

DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
**NATIONAL PARLIAMENT**

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**LAW No. \_\_ /2003**

**INTERNAL SECURITY**

To ensure internal security constitutes a condition of safekeeping peace and stability in any sovereign state and this measure is, without shadow of doubt, an activity of utmost importance to be carried out by the State;

In Timor-Leste, that defines itself as a State of democratic law, the activity to prevent and fight criminality, to ensure the rule and public tranquility must be developed with the highest respect for the citizens' rights and fundamental freedoms, along with ensuring with efficiency and the normal functioning of the democratic institutions;

Besides that, the reception in the internal juridical order of a vast quantity of important international norms of human rights establish more responsibility to the state for the unfold of internal security activities, which must be internalized collectively and closely monitored;

Since long, in the modern societies of democratic nature, the activity of internal security, no longer resides in exclusivity of one or two government departments but is accepted as a question to be treated as a multi-faceted matter of utmost importance on a permanent basis;

The internal security concerns all the State and in that way requires a collective and multi-faceted approach in the broader perspective of what must be considered as security, taking into account mainly the national development objectives and building a culture of peace and democracy;

In that way there must be created mechanisms that guarantee that the internal security activity, while an activity of national interest and vital for the survival of the democratic institutions, is developed within clearly and objectively defined legal framework;

Under the terms of the Section 95, sub-section no. 2, paragraph o) of the Constitution of the Republic, the National Parliament decrees to be valid as law, the following:

**CHAPTER I**

**General Principles**

**Section I**

**Definition**

1. Internal Security is the activity developed by the State to guarantee order, security and public tranquility, to protect people and goods, to prevent criminality and

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contribute to ensure the normal functioning of the democratic institutions, the exercise of fundamental freedoms by the citizens and the respect for democratic legality.

2. The internal security activity will be carried out under the terms of the criminal law and procedures, laws on the police and the security services and other relevant legislation.

3. The Police measures are specially aimed to protect life and physical integrity of people, the public peace and democratic order, against violent and organized crime, mainly terrorism and sabotage.

**Section 2**

**Fundamental principles**

1. The Internal Security activities observes the general police rules, in respect to the rights, freedoms and guarantees of the citizens and accordingly to the other principles of the democratic State based on the rule of law.

2. The Police measures are those foreseen in the law, and these should not be used beyond what is strictly necessary.

3. Crime prevention, including prevention of offenses against the State Security, can only be undertaken by observing the general rules on police and by respecting citizens' fundamental rights, freedoms and guarantees.

4. The Law establishes the regime of security forces and services, being the organization of each such force or service only one for the entire national territory.

**Section 3**

**Internal Security Policy**

1. The Internal Security Policy is the set of principles, guidelines and measures tending to the implementation of the inherent purposes of such policy.

2. The security forces and services carry out their activities accordingly to the Internal Security Policy's objectives and purposes, under the legal terms.

**Section 4**

**Scope of Competencies**

The Internal Security Policy shall be developed throughout the national territory, the security services may act outside the national territory, within the frame of the international commitments and the applicable rules of international law, in cooperation with bodies and services of foreign States or International Organizations that our country is a party of.

**Section 5**

**Duty of Collaboration**

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1. The citizens are bound to collaborate with security forces' officials and agents, by obeying their lawful orders and mandates and by not obstructing the normal performance of their functions.
2. The State officials and agents or collective public entities, as well as members of governing bodies of public companies, have the special duty to collaborate with the security forces and services, according to the law.
3. People holding management, supervision, inspection or monitoring functions have the duty to report quickly to the security forces and services facts that they have had knowledge about the exercise of their functions, or because of such functions, and that may constitute preparation, attempt or execution of espionage, sabotage or terrorist crimes.
4. The failure to observe the provisions of the items no. 2 and 3 amounts to disciplinary and criminal liability, accordingly to the law.

**Section 6**

**Cooperation of the Security Forces**

The security forces and services cooperate among themselves, mainly through reciprocal transmission of data not subject to a special reservation or protection regime and that are necessary to achieve each of the purposes.

**CHAPTER II**

**Internal Security Policy and Coordination of its Execution**

**Section 7**

**Competencies of the National Parliament**

1. In the exercise of its political and legislative competencies, the National Parliament can contribute to provide a framework for the internal security policy and to monitor its execution.
2. The political parties represented in the National Parliament will be informed on a regular basis by the Government, about the development of the main issues regarding the security policy.
3. The Parliament will examine a yearly report on the status of internal security in the country, as well as the security forces and services activities, to be presented by the Government during the first quarter of each year.

**Section 8**

**Competencies of the Government**

1. The implementation of the internal security policy is the competence of the Government.
2. It is the competence of the Council of Ministers:

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- a) To define the general lines of the Government's internal security policy, as well as its implementation;
- b) To plan and guarantee the means designed to the implementation of the internal security policy;
- c) To approve the plan of coordination and cooperation of the forces and services legally entrusted with the internal security and ensure the regular functions of the respective systems;
- d) To establish in the law, the rules of classification and control for the circulation of official documents and accredit people who should have access to the qualified documents.

