

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
NATIONAL PARLIAMENT

LAW No. /2003

INTERNAL SECURITY

Ensuring internal security constitutes a pre-condition for safeguarding the peace and stability of any sovereign country and, to that extent, is, beyond any shred of doubt, a task of paramount importance to be fulfilled by the State;

In Timor-Leste, which is defined by its constitution as a democratic state based on the rule of law, the task of preventing and combating crime, of ensuring public order and tranquillity, should be carried out with the highest respect for the fundamental rights and freedoms of the citizens, while effectively ensuring the normal functioning of the democratic institutions;

Moreover, the incorporation into its domestic legal order of an important corpus of international human rights norms demand from the state greater accountability for the conduction of internal security activities, which should be collectively internalised and closely monitored.

It has been a long time, in modern societies of a democratic character, since the internal security activity ceased to confine itself exclusively to one or two government departments and came to be assumed as a multisectoral issue of the utmost importance to be dealt with on a permanent basis;

Internal security concerns the whole State and, to that extent, a multisectoral and collective approach is required from a wider perspective than what should be considered as security, taking into account, notably, the national development goals and the building of a culture of peace and democracy;

In this sense, mechanisms should be put in place to ensure that the internal security activity, being one of national interest and vital for the survival of democratic institutions, proceeds within a legal framework defined in a clear and objective fashion;

Pursuant to section 95.2(o) of the Constitution of the Republic, the Government enacts the following that shall have the force of law:

CHAPTER I
General principles

Section 1
Definition

1. Internal security is the task performed by the State in order to ensure public order, security and tranquillity, to protect people and assets, to prevent crime, and to contribute towards ensuring the normal functioning of the democratic institutions, the exercise of the fundamental rights and freedoms of the citizens and the respect for democratic legality.
2. The task of ensuring internal security is performed under the terms of criminal and procedural law, the police law, the law on security services, and other relevant legislation.
3. Police measures are intended to protect people's lives and physical integrity, and public peace and democratic order, against violent or organized crime, notably terrorism and sabotage.

Section 2 **Fundamental principles**

1. The task of ensuring internal security shall observe the general police rules in respect of the fundamental rights, freedoms and guarantees of the citizens, and shall be in compliance with the other principles of the democratic State based on the rule of law.
2. Police measures are the ones contemplated in the law, and shall not be used beyond what is strictly necessary.
3. Crime prevention, including crimes against the state security, may only be carried out in compliance with the general police rules and respect for the fundamental rights, freedoms and guarantees of the citizens.
4. The law establishes the regime for the security forces and services, with each of the latter having a single organization for the whole of the national territory.

Section 3 **International security policy**

1. The internal security policy consists of the set of principles, directives and measures that are intended to pursue its own purposes.
2. The security forces and services shall perform their tasks in accordance with the objectives and goals of the internal security policy, as provided for by law.

Section 4 **Jurisdiction**

Internal security is an activity carried out across the national territory, and the security services may operate outside of its national borders, within the framework of international commitments and applicable rules of international law, in cooperation with agencies and services from foreign States or international organizations to which our country is a party.

Section 5 **Duty to collaborate**

1. Citizens have the duty to collaborate with officers and agents of the security forces and services, obeying lawful orders and warrants and not obstructing the normal exercise of their functions.
2. State officials and agents or those from public corporate bodies, as well as members of the managerial bodies of public companies, have the special duty to collaborate with the security forces and services, as provided for by law.

3. People performing managerial, leadership, inspection or monitoring functions have the duty to quickly report to the security forces and services facts that may come to their knowledge in the exercise of their functions, or as a result of the performance of such functions, which constitute a preparation, attempt or execution of crimes of espionage, sabotage or terrorism.

4- Non-compliance with the provisions of subsections 2 and 3 of this section shall result in disciplinary and criminal liability, as provided for by law.

Section 6

Co-operation between the security forces

The security forces and services shall co-operate with each other, namely through the reciprocal transmission of data that are not subject to a special regime of secrecy or protection and that are required to fulfil each other's purposes.

CHAPTER II

Internal security policy and its coordinated execution

Section 7

Competencies of the National Parliament

1. In the exercise of its political and legislative competencies, the National Parliament shall contribute towards framing the internal security policy and monitoring its execution.

2. Political parties with representation in the National Parliament shall be informed by the Government, on a regular basis, of the progress of the main issues related to the security policy.

3. The National Parliament shall review the annual report on the country's internal security situation, as well as on activities carried out by the security forces and services, to be submitted by the Government in the first quarter of each year.

Section 8

Competencies of the Government

1. It is incumbent upon the Government to conduct the internal security policy.

2. It is incumbent upon the Council of Ministers:

- (a) To define guidelines for the government's internal security policy, as well as its execution;
- (b) To plan and ensure the means required to execute the internal security policy;
- (c) To approve the coordination and co-operation plan of the forces and services that are legally responsible for internal security and ensure the regular functioning of their respective systems;
- (d) To legislate rules for classifying and controlling the circulation of official documents and for registering people who should have access to classified documents.

