



Arrangement
on the restoration and maintenance of public security In Timor-Leste
and on assistance to the reform, restructuring and rebuilding of
the Timorese National Police (PNTL) and the Ministry of Interior
Supplemental to the Agreement
between the United Nations and the Democratic Republic of Timor-Leste
on the Status of the
United Nations Integrated Mission in Timor-Leste (UNMIT)

The Special Representative of the Secretary-General of the United Nations for Timor-Leste and the Prime Minister of the Democratic Republic of Timor-Leste;

Recalling Security Council resolution 1704 (2006) of 25 August 2006;

Recalling that pursuant to the Agreement between the United Nations and the Democratic Republic of Timor-Leste on the Status of the United Nations Integrated Mission in Timor-Leste (UNMIT) signed at Dili on 4 October 2006 ("the Agreement"), the Special Representative of the Secretary-General and the Government of the Democratic Republic of Timor-Leste may conclude supplemental arrangements;

Recalling that, in its resolution 1704 (2006), the Security Council, decided to establish UNMIT and decided further that shall have the mandate, *inter alia*:

To ensure, through the presence of United Nations Police, the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese National Police (PNTL), as outlined in the Secretary-General's report, which includes interim law enforcement and public security until PNTL is reconstituted, and to assist with the further training, institutional development and strengthening of the PNTL as well as the Ministry of Interior, and also assist in the planning and preparing of electoral-related security arrangements to adequately prepare the National Police for performing their roles and responsibilities during the conduct of the 2007 elections;

Recalling also that, in that same resolution, the Security Council decided that UNMIT shall also have the mandate, *inter alia*:

To support the Government of the Democratic Republic of Timor-Leste, to liaise on security tasks and to establish a continuous presence in three border districts alongside armed United Nations police officers assigned to district police stations, through the impartial presence of United Nations military liaison officers;

To assist the Government of the Democratic Republic of Timor-Leste in conducting a comprehensive review of the future role and needs of the security sector, including the Falintil-Forças Armadas de Defesa Timor-Leste, the Ministry of Defence, the PNTL and the Ministry of Interior with a view to supporting the Government, through the provision of advisers and in cooperation and coordination with other partners, in strengthening institutional capacity-building, as appropriate;

Recalling also that in the same resolution, the Security Council reaffirmed its full commitment to the sovereignty, independence, territorial integrity and national unity of Timor-Leste, and to the promotion of long-lasting stability in Timor-Leste.

Have agreed as follows:

CHAPTER I

DEFINITIONS

Section 1

- 1.1 For the purposes of this Supplemental Arrangement, the following definitions shall apply:
- (a) “Certified PNTL police officers” means persons who have been identified or newly recruited and appointed as PNTL police officers, who have been registered as such, who have been certified for service pursuant to the programme provided for in the Annex to this Supplemental Arrangement and whose certification for such is current and valid;
 - (b) “Certified PNTL Commanding Officer” means a certified PNTL police officer who has been certified to assume command and control over the conduct of police operations within a District or by a Unit;
 - (c) “Command and control” means the authority to take decisions and to issue directives, standing orders, instructions and orders to police officers with respect to the conduct of police operations, including:
 - (i) the deployment, transfer and movement of police officers;
 - (ii) the description of duties to be performed. by police officers;
 - (iii) the manner in which police officers are to perform their duties;
 - (iv) the exercise of police powers.
 - (d) “District” means a specific geographical area which has been designated by or pursuant to the national laws of Timor-Leste as an administrative unit of the PNTL;
 - (e) “Government” means the Government of the Democratic Republic of Timor-Leste;
 - (f) “Interim Law Enforcement and Public Security” means the conduct by UNMIT of police operations and the exercise by the Police Commissioner of the powers and authority vested in him or her in accordance with Section 5.1 below;
 - (g) “Minister” means the Minister of the Interior or any Minister or official of the Government who may from time to time be authorized to act in that capacity;
 - (h) “Ministry” means the Ministry of the Interior of the Democratic Republic of Timor-Leste;
 - (i) “National laws of Timor-Leste” means laws, regulations and related issuances of Timor-Leste;
 - (j) “PNTL” means the police of Timor-Leste as recognized by the national law of Timor-Leste;
 - (k) “PNTL General Commander” means the head of the PNTL;
 - (l) “PNTL reform, restructuring and rebuilding plan” means the strategic plan for the training, institutional development and strengthening of the PNTL provided for in Section 11 of this Supplemental Arrangement;
 - (m) “Police Commissioner” means the head of the police component of UNMIT or such other member of the police component of UNMIT to whom he or she may grant

authority to exercise all or certain of his or her functions and responsibilities as set out in this Supplemental Arrangement;

