prosecution Service for the area of information technologies until such time as these entities have achieved a comprehensive technical and administrative capacity.

Article 22
Staffing table

The staffing tables and the senior and middle-level management staff shall be approved by ministerial order of the Minister of Justice and the members of Government responsible for the areas of finance and public administration.

Article 23
Revocatory clause

Government Decree No. 3/2003 of 29 October, providing for the Organic Statute of the Ministry of Justice, is hereby revoked.

Article 24
Entry into force

The present statute shall enter into force on the day after its publication.

Seen and approved by the Council of Ministers on2007.

For publication.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Justice,

(Dr. Lucia M. B. F. Lobato)