



REGULATION 2001/26

**ON THE AMENDMENT OF UNTAET REGULATION No. 1999/3 ON THE
ESTABLISHMENT OF A TRANSITIONAL JUDICIAL SERVICE COMMISSION
AND ON THE AMENDMENT OF UNTAET REGULATION No. 2000/16 ON THE
ORGANIZATION OF THE PUBLIC PROSECUTION SERVICE IN EAST TIMOR**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council Resolution 1272 (1999) of 25 October 1999,

After consultation in the National Council,

For the purpose of amending UNTAET Regulation 1999/3 on the Establishment of a Transitional Judicial Service Commission and UNTAET Regulation No. 2000/16 on the Organization of the Public Prosecution Service in East Timor, and for publishing updated engrossments of the said UNTAET Regulations reflecting such amendments,

Promulgates the following:

Section 1
On the amendments of Reg. 1999/3

The text of UNTAET Regulation 1999/3 is amended and replaced by the following text attached as Annex I.

Section 2
On the amendments of Reg. 2000/16

The text of UNTAET Regulation 2000/16 is amended and replaced by the following text attached as Annex II.

Section 3
Publication of Updated Engrossment

Annex I and II, as referred to under Section 1 and 2 respectively, shall be published as an updated engrossment of UNTAET Regulations 1999/3 on the Establishment of a Transitional Judicial Service Commission and UNTAET Regulation No. 2000/16 on the Organization of the Public Prosecution Service in East Timor.

Section 4
Entry Into Force

The present Regulation shall enter into force upon signature.

Sergio Vieira de Mello
Transitional Administrator

ANNEX I TO UNTAET/REG/2001/26

UNTAET/REG/1999/3
2 December 1999
As Amended by
UNTAET/REG/2000/25 and
UNTAET/REG/2001/26
14 September 2001

**ON THE ESTABLISHMENT OF A TRANSITIONAL JUDICIAL SERVICE
COMMISSION**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purpose of establishing an independent judiciary in East Timor, and responding to the urgent need to provide judicial services,

Promulgates the following:

Section 1

The Transitional Judicial Service Commission

A Transitional Judicial Service Commission (hereinafter: the Commission) is hereby established to recommend to the Transitional Administrator candidates for judicial or prosecutorial office, provide advice to the Transitional Administrator on judges or prosecutors, and prepare a Code of Ethics for judges and prosecutors.

Section 2

Composition and terms of office

2.1 The Commission shall be composed of five members, three of East Timorese origin and two international experts.

2.2 The Transitional Administrator shall appoint one of the East Timorese members as the Chairperson of the Commission. It is not mandatory for the Chairperson to be a legal professional.

2.3 All members of the Commission shall be of high moral standing and shall be distinguished legal professionals, with the exception provided in Section 2.2. They shall be independent and impartial. In the exercise of their functions, the members of the Commission shall at all times be guided by the transitional administration's goal to establish an independent and impartial judiciary and to build confidence in the rule of law.

2.3A No member of the Commission shall take part in the deliberations of the Commission on any matter which may affect him or her directly.

2.3B Any member of the Commission who has an interest or is directly affected by a matter before the Commission shall, prior to the discussion of the matter, disclose such interest to the Commission.

2.4 The initial term of the members of the Commission shall be limited to six months from the day of appointment. This term shall be renewable. For the duration of their term, the members of the Commission shall not hold judicial or prosecutorial office in East Timor.

2.5 The East Timorese members of the Commission shall be appointed by the Transitional Administrator after consultations with relevant East Timorese interlocutors and social groups, and in accordance with the present regulation.

2.5A The Transitional Administrator shall appoint the International Experts.

2.5 The Commission shall be independent in the exercise of its functions.

Section 3 Technical support and remuneration

3.1 The Transitional Administrator shall provide the funding and technical support of the Commission.

3.2 The members of the Commission shall receive remuneration to be determined by the Transitional Administrator.

Section 4 Oath or solemn declaration

4.1 Upon appointment, the Transitional Administrator shall receive the following oath or solemn declaration from the members of the Commission:

"I swear (solemnly declare) that in carrying out the functions entrusted to me as a member of the Transitional Judicial Service Commission, I will perform

my duties independently and impartially. I will, at all times, act in accordance with the dignity that the performance of my functions requires.