- (n) "Police operations" means the conduct of policing functions, including crime prevention and detection, traffic control, crowd management, community policing and the exercise of police powers;
- (o) "Police powers" means powers which are conferred on members of a police force by law; Including, *inter alia*, powers of stop and search, arrest, detention, entry, search and seizure, investigation, questioning and charging;
- (p) "Prime Minister" means the Prime Minister of Timor-Leste or any Minister of the Government who may from time to time be authorized to act in that capacity;
- (q) "SRSG" means the Special Representative of the Secretary-General for Timor-Leste or any member of UNMIT to whom he or she may from time to time delegate his or her powers and authority with respect to matters within the scope of this Supplemental Arrangement;
- (r) "Timor-Leste" means the Democratic Republic of Timor-Leste;
- (s) "Unit" means a section of the PNTL which is designated by or pursuant to the national laws of Timor-Leste to have responsibility for the conduct of police operations within a particular functional area or on a particular matter;
- (t) "United Nations Commanding Officer" means a United Nations police officer who is designated by the Police Commissioner as the most senior United Nations police officer in the system of command within a particular District or Unit;
- (u) "United Nations police officer" means a police officer who is serving as a member of the police component of UNMIT;
- (v) "UNMIT" means the United Nations Integrated Mission in Timor-Leste, established by the Security Council in its resolution 1704 (2006) of 25 August 2006.

CHAPTER II **FUNDAMENTAL PRINCIPLES**

Section 2 **PNTL personnel**

2.1 In order for any PNTL police officer to serve or continue to serve with the PNTL in any of its units or sections and at any rank or level, it shall be necessary:

- (a) that he or she:
 - (i) be identified as having been a PNTL police officer upon the date of entry-into-force of this Supplemental Arrangement and be registered as such pursuant to the programme provided for in the Annex to this Supplemental Arrangement, or
 - (ii) be newly recruited and appointed as a PNTL officer subsequently to the entry-into-force of this Supplemental Arrangement in accordance with the provisions of Section 11.10 below and be registered as such, and
- (b) that he or she be certified for service as such pursuant to the programme provided for in the Annex to this Supplemental Arrangement; and

(c) that such certification be current and valid.

2.2 The Government shall ensure that the service with the PNTL of any individual who

- (a) is not identified as having been a PNTL police officer on the date of the entry-into-force of this Supplemental Arrangement and is not accordingly registered as *such by the date specified in the PNTL reform, restructuring and rebuilding plan*; or
- (b) having been registered as a PNTL police officer, subsequently has his or her registration cancelled;

is terminated forthwith and that he or she is precluded from service during the currency of this Supplemental Arrangement in any position within the PNTL, unless and until it is ordered otherwise by the final decision of a competent Timorese court or tribunal taken in accordance with Part E of the Annex to this Supplemental Arrangement.

Section 3 **United Nations police officers**

3.1 United Nations police officers shall be considered to be:

- (a) vested with all police powers which are conferred on and enjoyed by PNTL police officers by and pursuant to the national laws of Timor-Leste;
- (b) capable of being granted by the judicial institutions of Timor-Leste any such authority to carry out arrests, detention, entry, search and seizure, investigations or questioning that may be granted to PNTL police officers by such institutions under and pursuant to the national laws of Timor-Leste.

3.2 United Nations police officers shall at all times remain:

- (a) under the exclusive command and control of the Police Commissioner;
- (b) subject to the exclusive disciplinary authority of the United Nations.

3.3 United Nations police officers shall use force and firearms in strict accordance with directives, standard operating procedures and other instructions issued to them by the United Nations.

Section 4 **Minister of the Interior**

4.1 Subject to paragraph 2 below, the Minister shall continue to establish policy and to exercise such powers and authority with respect to the management and administration of the PNTL as he or she may enjoy under or pursuant to the national laws of Timor-Leste.

4.2 The Minister shall not exercise any authority or powers that he or she may enjoy under or pursuant to the national laws of Timor-Leste to take decisions or to issue directives, standing orders, instructions or orders with respect to:

- (a) the conduct of police operations; or
- (c) the maintenance and enforcement of good conduct, good order and discipline, subject to Section 11.10. and 11.11 below.

4.3 The Minister shall consult with the UNMIT Deputy SRSG for Security and the Rule of Law on any decision which he or she may intend to take to establish policy which may impact on the conduct of police operations or the maintenance and enforcement of good conduct, good order

and discipline.

Section 5 **The Police Commissioner**

5.1 The Police Commissioner shall be considered as the interim PNTL General Commander and shall accordingly be vested with all powers and authority which are conferred on and enjoyed by the PNTL General Commander by and pursuant to the national laws of Timor-Leste with respect to:

- (a) the conduct of police operations;
- (b) the maintenance and enforcement of good conduct, good order and discipline; and
- (c) management and administration.

5.2 The Police Commissioner shall lead, manage and coordinate all initiatives taken by UNMIT:

- (a) with respect to the reform, restructuring and rebuilding of the PNTL; and
- (b) with respect to the reform, rebuilding and restructuring of the Ministry, in so far as they concern the relationship between the Ministry and the PNTL.

