

EXECUTIVE ORDER NO. 288

Organizing the Ministry of Justice Executive Branch of the Government of the Republic of Palau

WHEREAS, Sections 2 and 5 of Article VIII of the Constitution of the Republic of Palau and 2 PNC §103 provide for a Presidential Cabinet consisting of the Vice President and the Ministers who are appointed by the President with advice and consent of the Senate of the Olbiil Era Kelulau; and

WHEREAS, Section 7 of Article VIII of the Palau Constitution grants the President all the inherent powers and duties of a national chief executive, including, but not limited to enforcing the law of the land; and

WHEREAS, 2 PNC § 102 establishes eight Ministries within the Executive Branch of the Government of the Republic of Palau; and

WHEREAS, 2 PNC § 109 directs the President to provide for the subdivisions of the Ministries and to prescribe their duties, responsibilities and functions by Executive Orders; and

WHEREAS, 2 PNC § 110 empowers the President by Executive Orders to establish offices and agencies within the Executive Branch and to prescribe their duties, responsibilities and functions so as to assist the President, the Vice President and the Ministers in the performance of their duties, responsibilities and functions; and

WHEREAS, a series of Executive Orders have organized the Ministry of Justice within the Executive Branch of the Government of the Republic of Palau since the establishment of the Constitutional Government of the Republic of Palau on January 1, 1981, most recently Executive Order No. 203 and its addendums; and

WHEREAS, in order to provide clarity and to ensure efficiency and the effective delivery and execution of government services, the President has determined that the Ministry of Justice within the Executive Branch of the Government of the Republic of Palau must be reorganized;

NOW, THEREFORE, by virtue of the authority vested in the President by Article VIII of the Constitution of the Republic of Palau and the aforementioned laws, the President orders that Executive Order No. 203, and all addendums thereto, as such apply to the Ministry of Justice, are hereby repealed and replaced by this Executive Order--all other Executive Orders and Presidential or Administrative Directives organizing the Ministry of Justice within the Executive Branch of the National Government of the Republic of Palau also being amended or repealed to the extent that such are specifically or by necessary implication amended or repealed hereby--and hereby organizes the Ministry of Justice within the Executive Branch of the National Government of the Republic of Palau as follows:

PART I. MINISTRY OF JUSTICE

The Ministry of Justice shall be headed by a Minister. The Minister shall be responsible for providing legal services to the national government and to its agencies and political subdivisions, promoting and protecting the safety and peace of the public, and maintaining order and enforcing all laws. The Minister shall coordinate the activities of the Ministry with appropriate authorities, boards, commissions and public corporations. The Minister shall coordinate the activities of the Ministry with appropriate authorities, boards, commissions and public corporations.[sic] The Minister shall be responsible for the performance of the duties and functions of the following offices, bureaus and divisions:

Section 1. Office of the Attorney General. The Office of the Attorney General shall be headed by the Attorney General who is appointed by and serves at the will of the President. The Office shall employ such staff as necessary to carry out its functions and shall be responsible for providing legal services to the Republic, without limitation including: prosecuting criminal and civil cases on behalf of the Republic; representing and advising all Executive Branch ministries, divisions and agencies on legal matters; as requested by the President and the Ministers issuing written legal opinions; providing legal services to the Procurement Officers; drafting, reviewing and certifying government contracts as required by law or as requested by the President; reviewing legislation as requested by the President; processing petitions for corporate charters; registering foreign corporations; overseeing the activities of the Publication and Law Access Unit (PALAU); and performing such other duties as provided by statute or as assigned by the President or the Minister of Justice.

Section 2. Bureau of Immigration. The Bureau of Immigration shall be headed by a Director. The Bureau shall be responsible for the enforcement of Title 13 of the Palau National Code and all regulations promulgated pursuant thereto, and shall perform such duties pertaining to nationality, emigration and immigration, and administer all laws and regulations pertaining thereto as the President may delegate, without limitation including the processing of visa and other entry permit applications, performing entry and exit inspections for all passengers, aircrafts and vessels for proper travel documents, and performing such other duties as provided by statute or as assigned by the President or the Minister of Justice.