I will carry out my functions without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or all other status."

4.2 Upon completion of the oath, each member of the Commission shall submit a signed copy of the above declaration to the Transitional Administrator.

Section 5 Removal of members of the Commission from office

5.1 If, at any point in time, the Transitional Administrator becomes aware of evidence that any of the members of the Commission has failed to meet the above principles or has violated the oath, the Transitional Administrator may remove such member from office and appoint a replacement, in accordance with the present regulation.

5.2 In case of resignation or death of a member, the Transitional Administrator shall appoint a new member to the Commission, in accordance with the present regulation.

Section 6 Rules of procedure

The Commission shall adopt its own rules of procedure.

Section 7 Sessions of the Commission

7.1 The Commission shall deliberate in plenary sessions. Its resolutions shall be valid if at least four members are present.

7.2 The Chairperson shall convene plenary sessions of the Commission as and when necessary, but no less than once every month. Sessions shall also be convened at the request of the Transitional Administrator or of two members of the Commission.

Section 8 Review of applications

8.1 Upon public announcement by the Transitional Administrator, the Commission shall receive and review individual applications of legal professionals of East Timorese origin for provisional service in judicial or prosecutorial office.

8.2 The Commission shall receive and review individual applications of international legal professionals for appointment in judicial or prosecutorial offices established by UNTAET Regulation No. 2000/15 on the Establishment of Panels with Exclusive

Jurisdiction Over Serious Criminal Offences and UNTAET Regulation No. 2000/16 on the Organization of the Public Prosecution Service in East Timor.

8.3 Before deciding upon an application for appointment to judicial or prosecutorial offices, the Commission may conduct an interview with each candidate, according to criteria define below, specifying in writing the reasons for the Commission's preferences as well as the justification to support those who the Commission intends to exclude.

Section 9 Selection criteria

9.1 To apply for judicial or prosecutorial office, candidates shall submit their application directly to the Chairperson or through any UNTAET office in East Timor. The application shall contain the Commission's application form, a copy of the university diploma, and any additional documents, which may be necessary to certify relevant professional experience. The candidate shall be free to attach a letter of recommendation to the application.

9.2 It is mandatory that candidates have a university degree in law.

9.3 In addition, the Commission shall be guided by the following criteria:

- (a) Legal competence, taking into consideration academic qualifications;
- (b) Relevant experience in a legal profession or as a civil servant;
- (c) Moral integrity and standing within the community.

9.4 The candidates shall make a declaration that in case of appointment they will take residence in East Timor.

9.5 The Commission may recommend additional selection criteria to the Transitional Administrator.

Section 10 Recommendation by the Commission

10.1 Upon completion of the review process, the members of the Commission shall comment, in writing, on the applications reviewed. In case of non-consideration, the comments shall be made available to the candidate.

10.2 In selecting candidates, the Commission should strive for consensus. If this is not possible, however, the Commission may only recommend a candidate who obtained the votes of three members.

10.3 The Chairperson shall subsequently recommend the selected candidate, in writing, to the Transitional Administrator for appointment to judicial or prosecutorial office. The recommendation shall be confidential.

Section 11
Appointment of judges and prosecutors

11.1 The Transitional Administrator shall appoint candidates to judicial or prosecutorial office, taking closely into consideration the recommendations of the Commission pursuant to section 10.3 of the present regulation.

11.2 The recommendation shall not prejudice the Transitional Administrator's final authority to reject a candidate recommended by the Commission, on grounds related to the fulfillment of the mandate given UNTAET under Security Council resolution 1272 (1999). The Transitional Administrator shall inform the Commission of such rejection in writing.

11.3 Upon appointment, the Transitional Administrator shall receive the following oath or solemn declaration from each judge and prosecutor:

"I swear (solemnly declare) that in carrying out the functions entrusted to me as a judge/prosecutor, I will perform my duties independently and impartially. I will, at all times, uphold the law and act in accordance with the dignity that the performance of my functions requires.

I will carry out my functions without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or all other status."

11.4 Upon completion of the oath, each judge and prosecutor shall submit a signed copy of the above declaration to the Transitional Administrator.