5.3 The Police Commissioner shall report directly to the SRSG and shall receive and accept instructions solely from the SRSG.

5.4 The Police Commissioner shall facilitate and cooperate in the implementation of decisions taken by the Minister in accordance with Section 4.1 above.

5.5 The Police Commissioner shall consult and coordinate with the Minister in accordance with the provisions of section 13 of this Supplemental Arrangement.

CHAPTER III **UNMIT SUPPORT TO THE PNTL**

Section 6 **Phased Approach**

6.1 In accordance with Security Council resolution 1704 (2006) of 25 August 2006 and subsequent relevant resolutions, UNMIT will ensure the restoration and maintenance of public security in Timor-Leste through the provision of support to the PNTL.

6.2 A phased approach shall be adopted with respect to the provision by UNMIT of such support. The different phases and the arrangements applicable in each phase with respect to the provision by UNMIT of such support are described in Sections 7, 8 and 9 of this Chapter.

Section 7 **Initial Phase**

7.1 During the initial phase, UNMIT shall have primary responsibility for the conduct of police operations throughout Timor-Leste.

7.2 Police operations shall be conducted by:

- (a) United Nations police officers; and

(b) Certified PNTL police officers.

7.3 The Police Commissioner shall have overall command and control with respect to the conduct of police operations. He or she shall exercise such command and control through the chain of command identified in paragraphs 4 and 5 below.

7.4 The Police Commissioner shall, as he or she may require, in the case of each District or Unit, appoint a United Nations Commanding Officer, who shall have command and control over the conduct of all police operations within that District or by that Unit.

7.5 Certified PNTL police officers serving within a District or Unit shall only accept and carry out instructions or orders issued to them by:

- (a) the United Nations Commanding Officer of that District or Unit;
- (b) such United Nations police officers or certified PNTL police officers as the United Nations Commanding Officer of that District or Unit may designate for that purpose.

7.6 UNMIT will prepare PNTL commanding officers to assume command positions in the ensuing phases described in Sections 8 and 9 of this Chapter.

7.7 The Police Commissioner shall assist the capacity building of the PNTL General Commander in the ensuing phases through constant mentoring, monitoring and supervision.

Section 8

Consolidation Phase

8.1 UNMIT shall progressively hand over responsibility for the conduct of police operations within Districts or by Units to the PNTL. Such hand-over of responsibility with respect to a District or Unit shall take place once the Police Commissioner, in consultation with the SRSG and in close collaboration with the Government, considers that the body of PNTL police officers serving in that District or Unit has achieved the benchmarks and attained the performance targets set out for this purpose in the PNTL reform, restructuring and rebuilding plan and that the general situation with respect to the maintenance of law and order in Timor-Leste is not such as to preclude that hand-over. Such hand-over shall be effected by the issuance of a directive to that effect, signed by the Police Commissioner and the Minister.

8.2. Following the hand-over of responsibility for a District or Unit in accordance with the preceding paragraph, the PNTL shall have primary responsibility for the conduct of police operations in that District or by that Unit.

8.3 Subject to paragraphs 8, 9 and 10 below, police operations within Districts or by Units that have been the subject of a hand-over of responsibility shall be conducted by certified PNTL police officers. United Nations police officers shall serve alongside such certified PNTL police officers and shall advise, support and assist them in conducting police operations.

8.4 The Police Commissioner shall continue to have overall command and control with respect to the conduct of police operations in Districts or by Units that have been the subject of a hand-over of responsibility. He or she shall exercise such command and control through the chain of command identified in paragraphs 5 and 6 below.

8.5 Following the hand-over of responsibility for a District or Unit, the Certified PNTL Commanding Officer of that District or Unit shall, subject to paragraphs 8, 9 and 10 below, have command and control over the conduct of all police operations within that District or by that Unit. The PNTL Commanding Officer shall himself or herself be subject to the command and control of the Police Commissioner with respect to the conduct of such operations.

8.6 Subject to paragraphs 8, 9 and 10 below, certified PNTL police officers serving within a District or Unit that has been the subject of a hand-over of responsibility shall only accept and carry out instructions or orders issued to them by:

- (a) the PNTL Commanding Officer of that District or Unit;
- (b) such certified PNTL police officers as the PNTL Commanding Officer of that District or Unit may designate for that purpose.

8.7 United Nations police officers serving within a District or Unit that has been the subject of a hand-over of responsibility shall remain under the exclusive command and control of the Police Commissioner, exercised through the United Nations Commanding Officer of that District or Unit, as designated by the Police Commissioner.