Section 9

Inter-Ministerial Committee on Internal Security

1. The Inter-Ministerial Committee on Internal Security is a consultative and advisory body to the Prime Minister on matters related to internal security.
2. It is incumbent upon the Committee to review and issue its opinion on:
 - (a) The definition of the government's general guidelines for the internal security policy;
 - (b) The general bases for the organisation, functioning and discipline of the security forces and services, and the delimitation of their respective functions and competencies;
 - (c) Draft acts on arrangements of a general nature with respect to the duties and competencies of the security forces and services;
 - (d) The overarching guidelines for the training, specialisation, retraining and upgrading of staff of the security forces and services.
3. The Committee assists the Prime Minister in the exercise of his or her competencies, notably in the adoption of the necessary measures in situations of serious threat to internal security.

Section 10

Composition

1. The Inter-Ministerial Committee on Internal Security is presided over by the Prime Minister and is comprised of:
 - (a) The deputy prime ministers and the senior ministers, if any;
 - (b) The ministers responsible for the portfolios of the interior, justice, foreign affairs and finance, as well as the Secretary of State for Defence;
 - (c) The national director and deputy directors of the information and state security services;
 - (d) The PNTL national director, national deputy directors, the director of operations, the director of the intelligence services, the director of the Police Academy, district commanders and commanders of the specialised police units;
 - (e) The senior officer of the Office of the National State Security Service.
2. When deemed convenient, the Prime Minister may invite other entities with special responsibilities in crime prevention and crackdown or in the search and production of information relevant to internal security.
3. The Committee shall draft its rule of procedures to be approved by the Council of Ministers.

Section 11

Internal Security Coordination Office

1. The Internal Security Coordination Office is the specialised advisory and consultative body for the technical and operational coordination of the activity to be carried out by the security forces and services, and it works under the direct purview of the Prime Minister.
2. The Prime Minister may delegate to a Deputy Prime Minister or State Minister, if any, or to the Minister of the Interior, the chairmanship of some meetings of the Coordination Office.
3. The Office is composed of the entities referred to in paragraphs (c) and (d) of subsection 10.1, the Minister of the Interior and one Secretary, to be appointed by the Prime Minister.

4. The operating rules of the Office are established by a decree-law of the Council of Ministers.

Section 12 Functions

It is incumbent upon the Internal Security Coordination Office to provide advice, on a regular basis, to the government entities responsible for executing the internal security policy, and put forward proposals on:

- (a) Co-operation schemes of the security forces and services, as well as for staff upgrading, with a view to a better articulation, without prejudice to the specificity of each other's statutory tasks;
- (b) Concerted deployment of the security forces and services and use of their equipment, facilities and other means to counter situations that require such measures;
- (c) Joint operation plans for the security forces and services, especially those charged with preventing and combating crime;
- (d) Operating rules and procedures to be adopted in situations of serious threat to internal security;
- (e) Ways of co-ordinating foreign co-operation developed by the security forces and services in the fields of their specific competencies.

Section 13 Security forces and services

1. The security forces and services are public entities, rigorously non-partisan, which contribute towards ensuring the country's internal security.
2. Internal security functions are fulfilled by:
 - (a) The Timor-Leste National Police- PNTL
 - (b) The information and state security services.
3. The organisation, duties and competencies of the security forces and services are defined by their respective organic laws and other subsidiary legislation.

Section 14 Police Authorities

For the purposes of the present law, police authorities are, within the scope of their respective competencies:

- (a) The PNTL national director and his or her deputies;
- (b) The operations commander or his or her deputy;
- (c) The PNTL district commanders;
- (d) The commanders of the rapid intervention units;
- (e) The commander of the armed banditry combat group;
- (f) The director of the crime prevention and investigation unit;
- (g) The commanders of the border patrol units;
- (h) The commander of the maritime unit;
- (i) The commander of the traffic and road safety unit;
- (j) The director of immigration;
- (k) The director of the PNTL intelligence services;
- (l) The director of the Police Academy;

(m) The director and deputy directors of the information and state security services.

Section 15

Police measures

1. In the performance of their internal security activity, police authorities may, in accordance with their respective specific competencies, determine the application of police measures.
2. Police measures are the ones set forth in the Constitution and laws, and include, among others:
 - a) Requirement to identify any person in or moving around a public place or that is subject to police surveillance;
 - b) Surveillance of people, buildings and establishments for a definite period of time;
 - c) Temporary seizure of weapons, ammunition or explosives;
 - d) Denial of entry to undesired or undocumented foreign nationals;
 - e) Arrangements for the expulsion of foreign nationals from the country.

Section 16

Duty to identify oneself

A civilian-clad police agent or officer who, in accordance with the law, asks a person to identify himself or herself, or issues any lawful order or warrant, shall previously identify himself or herself to the latter.

Section 17

Communications monitoring

1. At the request of the criminal investigation police, the investigating judge may authorise, as provided for by law, the monitoring of communications.
2. A communications-monitoring request shall be properly substantiated and submitted on the initiative of the competent investigation police handling the relevant criminal proceeding.
3. The monitoring of communications through judicial authorisation shall be the exclusive competency of the criminal investigation police.
4. Where a judge believes that the collected elements are relevant to the proof or detection of cases of terrorism or violent or organised crime, as provided for by law, he or she may order their transmission, in a separate and confidential file, to the security force conducting the investigation.

Section 18

Entry into force

The present law shall enter into force one day after its publication date.

Approved on 30 July 2003.

The Speaker of the National Parliament

[Signed]

Francisco Guterres “Lu-Olo”

Promulgated on 27 September 2003. -

To be published.

The President of the Republic

[Signed]

Kay Rala Xanana Gusmão