Section 3. Bureau of Public Safety. The Bureau of Public Safety shall be headed by a Director. The Bureau shall be responsible for the protection of persons and property and the enforcement of the laws of the Republic. To assure the highest degree of professionalism, all employees of the Bureau of Public Safety shall take and subscribe to the oath set forth in 1 PNC §801; said oath to be administered by the President of the Republic of Palau or his designee and notarized by a notary public. The Bureau shall issue vehicle operator permits and vehicle registration documents, enforce all traffic laws, and issue police clearances, and shall be responsible for performing such other duties as provided by statute or as assigned by the President or the Minister of Justice. The Director shall be responsible for the performance of the duties and functions of the following divisions:

- A. Division of Patrol. The Division of Patrol shall be headed by a Chief. The Division shall perform the following duties and functions: provide necessary patrol services to the States, prevent crime, control traffic, provide protection at public functions, enforce all laws and perform other duties that may be assigned; provide manpower necessary to fight fires, operate ambulance services and respond to emergencies; conduct investigations and prepare reports regarding traffic and misdemeanor offenses; and provide security as required at the Republic of Palau airports.

- B. Division of Criminal Investigation and Drug Enforcement. The Division of Criminal Investigation and Drug Enforcement (CIDE) is the primary investigating entity of the Bureau of Public Safety. The Division shall be headed by a Chief. The Division shall have the following duties and functions: provide security for the President of the Republic of Palau; enforce all laws related to illicit drugs including the cultivation, distribution, transport and sale or use of the same as well as all laws related to the purchase and consumption of alcoholic beverages and tobacco; investigate major crimes and other matters as assigned by the Director; prepare reports, collect and preserve evidence; gather intelligence information; and perform other duties as assigned by the Director. To assure

consistency and the highest degree of professionalism in the provision of security for the President of the Republic of Palau, no Bureau of Public Safety personnel other than CIDE personnel shall be assigned to the President's security detail. The Chief shall coordinate his activities with other Divisions of the Bureau of Public Safety and other appropriate agencies of the Government of the Republic of Palau.

- C. Division of Fire and Rescue. The Division of Fire and Rescue shall be headed by a Chief. The Division shall perform the following duties and functions: respond to and combat fires with the assistance of police officers; maintain non-ARFF fire trucks and other equipment to be fully operational and ready for use in fighting fires; inspect equipment, buildings and property for adherence to fire safety standards and proper storage of hazardous and flammable materials; respond to emergencies and provide emergency services in case of natural disaster, such as earthquakes, typhoons, tidal waves, or other acts of God, in coordination with the National Emergency Management Office; maintain, operate and dispatch ambulances in response to medical emergencies or as may otherwise be required; cooperate in criminal investigations involving arson; and enforce fire safety measures as specified in building codes, fire codes, and other laws, as applicable.

- D. Division of Corrections. The Division of Corrections shall be headed by a Chief. The Division shall perform the following duties and functions: administer and operate a national penal institution providing daily care and housing of juveniles, arrested persons, accused persons not making bail and awaiting trial, and convicted offenders serving court sentences; develop and manage a prisoners' program to provide a work force for public or government projects; develop and administer rehabilitation programs and projects by providing good citizenship and civic classes and training prisoners in woodcarving, handicrafts, cabinet manufacturing, gardening, fishing and other vocations; provide information and opinions to the Minister, the Director, and to the Parole Board regarding prisoner paroles; monitor prisoners on work release; regularly inspect all prison facilities and make recommendations and changes to reduce escapes and to insure that the facility remains free of contraband; hold hearings and issue reports regarding the misconduct of prisoners and take appropriate disciplinary action; and review non-judicial requests made by prisoners.

- E. Division of Fish and Wildlife Protection. The Division of Fish and Wildlife Protection shall be headed by a Chief. The Division shall be responsible for enforcing laws relating to the protection of identified plants and animals,

including those listed in the Endangered Species Act. The Division shall enforce the provisions of Title 24 of the PNC relating to protected sea and land life, illegal methods of capture, and wildlife and natural heritage preserves. The Division shall coordinate its activities with the Bureau of Public Safety and other national and state governmental and non-governmental agencies and entities involved in the protection and preservation of all protected life forms within Palau.

- F. Division of Marine Law Enforcement. The Division of Marine Law Enforcement shall be headed by a Chief. The Division shall be responsible for marine surveillance of the Republic's territorial waters and its 200-mile Exclusive Economic Zone ("EEZ") and the enforcement of all laws and regulations related thereto, including but not limited to laws and regulations regarding fishing, environmental protection and illicit narcotics trafficking.

PART II. EFFECTIVE DATE.

This Executive Order shall take effect immediately and shall remain in force and effect until amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 3rd day of December, 2010.

/s/
Johnson Toribiong
President
Republic of Palau