8.8 Upon the hand-over of responsibility for a District or Unit, the Police Commissioner may stipulate in the pertinent directive issued under paragraph 1 above that responsibility for the conduct of police operations in certain specified functional areas or on certain specified subject matters shall, for the time being, nevertheless be retained by UNMIT. In respect of such functional areas or subject matters, the arrangements set out in Section 7 above shall continue to apply until such time as the Police Commissioner stipulates, by means of a further directive, signed by him or her and communicated to the Office of the Minister, that responsibility for the conduct of police operations in those functional areas or on those subject matters shall be transferred to the PNTL. The arrangements set out in paragraphs 3 to 7 above shall then apply in respect of those functional areas or subject matters.

8.9 Following the hand-over of a District or Unit, the Police Commissioner may at any time order that responsibility for the conduct of police operations in respect of a specific incident shall be assumed by UNMIT. Such order shall be issued in writing, signed by the Police Commissioner and communicated to the Office of the Minister. In respect of any incident that is the subject of such an order, the arrangements set out in Section 7 above shall apply until such time as the Police Commissioner may stipulate, by means of a further written order, signed by him or her and communicated to the Office of the Minister, that responsibility for the conduct of police operations in respect of that incident shall be resumed by the PNTL. The arrangements set out paragraphs 3 to 7 above shall then apply once more in respect of that incident.

8.10 Notwithstanding the hand-over of a District or Unit, United Nations Commanding Officer serving in that District or Unit shall have the power to intercede, in the conduct of police operations by certified PNTL police officers, including by exercising police powers in respect of that officer:

- (a) if a certified PNTL officer, without good and lawful cause, refuses or fails, in a particular situation or with respect to a particular incident, to perform his or her duties under the national laws of Timor-Leste or to carry out lawful instructions or orders issued to him or her in accordance with paragraph 6 above;
- (b) in so far as this may be necessary to put an end to a violation by that certified PNTL police officer of the national laws of Timor-Leste or of the human rights and fundamental freedoms of any person or to put an end to an abuse of police powers by that certified PNTL police officer.

In such situations and with respect to such incidents and matters, the arrangements set out in Section 7 above shall continue to apply.

8.11 In Districts or Units that have not yet been the subject of a hand-over pursuant to paragraph 1 above, the arrangements set out in Section 7 above shall continue to apply.

Section 9

Full Reconstitution Phase

9.1 UNMIT shall finally hand over to the PNTL responsibility for the conduct and the command and control of all police operations in Timor-Leste once the Police Commissioner, in consultation with the SRSG and in close collaboration with the Prime Minister and the Minister, certifies that the PNTL is fully reconstituted and capable of conducting police functions throughout the territory of Timor-Leste in accordance with the benchmarks and performance targets set out in the PNTL reform, restructuring and rebuilding plan.

9.2 Such final hand-over shall be effected by means of a letter, signed by the SRSG and communicated to the Office of the Prime Minister.

9.3 Immediately that such final hand-over has been effected:

- (a) UNMIT shall cease to have responsibility for the conduct of any police operations or the exercise of any police powers in Timor-Leste;
- (b) Sections 3.1, 5.1, 6, 7 and 8 of this Supplemental Arrangement shall cease to apply.

9.4 Any arrangements governing the support that UNMIT may provide to the PNTL for the purposes of assisting it in maintaining law and order subsequently to such final hand-over will be set out in a separate Supplemental Arrangement.

CHAPTER IV

REFORM, RESTRUCTURING AND REBUILDING OF THE PNTL AND THE MINISTRY OF THE INTERIOR

Section 10

UNMIT Assistance

10.1 In accordance with Security Council Resolution 1704 (2006) of 25 August 2006 and subsequent relevant Resolutions, UNMIT will assist with the further training, institutional development and strengthening of the PNTL and the Ministry.

10.2 UNMIT shall provide assistance for this purpose throughout the Initial Phase and Consolidation Phase, as described in Sections 6, 7 and 8 above.

Section 11

Reforming, Restructuring and Rebuilding the PNTL

11.1 The Government and UNMIT shall closely cooperate and work together to ensure the establishment of an effective, efficient, independent and accountable PNTL which:

- (a) respects national laws;
- (b) respects international and national criminal justice norms and standards;
- (c) respects democratic values and the values of the rule of law;
- (d) maintains and promotes respect for the rule of law, public safety, public order, security and stability in Timor-Leste;
- (e) respects human rights;

- (f) takes an impartial and non-partisan approach to the performance of its duties and is de-politicized;
- (g) commands public respect and public confidence; and
- (h) rejects and eschews all corrupt practices.

11.2 UNMIT, in close cooperation and consultation with the Ministry, and other relevant authorities, shall complete, no later than forty-five (45) days after the entry-into-force of this Supplemental Arrangement, a thorough assessment of the PNTL at the organizational, operational, administrative, managerial, logistical, budgetary and financial levels. The assessment shall also include the PNTL's internal accountability mechanisms, its external oversight and support structures, its human-resources management systems and procedures, its internal discipline system and its institutional arrangements for coordination with the defence sector.

