



Security Information: Closed or Secret?

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Table of Contents

Table of Contents	1
Introduction	2
The State Concealed the Secret towards its People - Exposed to Foreign Media	3
1. <i>Violate people's rights to access information</i>	3
2. <i>Self-defense and access to information</i>	5
Past Experience about the Purchase of Two Ship from China	6
Summary Recommendation	8
Bibliography	9

Introduction

On 13 February 2013 Fundasaun Mahein (FM) launched the report on *“Border Management and Immigration Control”* at Ramelau Hotel, Dili, Timor Leste. As a result of the report, FM received harsh criticism from the staff at the Ministry of Foreign Affairs and Cooperation. They alleged that the FM report was not true and not based on the reality on the ground.¹ Following this accusation, a similar case occurred when FM launched the report on *“The Future Installation of the FALINTIL-FDTL Naval Base in Hera: An Analysis of Social, Economic, Environmental and Cultural Impacts”* on 27 June 2013. This report also drew harsh criticism from the authorities of the FALINTIL-FDTL Naval Component. They too considered that the report was not true, incomplete and facts had not been confirmed with the relevant authorities.²

Ironically, the relevant Ministries and the National Parliament during the research of the report had been invited by FM to participate and contribute in those events to clearly explain to the public about what had happened within their terms of office. Despite not contributing to the report, they became self-defensive about the recommendation that has been recommended by FM for improvements to the departments.

FM acknowledges the shortcomings in the previously published reports as lessons to be learned while the public criticism is considered as contributions to FM's mission. Quite contradictory when the concerned authority that the FM report is addressed to, came up with groundless criticism. Why? FM has often try to obtain information from the relevant authorities, but they always answered that they do not have time to meet, and the information to be obtained by the FM is regarded as State Secrets by the authorities.

FM suggests that the authorities that are leading the State institutions are inhibiting the development in the security and defense sector. Thus, FM perceives that the State institutions are concealing information to the public, especially the NGOs who are trying to get information from the authorities within the relevant institutions.³ More ironically, the information is considered to be State secret yet the foreign media and the foreigners know the information better than the Timorese.

¹ Criticism from the Staff of the Ministry of Foreign Affairs and Cooperation on the Launching of Fundasaun Mahein's report at Ramelau Hotel Dili, on *“Border Management and Immigration Control”* on 13 February 2013, Dili. Prior to the publication of the report, Fundasaun Mahein has confirmed with the Office of Ministry of Foreign Affairs and Cooperation yet there is no response to conduct interview. At the end, upon publication of the report, it was criticized as that the report is incomplete, defective data and not according to the reality on the ground.

² Das Neves, Higinio, Frigate Captain. (2013). Launching of the report on *“The Future Installation of Naval Base in Hera: An Analysis of Social, Economic, Environmental and Cultural Impacts”*. Dili

³ Oliveira, Jose Luis. (2013). Launching of the report on *“The Future Installation of Naval Base in Hera: An Analysis of Social, Economic, Environmental and Cultural Impacts”*. Dili.

The State Concealed the Secret towards its People - Exposed to Foreign Media

Security information continues to be concealed to the Timorese people and are regarded as a State secret, yet the foreign media and the foreigners are better informed than the people of Timor- Leste. The defense and security sector information in Timor-Leste which is often identical with the term 'State Secret'. However, in Timor-Leste there has not been a clear definition of what comprises a 'State Secret' and clearly defined in a national legal framework of what information or documents can and cannot be accessed by the public.⁴ Ultimately, the people get to know about such information after there are reports addressed to the security and defense institutions. Also, when the relevant leadership of these State institutions are concerned about self-defense and give explanations on the facts stated in the report.

1. Violate people's rights to access information

On 2 July 2013 the Indonesian media reported that Timor-Leste has undergone intensive communication with PT Dirgantara Indonesia (PT DI) to make cooperation and, as part of the communication, Timor-Leste will purchase the aircrafts produced in Bandung by PT Dirgantara Indonesia.⁵ Information regarding the purchase of the two aircrafts from PT Dirgantara Indonesia (PT DI) for the Timor-Leste's armed force was reported by the media in Indonesia, even now, not known to the people of Timor-Leste.

This may imply that the State is covering information to the people when, in fact, the information is not necessarily classified as a 'State Secret'. People only get to know about the information just after it is being reported by the foreign media. As published in the *detikfinance* portal that Timor-Leste will purchase two aircrafts from Indonesia.



Sources: detikfinance Portal, Accessed on Tuesday 02 July 2013

The Marketing Manager of PT DI, Teguh Graito – mentioned that in particular to the NC212, a number of countries are currently under intense communication to cooperate. The need for

⁴ Fundasaun Mahein – FM. (2013). Security Sector Discussion – SSD. Dili

⁵ Yulianti, Tya Eka. (2013). Aircraft *Made in Bandung* Is Well Purchased by Timor-Leste, Malaysia To Madagaskar. Bandung – Indonesia. <http://finance.detik.com/read/2013/07/02/192613/2290746/1036/Pesawat-made-in-bandung-laris-dibeli-timor-leste-malaysia-hingga-madagaskar>

NC212 include 2 units for the Philippine Air Force, 6-8 units for the Thai Ministry of Agriculture and Cooperatives (MoAC), 6 units for Myanmar Air Force, 2 units for the Nepali Army, 2 units for Papua New Guinea, **2 units for Timor-Leste's the Air Force**, 2 units for Biman Bangladesh Airlines and 2 units for Air Madagascar.⁶

Fundasaun Mahein accepts that this is a form of ignorance by the Government towards its people. The people suppose to have the utmost right to know the information as mandated by the Constitution under article 40 on the rights to information.⁷

FM has reported a similar case in the previous report on August 13, 2012 on the purchase of weapons from PINDAD PT (Persero), Indonesia. Foreign media outlets had reported the news while their leaders did not inform the people who actually own the money and owners to the weapons to be purchased because all things are considered as confidential. Nevertheless it eventually became polemics and public debate in the Timorese society.