Section 12
Remuneration of judges and prosecutors

Judges and prosecutors shall receive remuneration in accordance with the remuneration scheme to be determined by the Transitional Administrator. Such remuneration shall not be subject to any reduction during the period of service of the appointees, other than on account of general taxes and levies imposed equally upon all persons.

Section 13
Complaints regarding the professional performance

13.1 Notwithstanding any power to act upon its own initiative, the Commission shall receive complaints regarding the professional performance of a judge or prosecutor. It shall review those complaints and, where appropriate, advise the Transitional Administrator on any action to be taken, including a recommendation for the admonition, reprimand, fine, suspension from work or removal of the judge or prosecutor from office.

13.2 The recommendation shall not prejudice the Transitional Administrator's final authority to decide on such removal from office.

13.2A In making a recommendation, the Transitional Judicial Service Commission shall take into consideration the seriousness of the conduct complained of, the degree of fault imputable to the judge or prosecutor and any other relevant issue.

13.3 The Transitional Judicial Service Commission may, as appropriate, make any one or more of the following recommendations, depending on the circumstances described below:

- (i) Admonition or reprimand for wrongful acts or omissions not serious in nature so as to draw the attention of the judge or prosecutor to the negative impact of his or her act or omission;
- (ii) Fine or loss of pay of not less than the value of five days pay and not more than the value of twenty days pay of the judge or prosecutor, for cases of negligence or lack of commitment to assigned duties;
- (iii) Suspension from duty without pay for a period of not less than ten working days and not more than ninety working days, for serious breaches which do not warrant dismissal or removal from office; and,
- (iv) Removal from office.

In respect of the foregoing paragraph (iv) of the present Subsection, the recommendation of removal from office may only be made in the following circumstances:

- (a) Mental illness or physical incapacity which makes the performance of judicial or prosecutorial duties permanently impossible;
- (b) Serious violation of professional responsibilities, including the principles enshrined in the oath received by the Transitional Administrator;
- (c) Acceptance of bribes or other emoluments beyond the granted remuneration, as determined by the Transitional Administrator;
- (d) Acceptance of political or any other public office;
- (e) A determination of false information having been provided in the application for professional service in judicial or prosecutorial office.
- (f) Serious misconduct.

13.4 The Commission, respecting the right of the respective judge or prosecutor to present evidence, shall not carry out any sanction without prior hearing. In case of removal on grounds of mental illness or physical incapacity a medical attestation by two independent medical experts is required.

13.5 The Transitional Administrator may, as appropriate, carry out an additional inquiry.

Section 14
Promotion of judges and prosecutors

14.1 The Commission shall make recommendations to the Transitional Administrator as for the promotion of a judge or prosecutor.

14.2 The recommendations shall not prejudice the Transitional Administrator's final authority to reject such recommendation.

Section 15
Code of Ethics for judges and prosecutors

15.1 The Commission shall submit, within three months of the appointment of its initial members, a Draft Code of Ethics for judges and prosecutors to the Transitional Administrator.

15.2 In carrying out this task, the members of the Commission shall consult, as appropriate, with other East Timorese and international experts.

Section 16
Entry into force

The present regulation shall enter into force on 3 December 1999.

/signed/
Sergio Vieira de Mello
Transitional Administrator

ANNEX II TO UNTAET/REG/2001/26

UNTAET/REG/2000/16
6 June 2000
As Amended by
UNTAET/REG/2001/26
14 September 2001

ON THE ORGANIZATION OF THE PUBLIC PROSECUTION SERVICE IN EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation NO. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

Taking into account Section 24 of UNTAET Regulation No. 2000/11 of 6 March 2000 on the Organization of Courts in East Timor,

After consultation in the National Consultative Council,

For the purpose of regulating and functioning of the Public Prosecution Service in East Timor,

Promulgates the following:

I General

Section 1

Public Prosecution Service

- 1.1 The Public Prosecution Service in East Timor shall be composed of the public prosecution offices and public prosecutors as provided for under the present regulation.
- 1.2 The Public Prosecution Service shall be a constituent organ of the civil administration of East Timor and its relationship to the civil administration shall be established by the present regulation.
- 1.3 The present regulation shall establish the jurisdiction and powers that shall be vested in public prosecution offices and public prosecutors.