11.3 UNMIT, in close cooperation and consultation with the Ministry, and other relevant authorities, shall prepare a draft plan for the reform, restructuring and rebuilding of the PNTL and shall submit it to the Government no later than ninety (90) days after the entry-into-force of this Supplemental Arrangement. Once approved, this plan shall constitute the basis for the reform, restructuring and rebuilding of the PNTL. Pending such approval, the draft plan shall provisionally serve as the basis for that process.

11.4 The PNTL reform, restructuring and rebuilding plan shall be aimed, *inter alia*, at:

- (a) developing the operational capacity of the PNTL, including by rationalizing its organizational structure and operational practices;
- (b) developing the PNTL's administrative capacity, including by building and strengthening its administrative systems for budget, finance, personnel, procurement, logistics and assets management;
- (c) strengthening its operational independence;
- (d) strengthening its internal accountability structures and procedures;
- (e) strengthening its external oversight mechanisms and support structures;
- (f) building an effective, independent and transparent internal disciplinary system; and
- (g) establishing effective institutional means for coordination between the PNTL and the defence sector.

11.5 The PNTL reform, restructuring and rebuilding plan shall, *inter alia*:

- (a) contain a detailed statement of the aims and objectives to be achieved;
- (b) list specific actions to be taken for the purpose of achieving those aims and objectives;
- (c) clearly allocate responsibilities for the taking of those actions;
- (d) set out projected timelines for the taking of those actions and the achievement of those aims and objectives;
- (e) elaborate benchmarks and performance targets to measure whether those aims and objectives have been met;

- (f) identify the human, material, technical and financial implications of the actions required for its implementation, including the resources required for this purpose; and
- (g) set out the procedures and process by which the plan may be amended, if need be, and by whom.

11.6 The PNTL reform, restructuring and rebuilding plan shall be devised and elaborated:

- (a) in a manner that complements and supports the phased approach that is to be adopted, in accordance with Chapter III above, with respect to the provision by UNMIT of support to the PNTL for the restoration and maintenance of public security; and
- (b) with a view to achieving, at the earliest possible dates:
 - (iii) the hand-over by UNMIT to the PNTL of responsibility for the conduct of police operations within Districts or by Units; and
 - (iv) the final hand-over by UNMIT to the PNTL of responsibility for the conduct of all police operations in Timor-Leste.

11.7 The PNTL reform, restructuring and rebuilding plan shall identify detailed procedures for the implementation of the hand-overs provided for in Sections 7 and 8 above.

11.8 The reform, restructuring and rebuilding of the PNTL shall be supported through:

- (a) a programme for the registration and certification of PNTL police officers, designed, administered and implemented by UNMIT in close collaboration with the Government in accordance with the provisions of the Annex to this Supplemental Arrangement;
- (b) a training programme for PNTL personnel, designed, developed and provided by UNMIT in close collaboration with the Ministry, and other relevant authorities.

11.9 The training programme provided for in paragraph 11.8 (b) above shall consist of a combination of academic and on-the-job training in all relevant thematic areas of policing, including, *inter alia*, the Constitution and national legislation, human rights awareness and leadership. It shall also include a system of mentoring for those in leadership positions. The objective of the programme shall be to enable PNTL police officers to assume an increasing degree and range of operational responsibilities as their technical skills and professionalism develop.

11.10 All decisions regarding the appointment, retention and promotion of PNTL personnel shall rest with and be taken by the Minister, in consultation with UNMIT. However, no promotion of any PNTL personnel shall take place unless the individual PNTL police officer concerned has first been certified, pursuant to the programme provided for in the Annex to this Supplemental Arrangement, for service in the post to which he or she is to be promoted. In appointing and promoting personnel; the Minister shall aim, *inter alia*, to ensure the fair representation of women at all professional levels and at both the headquarters and district levels.

11.11 Without prejudice to Section 2.2 above, all decisions regarding the discipline and dismissal of individual PNTL personnel shall rest with and be taken by the Minister on the recommendation of the Police Commissioner, except in so far as they fall within the powers and authority of the PNTL General Commander, in which case they shall rest with the Police Commissioner in accordance with Section 5.1 above;

11.12 Subject to Section 5.1 above, the Government, acting in close coordination and consultation with UNMIT, shall ensure the prompt preparation, drafting and enactment, promulgation, issuance or adoption, as the case may be, of such legislation, decrees, executive orders, regulations, rules, directives and issuances as may be necessary to ensure the proper, effective and lawful implementation of:

- (a) the PNTL reform, restructuring and rebuilding plan;
- (b) the registration and certification programme provided for in the Annex to this Supplemental Arrangement;
- (c) technical advice and recommendations provided by UNMIT; and
- (d) the provisions of this Section relating to the appointment, retention, promotion, discipline and dismissal of PNTL personnel.