**Section 9**

**Inter-Ministerial Commission for Internal Security**

1. The Inter-Ministerial Commission for Internal Security is a consultative body of the Prime Minister in the area of internal security.
2. It is the role of the Commission to appreciate and provide comments on:
  - a) The definition of the internal security policy guidelines;
  - b) The general basis of organization, functions and discipline of the security forces and services, and delimitation of their respective missions and competencies;
  - c) The Draft Laws which contain provisions of general nature concerning the attributions and competences of the security forces and services;
  - d) The general guidelines governing training, expert courses, refresher and further skills courses for personnel of the security forces and services.
3. The Commission will provide assistance to the Prime Minister in the exercise of his/her competencies, more specifically on the adoption of appropriate measures in situations of serious threat to internal security.

**Section 10**

**Composition**

1. The Inter-Ministerial Commission for Internal Security is chaired by the Prime Minister and has the following membership:
  - a) The Deputy Prime Ministers and the State Ministers, including;
  - b) The Ministers responsible for the areas of interior, justice, foreign affairs and finance, as well as the Secretary of State for Defense;
  - c) The Director and National Deputy Directors of the information services and State security service;
  - d) The National Director of the National Police of Timor-Leste (PNTL), the National Deputy Directors, Director for Operations, the Director of the Intelligence Services, the Director of the Police Academy, district commanders and the commanders of the special units of the police.
  - e) The responsible of the Office for the State Security National Service .

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2. When the Prime Ministers deems it as appropriate, he/she may invite other entities, with special responsibilities on the prevention and fight of criminality or for the research and production of relevant information for internal security, to participate in the meetings.3.The Commission will prepare its regulations, to be approved by the Council of Ministers.

**Section 11**

**Office for the Coordination of Internal Security**

1. The Office for the Coordination of Internal Security is a specialized advisory and consultative body for technical and operational coordination of the activities carried out by the security forces and services and function on the direct dependence of the Prime Minister.
2. The Prime Minister may delegate to a Deputy Prime Minister or a State Minister, if there is, or to the Minister of Interior the chairmanship of some meetings of the Office for the Coordination.
3. The Office for the Coordination is composed by the entities referred in paragraphs c) and d) of item 1 of the previous section and by the Minister of Interior and one Secretary to be appointed by the Prime Minister.
4. The rules governing the Office's functions are established by decree-law from the Council of Ministers.

**Section 12**

**Functions**

It is the competence of the Office for the Coordination of Internal Security to advise, on a regular basis, the Government's entities responsible for the execution of the internal security policy and present new proposals on:

- a) Cooperation schemes of security forces and services, as well as for the improvement of their working methods, with a view to enhance its coordination, without prejudice to the specific nature of the statutory missions that of each of them.
- b) The combined use of security forces and services and their equipment, premises and other means to address situations requiring these measures;
- c) Plans for joint operations of forces and services, specially in charge for preventing and fighting criminality;
- d) Operational rules and procedures to be adopted in situations of serious threat to internal security;
- e) Ways to coordinate external cooperation that security forces and services come to develop in the sphere of their specific competencies;

**Section 13**

**Security Forces and Services**

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1. The security forces and services are public entities strictly non-partisan that contribute to guarantee internal security in the country.
2. The internal security functions will be carried out by:
  - a) The National Police of Timor-Leste (PNTL);
  - b) The Information and security State Services;
3. The organization, functions and competencies of the security forces and services are defined by their respective organic laws and other complementary legislation.

**Section 14**

**Police Authorities**

For the purpose of this law, and within the scope of their respective competencies, police authorities are as follows:

- a) The PNTL National Director and his or her deputies;
- b) The Commander of Operations and his deputy
- c) PNTL District commanders;
- d) The commander of rapid intervention unit;
- e) The commander of the arm banditry combat group;
- f) The director of criminal prevention and investigation unit;
- g) The commanders of border patrol units;
- h) The commander of maritime unit;
- i) The commander of the road traffic security unit;
- j) The director of immigration;
- k) The director of PNTL Intelligence Service;
- l) The director of Police Academy; and
- m) The director and deputy directors of services of information and security of the state.

**Section 15**

**Police Measures**

1. In the development of the internal security activity, the police authorities may, in accordance with their specific competencies, to determine the application of the police measures.

Police measures are those found enshrined in the constitution and in the laws, and amongst others:

- a) The requirement to request the identification of any person located at or passing a public place or subject to police surveillance;
- b) Surveillance of people, buildings and establishments for a specific period of time;
- c) Temporary seizure of weapons, ammunition and explosives;
- d) Refusal of entry of foreigners who are undesirable or without documents;
- e) Application of the expulsion of foreigners from the country.

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**Section 16**

**Duty of displaying identity**

Police agents or officials, when not wearing uniform, who, in the terms of the law, order people to identify themselves or issue any other order or legitimate mandate, should identify themselves in advance.

**Section 17**

**Monitoring of Communications**

1. The Investigative Judge in a criminal case, at the request of the criminal investigation police, may authorize, in the terms of the law, the control of communications.
2. The request to control communications is dully substantiated and presented by the own initiative of the investigation police in the relevant process-crime.
3. The implementation of the control of communication through judicial authorization is of exclusive competence of the criminal investigation police.
4. When a judge considers that elements collected are relevant as evidence to prove or detect terrorist cases, violent or organized criminality, in terms of the law, he/she can order that they be sent, by an its own and confidential form, to the security force in charge of the investigations.

**Section 18**

**Entry into Force**

This present law enters into force on the same day of its publication.

Approved on the 30 July 2003

The President of the National Parliament,

Francisco Guterres "Lu-Olo"

*[Final Text approved by Commission "A" on 25 August 2003.]*

*This is an unofficial translation by JSMP.*