1.4 The Public Prosecution Service shall cooperate, as appropriate, with the other organs and officials of the civil administration in East Timor, giving due regard to the protection of the rights of all persons under the law and in observance of the internationally recognized human rights standards as established by UNTAET Regulation No. 1999/1.

Section 2 Funding and Technical Assistance

The necessary funding and technical assistance for the Public Prosecution Service shall be provided by the Transitional Administrator.

Section 3 Prosecutorial Authority

- 3.1 Any public prosecutor shall be authorized to discharge the following functions:
- (a) to bring a criminal action before a competent court under the applicable law in East Timor as provided in Sections 2 and 3 of UNTAET Regulation No. 1999/1;
 - (b) to exercise criminal investigative functions including, but not limited to, direction and supervision of the criminal investigations of the Police or any other competent body; and
 - (c) any other functions, as provided by law.

3.2 For the purposes of the present regulation, "public prosecutor" means any official who is duly authorized by the present regulation or any other UNTAET regulation to exercise the prosecutorial authority as defined in the present regulation.

Section 4 Impartiality of the Public Prosecutors

4.1 Public prosecutors shall perform their functions as established in the present regulation impartially and in accordance with the present regulation and the applicable laws in East Timor.

4.2 In exercising the prosecutorial authority as defined in Section 3 of the present regulation, public prosecutors shall act without bias and prejudice and in accordance with their impartial assessment of the facts and their understanding of the applicable law in East Timor, without improper influence, direct and indirect, from any source, whether within or outside the civil administration of East Timor.

II Structure

Section 5 Public Prosecution Offices

5.1 The following public prosecution offices shall be established in East Timor:

- (a) Office of the General Prosecutor, corresponding to the Court of Appeal, with its seat in Dili. Within said Office of the General Prosecutor, there shall be two departments, headed respectively by the Deputy General Prosecutor for Serious Crimes and Deputy General Prosecutor for Ordinary Crimes.
- (b) Offices of the District Prosecutors, corresponding to the territorial jurisdictions of the District Courts established under Section 7 of UNTAET Regulation No. 2000/11.

5.2 Each of the offices listed in Section 5.1 of the present regulation shall consist of designated public prosecutors, as appropriate.

5.3 Each of the offices listed in Section 5.1 of the present regulation shall be provided with general staff, as appropriate.

Section 6 Appointment and Conditions of Service of Public Prosecutors

6.1 The appointments of public prosecutors, both East Timorese and international, shall be made by the Transitional Administrator in accordance with UNTAET Regulation No. 1999/3 or any subsequent regulation. Notwithstanding any provision to the contrary in any regulation, the appointment of East Timorese public prosecutors shall be for an initial probationary period of no less than two but no more than three years.

6.1A During the initial probationary period of appointment, the performance of duties of public prosecutor on probation shall be monitored by an experienced prosecutor, as nominated by the General Prosecutor, who shall have the duty to support, give guidance and supervise the public prosecutor on probation. The experienced public prosecutor shall submit periodic reports to the Transitional Judicial Service Commission every six months, in order for it to evaluate performance. Prior to submission of a report to the Commission, the prosecutor on probation must be accorded an opportunity to comment on the report.

6.2 During the initial probationary period of appointment, the Transitional Judicial Service Commission established under UNTAET Regulation No. 1999/3 shall monitor the performance of duties of every public prosecutor. The Commission shall monitor the professional conduct of each such official, including the integrity and dedication of such official, attendance, ability to cope with the workload, independence and impartiality in the discharge of the functions of the office, any interference with, or influence upon, the substantive decisions of the judges and panels of judges of the courts of law established pursuant to UNTAET Regulation No. 2000/11, UNTAET Regulation No. 2000/15 and any subsequent UNTAET Regulation.

6.3 At the end of the probationary period, or at any given time before, the Transitional Judicial Service Commission, in accordance with UNTAET Regulation No. 1999/3, may recommend that the appointment of the public prosecutor concerned be confirmed, unless the performance of the functions of such official, as specified in Section 6.2 of the present regulation, was unsatisfactory, in which case the Commission shall recommend dismissal from the Public Prosecution Service.

6.4 The public prosecutors shall abide by and be guided by the Code of Ethics that may be promulgated pursuant to Section 15.1 of UNTAET Regulation No. 1999/3.