11.13 In order to ensure thorough and transparent investigations of cases of suspected human rights abuses or criminal conduct by PNTL personnel, the Government and other relevant Timorese authorities and institutions shall promptly make available to UNMIT, at its request, all relevant information regarding such cases that may be in its possession or under its control.

Section 12

Reforming and Strengthening of the Ministry of the Interior

12.1 The Government and UNMIT shall cooperate and work together closely with a view to ensuring the establishment of an effective, efficient and strengthened Ministry.

12.2 UNMIT, in close cooperation and consultation with the Government, shall complete, no later than forty-five (45) days after the entry-into-force of this Supplemental Arrangement, a thorough assessment of the Ministry at the organizational, administrative, managerial, budgetary and financial levels. The assessment shall also include the capacities, procedures and systems of the Ministry in respect of policy development, planning, legislative drafting, procurement and public information, as well as its arrangements for coordination and cooperation with other Ministries.

12.3 UNMIT, in close cooperation and consultation with the Government, shall prepare a draft plan for the reform and strengthening of the Ministry and shall submit it to the Government no later than ninety (90) days after the entry-into-force of this Supplemental Arrangement. Once approved by the Government, this plan shall constitute the basis for the reform and strengthening of the Ministry. Pending such approval, the draft plan shall provisionally serve as the basis for that process.

12.4 The plan for the reform and strengthening of the Ministry shall be aimed, *inter alia*, at:

- (a) enhancing the capacities of the Ministry, including in respect of policy development, planning, legislative drafting, budget development, procurement, inter-ministerial relations and public information;
- (b) establishing the operational independence of the PNTL from the Ministry, including by adopting necessary legislative changes to remove authority for operational policing, police personnel management and internal discipline from the Ministry.

12.5 UNMIT shall provide advice and assistance to the Government in the preparation and drafting of such legislation, decrees, executive orders, regulations, rules, directives and issuances as may be necessary to ensure the implementation of the plan for the reform, and strengthening of the Ministry. Subject to Section 5.1 above, the Government, acting in close coordination and consultation with UNMIT, shall take the necessary steps for the prompt enactment, promulgation,

issuance or adoption of such legislation, decrees, executive orders, regulations, rules and directives.

CHAPTER V **CONSULTATION AND COORDINATION**

Section 13

13.1 UNMIT shall ensure that the Timorese authorities are informed and consulted in all matters related to:

- (a) interim law enforcement and public security as provided by UNMIT; and
- (b) the reform, restructuring and rebuilding of the PNTL and of the Ministry.

13.2 The SRSG and the Police Commissioner shall meet regularly with the Prime Minister and the Minister to discuss these matters.

13.3 The Police Commissioner shall;

- (a) communicate to the Minister copies of daily, weekly and monthly reports on the public security and policing situation; and
- (b) from time to time communicate special reports to the Minister in respect of significant developments in respect of public security.

13.4 The Police Commissioner shall meet with the Minister on a regular basis to discuss and share information on matters within their respective powers and responsibilities under this Supplemental Arrangement and in particular with respect to:

- (a) the conduct of police operations;
- (b) the maintenance and enforcement of good conduct, good order and discipline within the PNTL;
- (c) the reforming, restructuring and rebuilding of the PNTL;
- (d) the strengthening of the Ministry of Interior;
- (e) the management and administration of the PNTL; and
- (f) the overall law and order situation in Timor-Leste.

He or she shall also hold such additional meetings with the Minister for these purposes as may from time to time be necessary.

13.5 The Police Commissioner shall consider advice given by the Minister with respect to important law and order issues and shall inform the Minister of any action taken.

13.6 The Police Commissioner shall be available to the Minister when requested to discuss an emergency law-and-order situation. He or she shall give due consideration to any course of action that might be proposed by the Minister for the purpose of resolving that situation and shall inform the Minister of any action taken.

CHAPTER VI
MISCELLANEOUS

Section 14
Implementation

14.1 The Government, acting in consultation with UNMIT, shall without delay enact, promulgate, issue and adopt such legislation, decrees, executive orders, regulations, rules, directives and issuances as may be necessary to facilitate and ensure the smooth, proper and effective implementation of this Supplemental Arrangement.

14.2 The Police Commissioner and the Minister may conclude ancillary understandings, consistent with this Supplemental Arrangement, for the purpose of facilitating and ensuring its smooth, proper and effective implementation.

Section 15
Settlement of Disputes

15.1 Without prejudice to the Agreement, any dispute between UNMIT and the Government concerning the interpretation and application of this Supplemental Arrangement shall be settled by negotiations.

Section 16
Scope

16.1 This Supplemental Arrangement is supplemental to the Agreement. It is subject to the Agreement and shall not be understood to derogate from any of its terms.

16.2 This Supplemental Arrangement does not apply to, nor shall it in any way affect, the discharge by UNMIT of its other responsibilities pursuant to its mandate.

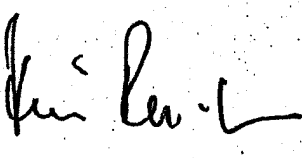
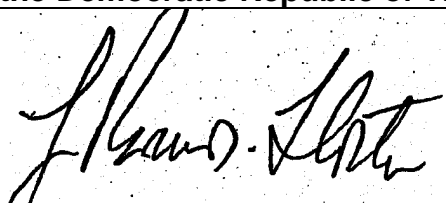
Section 17
Amendment, Entry-into-force and Termination

17.1 This Supplemental Arrangement may be amended by the written agreement of the SRSG and the Government.

17.2 This Supplemental Arrangement shall enter into force upon signature.

17.3 This Supplemental Arrangement shall terminate on such date as the mandate of UNMIT expires or is terminated by the Security Council.

Done at Dili this 1st day of December, 2006, in two original copies in English.

For the United Nations	For the Democratic Republic of Timor-Leste
	
Finn Reske-Nielsen Acting Special Representative of the Secretary-General for Timor-Leste	Jose Ramos-Horta Prime Minister

ANNEX

REGISTRATION AND CERTIFICATION PROGRAMME

1. The registration and certification programme shall consist of the following three stages:
 - (a) registration;
 - (b) provisional certification;
 - (c) final certification.

Part A Registration

2. All individuals serving with the PNTL on the date of the entry-into-force of this Supplemental Arrangement shall be identified, according to procedures developed by UNMIT in close collaboration with the Government.
3. All individuals so identified shall be registered by UNMIT as PNTL police officers, with the post and rank that they held on the date of the entry-into-force of this Supplemental Arrangement.
4. All individuals who, in accordance with Section 11.10 of this Supplemental Arrangement, are newly recruited and appointed as PNTL police officers subsequently to the entry-into-force of this Supplemental Arrangement shall also be registered by UNMIT as PNTL police officers, with the post and rank to which they are appointed.

Part B Provisional Certification

5. Subject to Part D below, all individuals who have been registered by UNMIT shall be provisionally certified by the Government upon the proposal of the Police Commissioner for service as PNTL police officers in the post and with the rank with which they are registered.
6. Provisional certification for service with the PNTL shall be valid for six months. At the end of that period, it shall be renewable by the Government on the proposal of the Police Commissioner for successive periods of six months.
7. All PNTL personnel who have been provisionally certified for service with the PNTL shall be issued by UNMIT with a card certifying this, indicating the date on which such provisional certification was granted and the date or dates, if any, on which it was renewed. The card shall also state that the provisional certification of the PNTL personnel concerned shall cease to be valid one year from the date on which it was first issued or was last renewed.
8. All PNTL police officers who have been registered and who hold current and valid provisional certification for service as PNTL police officers shall be authorized to serve with the PNTL in the position and at the rank to which their certification relates.
9. All PNTL police officers who are provisionally certified for service with the PNTL shall undergo training in accordance with the programme designed, developed and provided by UNMIT in support of the PNTL reform, restructuring and rebuilding plan. As their training progresses and their ability and skills increase and are strengthened, individual PNTL police officers shall progressively assume greater levels of operational responsibility and perform increasingly complex, specialized or sensitive tasks. The Police Commissioner shall issue directives, in accordance with the PNTL reform, restructuring and rebuilding plan, defining the differing levels of operational responsibility and various operational tasks to which individual PNTL police officers

who are provisionally certified for service with the PNTL may be assigned. The assignment of such individual PNTL police officers to those various levels of operational responsibility and operational tasks shall be made by the Police Commissioner.

10. The performance of individual PNTL police officers who are provisionally certified for service with the PNTL, in terms, *inter alia*, of their technical skills, professional demeanour, respect for human rights, gender sensitivity and adherence to standards of democratic policing standards and international and national criminal justice norms and standards, shall be regularly evaluated by co-located United Nations police officers.

11. Renewal of the provisional certification of individual PNTL police officers shall depend upon their satisfactory completion of training activities, their satisfactory performance of their duties, their proven respect for human rights, their demonstration of gender sensitivity and their proven adherence to standards of democratic policing and international and national criminal justice norms and standards.

12. The Police Commissioner shall elaborate and issue detailed directives, in accordance with the PNTL reform, restructuring and rebuilding plan, regarding the training that PNTL police officers must undertake and the performance standards that they must meet in order for their provisional certification to be renewed. These standards shall be made known and available to all PNTL police officers who hold current and valid provisional certification for service as PNTL police officers.

13. The provisional certification of an individual PNTL police officer for service with the PNTL shall be renewed by the Government in the event that the Police Commissioner confirms that that police officer has completed the training and met the performance standards specified in the applicable directives.

14. In the event that the provisional certification of a PNTL police officer is not renewed:

- (a) the individual concerned shall be provided with a written explanation of the reasons; and
- (b) subject to Parts D and E below, his or her registration as a PNTL police officer shall thereupon be cancelled.