6.5 A public prosecutor who has committed misconduct in office shall be subject to disciplinary measures as established in Section 13 of UNTAET Regulation No. 1999/3 or subsequent UNTAET directive.

6.6 The promotion of a public prosecutor shall take place only in accordance with Section 14 of UNTAET Regulation No. 1999/3. Notwithstanding this provision, the General Prosecutor, at his or her discretion, may re-assign, up to a period of three months, a public prosecutor in the interest of justice or when required by the present regulation, UNTAET Regulation No. 2000/15 or any other UNTAET regulation. If such re-assignment is necessary for a period exceeding three months, the General Prosecutor shall inform the Transitional Judicial Service Commission, as established by UNTAET Regulation No. 1999/3, for appropriate action in accordance with that regulation.

6.7 While holding office, a public prosecutor shall be barred from accepting political office or any other public office, or from accepting any employment, including for teaching law, participating in the drafting of law, or carrying out legal research on a part-time basis, unless for honorary unpaid purposes.

6.8 Public prosecutors shall not disclose any information or personal data related to or obtained in the discharge of their functions, except where authorized by the General Prosecutor for public information or research purposes.

Section 7 Oath of Office

Upon appointment, the Transitional Administrator shall receive the oath or solemn declaration as provided by Section 11.3 of UNTAET Regulation No. 1999/3 from the public prosecutors.

Section 8 Remuneration

Prosecutors shall receive remuneration in accordance with the remuneration scheme to be determined by the Transitional Administrator. Such remuneration shall not be subject to any reduction during the period of service of the appointees, other than on account of general taxes and levies imposed equally upon all persons.

Section 9
Privileges and Immunities of Public Prosecutors

9.1 All public prosecutors shall enjoy such privileges and immunities as are provided by law.

9.2 No public prosecutor shall be liable, either criminally or civilly, for any act of commission or omission, if the matter or thing was done in good faith for the purpose of executing any provisions of any law. Such privilege shall not extend to acts of commission or omission arising out of intentional wrongful conduct or gross negligence.

Section 10
General Staff

Each public prosecution office as established by the present regulation shall have qualified general staff as deemed necessary for its proper functioning. The general staff attached to each such office shall exercise their functions under the direction and supervision of the principal officials of such offices.

Section 11
Replacement and Disqualification of Public Prosecutors

11.1 The replacement and disqualification of a public prosecutor from any criminal proceeding of the courts of law shall be in accordance with the applicable law.

11.2 All public prosecutors shall request that they be replaced from the exercise of prosecutorial authority with respect to criminal investigative functions whenever they have good reason to believe that their impartiality may be doubted. Such request shall be immediately forwarded to the head of the respective Public Prosecutor Office.

11.2A A party to the proceedings may request the relevant District Prosecutor or Deputy General Prosecutor to replace the Public Prosecutor assigned to a case, where there are reasons to question the impartiality of the Public Prosecutor.

11.2B Furthermore, the Public Prosecutor can be disqualified on recommendation of the Transitional Judicial Service Commission, according to Section 13 of UNTAET Reg. 1999/3.

11.3 Whenever a replacement or disqualification of a public prosecutor pursuant to Sections 11.1 and 11.2 of the present regulation is required, the head of the respective public prosecutorial office shall appoint a suitable public prosecutor in place of such official. Whenever the replacement or the disqualification of a head of a public prosecutorial office is required or in case of his/ her replacement or disqualification by the Transitional Administrator, the authority to appoint a substitute shall vest in the General Prosecutor.

III. Functions

Section 12 General Prosecutor

12.1 The General Prosecutor shall be the principal official and administrative head of the Public Prosecution Service and of the Office of the General Prosecutor, with jurisdiction throughout the entire territory of East Timor. The Deputy General Prosecutor for Serious Crimes and Deputy Prosecutor for Ordinary Crimes, with respective jurisdictions as established in the present regulation, shall function as principal deputies.

12.2 The exercise of the prosecutorial authority as defined in Section 3 of the present regulation and such incidental powers as are necessary to exercise such prosecutorial authority shall be exclusively vested in the General Prosecutor.