Part C **Final certification**

15. Individuals who have been registered in accordance with this Annex and have been provisionally certified shall be eligible, on the proposal of the Police Commissioner, for final certification by the Government for service with the PNTL.

16. Final certification of individual PNTL police officers for service with the PNTL shall depend upon their satisfactory completion of training activities, their satisfactory performance of their duties and their proven respect for human rights, their demonstration of gender sensitivity and their proven adherence to standards of democratic policing and international and national criminal justice norms and standards.

17. The Police Commissioner shall elaborate and issue detailed directives regarding the training that PNTL police officers must have undertaken and the performance standards that they must have met in order for them to be granted final certification. These standards shall be made known and available to all PNTL police officers who hold current and valid provisional certification for service with the PNTL.

18. A PNTL police officer shall be granted full certification by the Government for service with the PNTL in the event that the Police Commissioner confirms that that police officer has

completed the training and met the performance standards specified in the applicable directives.

19. In the event that a final certification is not granted to a member of PNTL personnel for service with the PNTL, the individual concerned shall be provided with a written explanation of the reasons.

20. Denial of final certification to a PNTL police officer shall not preclude him or her from being granted a renewal of his or her provisional certification for service with the PNTL.

21. All PNTL personnel who have been granted final certification for service with the PNTL shall be issued by UNMIT with a card certifying this.

Part D

Suspected involvement in human rights violations or criminal conduct

22. In the event that there are reasonable grounds to suspect that a PNTL police officer has been involved in human rights violations or criminal conduct, then:

- (i) if he or she has been registered pursuant to Part A above, but has not been provisionally certified for service, he or she shall not be granted provisional certification; or
- (ii) if he or she has been provisionally certified for service and that certification is current and valid, that certification shall be suspended and shall not thereafter be renewed;

until such time that the suspicions concerned have been investigated and may be determined not to be well founded

23. Until such time as the suspicions concerned may be determined not to be well founded, the PNTL police officer in question shall, on the proposal of the Police Commissioner, be suspended from the performance of his or her duties and shall not actively serve with the PNTL or any of its units or sections. During that time, the Government may also take such ancillary administrative action with respect to the police officer concerned as may be provided for in the applicable national laws of Timor-Leste.

24. In the event that the suspicions are determined not to be well founded, the PNTL police officer concerned:

- (i) if he or she has been registered pursuant to Part A above, but not provisionally certified for service, shall be granted provisional certification;
- (ii) if he or she has previously been provisionally certified for service, shall have the suspension of his or her provisional certification revoked and, if that certification has since ceased to be current and valid, have his or her provisional certification renewed.

25. In the event that the suspicions are determined to be well founded, the registration of the PNTL police officer concerned shall thereupon be cancelled, if appropriate. If this is not appropriate, the PNTL police officer shall be subjected to such other sanction or sanctions as may be appropriate in accordance with applicable national laws of Timor-Leste.

26. The investigation and determination provided for in this Part shall be conducted and made by a body to be separately agreed between the Government and UNMIT. Subject to the terms of that agreement, the body shall conduct its investigations and make its determinations in accordance with the procedures laid down in the applicable national laws of Timor-Leste. It is understood that UNMIT shall be represented on that body.

Part E **Appeals**

27. Decisions:

- (a) not to register an individual as a PNTL police officer in accordance with paragraph 3 of this Annex; or
- (b) not to renew the provisional certification of a PNTL police officer and to cancel his or her registration in accordance with paragraph 14 of this Annex; or
- (c) to cancel the registration of a PNTL police officer in accordance with paragraph 25 of this Annex;

may be appealed by the PNTL police officer concerned to a competent Timorese court or tribunal in accordance with the national laws of Timor-Leste and the provisions of Article 14, paragraph 1, of the International Covenant on Civil and Political Rights.

28. The decision of the competent Timorese court or tribunal shall be determinative of whether the PNTL police officer concerned shall or shall not be registered, of whether his or her provisional certification shall or shall not be renewed and his or her registration cancelled or whether or not his or her registration shall be cancelled, as the case may be.

Part F **Ancillary Provisions**

29. Immediately upon the entry-into-force of this Supplemental Arrangement, the Government shall provide UNMIT with the necessary documentation identifying all individuals who are serving with the PNTL or any of its units.

30. The Government shall require all individuals who are provisionally certified to provide UNMIT with such information regarding their personal and professional conduct and activities, their financial dealings and their property holdings as the Police Commissioner may request for the purpose of advising on the renewal of their provisional certification or the granting of final certification for service with the PNTL.

31. The Government shall, without delay, without restriction, qualification or exception and free of charge, make available to UNMIT such documentation, records or information within its possession or under its control as the Police Commissioner may request for the purpose of enabling him or her to advise the Government on the renewal of the provisional certification of PNTL personnel or the grant of final certification to them.