12.3 In the capacity as the principal officer and the administrative head of the Public Prosecution Service, the General Prosecutor shall be responsible for the overall management of such service and ensuring the due exercise of its functions. The General Prosecutor shall be vested with such incidental powers as are necessary to exercise such administrative and management functions.

12.4 The General Prosecutor shall directly report to the Transitional Administrator with respect to matters relating to the general administration of the Public Prosecution Service, including budgetary and staffing functions. On matters of legal policy and coherence, the Transitional Administrator may, as appropriate, issue guidance to the General Prosecutor. Nothing in this Section affects or derogates from the independent authority of the General Prosecutor in respect of the preparation, institution and conduct of investigations or proceedings pursuant to the prosecutorial authority vested in the office pursuant to Section 3 of the present regulation.

12.5 Certain prosecutorial authority vested in the General Prosecutor shall be delegated to subordinate public prosecutors as provided for in the present regulation.

12.6 Nothing in Section 12.5 of the present regulation affects or derogates from the authority of the General Prosecutor to appear in person in or to take over of any investigations and proceedings directed or carried on by a subordinate public prosecutor.

12.7 For administrative purposes, certain management and administrative functions vested in the General Prosecutor under Section 12.3 of the present regulation shall be assigned to subordinate public prosecutors by the present regulation or any subsequent regulation.

12.8 Notwithstanding Sections 12.5 and 12.7 of the present regulation, the General Prosecutor may delegate prosecutorial authority and management and administrative functions to any other official of the Public Prosecution Service.

12.9 In exercising the supervisory, management and administrative functions of the office, the General Prosecutor may furnish guidelines to the subordinate public prosecutors with respect to the preparation, institution and conduct of any investigation or proceedings, including guidelines as to the exercise of specific functions, and on matters of general administration, including budgetary and staffing functions.

12.10 The General Prosecutor shall be assisted by one or more public prosecutors in the discharge of his or her functions.

12.11 The General Prosecutor shall submit, on a quarterly basis, a comprehensive written report of the work of the Public Prosecution Service as defined in the present regulation to the Transitional Administrator.

Section 13

Experts

13.1 In exercising the functions of the office, the General Prosecutor may, as appropriate, consult with and retain the services of East Timorese and international experts. Such experts shall be members of the Public Prosecution Service, without having prosecutorial authority as defined in the present regulation.

13.2 Experts shall be appointed directly by the General Prosecutor.

Section 14

Deputy General Prosecutor for Serious Crimes

14.1 The Deputy General Prosecutor for Serious Crimes shall be the principal official in charge of the Department of Prosecution of Serious Crimes. The Office of the Deputy General Prosecutor for Serious Crimes may be held by the General Prosecutor in addition to his or her substantive appointment.

14.2 The Deputy General Prosecutor for Serious Crimes shall directly report to and be supervised by the General Prosecutor with respect to the exercise of the authority vested in him/her under the present regulation and any other UNTAET regulation. In the exercise of the functions of the office, the Deputy General Prosecutor for Serious Crimes shall be subject to such guidelines as the General Prosecutor may furnish pursuant to Section 12.9 of the present regulation.

14.3 The Deputy General Prosecutor for Serious Crimes shall serve as the principal public prosecution official for the investigation and prosecution of serious crimes. For the purposes of the present regulation, "serious crimes" means the offences against the laws of East Timor as defined in UNTAET Regulation No. 2000/11 and UNTAET Regulation No. 2000/15.

14.4 The Deputy General Prosecutor for Serious Crimes shall have the exclusive prosecutorial authority to direct and supervise the investigation and prosecution of serious crimes in the competent courts as defined in UNTAET Regulation No. 2000/11 and UNTAET Regulation No. 2000/15.

14.5 In the exercise of the prosecutorial authority as defined in Sections 14.2 and 14.3 of the present regulation, the Deputy General Prosecutor for Serious Crimes shall have jurisdiction throughout the entire territory of East Timor.

14.6 The Deputy General Prosecutor for Serious Crimes shall have such staff as may be necessary to effectively investigate and prosecute serious crimes. Such staff shall include, but

not limited to, one or more public prosecutors and a Prosecution Support Unit consisting of East Timorese and International experts, as necessary.

14.7 The General Prosecutor for Serious Crimes may delegate management and administrative functions to any subordinate public prosecutors attached to his/her office.

Section 15 Deputy General Prosecutor for Ordinary Crimes

15.1 The Deputy General Prosecutor for Ordinary Crimes shall be the principal official in charge of the Department of Prosecution for Ordinary Crimes. For the purposes of the present regulation, "Ordinary Crimes" means all offences against the laws of East Timor with the exception of serious crimes as defined in UNTAET Regulation No. 2000/11 and UNTAET Regulation No. 2000/15.

15.2 The Deputy Prosecutor General for Ordinary Crimes shall directly report to and be supervised by the General Prosecutor with respect to the exercise of the authority vested in him/her under the present regulation and any other UNTAET regulation. In the exercise of the functions of the office, the Deputy General Prosecutor for Ordinary Crimes shall be subject to such guidelines as the General Prosecutor may furnish pursuant to Section 12.9 of the present regulation.

15.3 Under the General Prosecutor, the Deputy General Prosecutor for Ordinary Crimes shall be responsible for the overall management of the Offices of the District Prosecutors as established in the present regulation and the supervision of the District Prosecutors, and shall be responsible for ensuring the due exercise of the functions vested in said officials.

15.4 The Deputy General Prosecutor for Ordinary Crimes shall be vested with such incidental powers as are necessary to exercise the functions as established in Section 15.3 of the present regulation.

15.5 In exercising the supervisory, management and administrative functions of the office as established in Section 15.3 of the present regulation, the Deputy General Prosecutor for Serious Crimes may issue administrative instructions and operating guidelines to any Office of the District Prosecutors or to the public prosecutors and general staff attached to such offices.

15.6 The Deputy General Prosecutor for Ordinary Crimes shall be assisted by one or more public prosecutors.

Section 16 District Prosecutors

16.1 The Office of the District Prosecutor shall be headed by the District Prosecutor and shall consist of such public prosecutors as appropriate.

16.2 The District Prosecutors shall report to the General Prosecutor through the Deputy General Prosecutor for Ordinary Crimes with respect to the discharge of the functions of their respective offices. In the exercise of the functions of the office, the District Prosecutors shall be subject to such guidelines as the General Prosecutor and the Deputy General Prosecutor

for Ordinary Crimes may respectively furnish pursuant to Sections 12.9 and 15.5 of the present regulation.

16.3 The Deputy General Prosecutor for Ordinary Crimes shall be the immediate supervising official of the District Prosecutors as established by the present regulation.

16.4 The District Prosecutors shall exercise the prosecutorial authority relating to criminal investigations and criminal proceedings of the respective District Courts, with the exception of directing and supervising the investigation and prosecution of serious crimes as defined in UNTAET Regulation No. 2000/11 and UNTAET Regulation No. 2000/15 which shall be exclusively vested in the Deputy General Prosecutor for Serious Crimes as established in Section 14 of the present regulation.

Section 17

Obligatory Referral in Cases of Serious Crimes

17.1 Whenever a serious crime, as defined in UNTAET Regulation No. 2000/11 and UNTAET Regulation No. 2000/15, has occurred in their respective jurisdictions, the District Prosecutors shall immediately notify the Deputy General Prosecutor for Serious Crimes of such serious crime. The notification so required of the District Prosecutors shall provide the fullest information and documentation relating to such serious crimes. In no case shall the District Prosecutors initiate criminal investigations of such serious crimes, whether on their own or by directing the police authorities to do so.

17.2 Within their respective jurisdictions, the District Prosecutors shall facilitate and extend, as appropriate, their fullest cooperation to the Deputy General Prosecutor for Serious Crimes with respect to the investigation and prosecution of serious crimes.

Section 18

Administration of the Offices of District Prosecutors

18.1 The District Prosecutors shall be vested with management and administrative functions relating to their respective offices.

18.2 The District Prosecutors shall be vested with such incidental powers as are necessary to exercise the prosecutorial authority and management and administrative functions as established in the present regulation.

18.3 Each of the District Prosecutors shall be assisted by one or more public prosecutors in the discharge of his/her functions.

Section 19
Entry into Force

The present regulation shall enter into force on 6 June 2000.

/signed/
Sergio Vieira de Mello
Transitional Administrator