The impacts of having considered every single issue as confidential and concealed to the people tend to raise an obstruction to the procurement process in the purchase of the weapons. The Secretary of State for Security (SoSS) and the General Command of the National Police of Timor-Leste (PNTL) were struggling over who suppose to make the purchase. It had eventually fell into the hands of the General Command of the PNTL to import. The purchasing of the PM2 - V1 weapons from PT PINDAD (Persero) does not go through the normal process, therefore at that time FM was concerned and wavering on the mismanagement of those weapons.⁸

Meanwhile, Timor Leste's experience has shown that after the restoration of independence using the state budget, the former Minister of the Interior under the FRETILIN Government, Rogerio Lobato, purchased weapons in 2004 and imported the types of weapons namely HK33, Steyr and F2000 for the Special Unit of the PNTL. The story of the imported weapons led to very little public debate despite, at that time, the general community was still afraid and there are suspicions on the abuse and mismanagement of those weapons. In fact, just two years later, in 2006, many weapons belonging to the police fell into the civilian hands and led to many innocent people become victims and are forced to suffer as IDPs.⁹

2. *Self-defense and access to information*

State leaders are often defending themselves against the reports published by civil society organization, after obtaining the right explanations covered in the arguments for self-defense. The Government is required to take into account the opinions of the civil society as the basis for the recommendations presented in the reports. But instead considers the civil society

⁶ Yulianti, Tya Eka. (2013). Aircraft *Made in Bandung* Is Well Purchased by Timor-Leste, Malaysia To Madagascar. Bandung – Indonesia. <http://finance.detik.com/read/2013/07/02/192613/2290746/1036/Pesawat-made-in-bandung-laris-dibeli-timor-leste-malaysia-hingga-madagaskar>

⁷ Constitution of the Democratic Republic of Timor-Leste. (2002) Article 40, item 1), 2) no 3).

⁸ Fundasaun Mahein – FM. (2012). Would Timor-Leste Purchase More Weapons? Dili

⁹ Fundasaun Mahein – FM. (2012). Mismanagement of the PNTL Weapons in Timor-Leste. Dili

organizations as opponents of the Government.

In a discussion after the FM launched the report on *"The Future Installation of Naval Base in Hera: An Analysis on the Social, Economic, Environmental and Military Impact"* FM responded to the explanation of the Commander of the F-FDTL Naval Component, Frigate Captain Higinio das Neves stated that the FM report is incomplete and is not based on reality. FM said that often the documents from the government institutions in the security sector are often classified as a State Secret, and it is therefore difficult to be accessed by the people and the civil society organization. In the end, all sorts of reports published by the civil society is considered to be incomplete and not based on reality, while the authorities in the relevant institutions were always difficult to meet in order to confirm the information and also to access the documents.¹⁰

The participants also shared their experiences regarding the access to information in the security and defense institution by saying:

"When we ask the Timorese national advisors in the security and defense institution in order to access certain documents, yet the national advisors said that all the documents in are the hands of the foreigners, only them who know the information better".¹¹

The same situation happens when the Secretary of State for Defense (SoSD), Julio Tomas Pinto responded to the FM report on *"The Future Installation of Naval Base in Hera: An Analysis on the Social, Economic, Environmental and Military Impact"* by saying *"FM has less knowledge and it does not benefit (of no benefit to) the national interest"*.¹² However FM would like to say that such answer is a form of self-defense and of no good intentions to share information to the public. FM has often asked the SoSD for an interview yet it has never been answered. More ironically, despite being invited by FM, the SoSD did not attend the meeting in order to give clarification on what has happened so far regarding the installation of the Naval Base in Hera.

This means that the leaders of the State only criticize the recommendation in the reports issued by the civil society organizations and, thereby, FM considers this as a non-constructive debate. However FM would like to congratulate the SoSD for having read and followed the report. Whereas in the responses of the SoSD in clarifying the facts cited by FM in its report, the SoSD acknowledged and will find ways to solve the problems related to the future installation of the Naval Base in Hera.¹³

The State leaders who have been entrusted by the people to lead the state institutions should inform the people as they are the owner of State assets. Thereby the people can contribute with

¹⁰ Oliveira, Jose Luis. (2013). Launching of the report on "The Future Installation of Naval Base in Hera: An Analysis of Social, Economic, Environmental and Cultural Impacts". Dili

¹¹ Oliveira, Jose Luis. (2013). Launching of the report on "The Future Installation of Naval Base in Hera: An Analysis of Social, Economic, Environmental and Cultural Impacts". Dili.

¹² Efrem and Anibal. (08 – 14 July 2013). FM has less knowledge. Matadalan Semanal. Pg 3.

¹³ Efrem and Anibal. (08 – 14 July 2013). FM has less knowledge. Matadalan Semanal. Pg 3

constructive thinking and provide space for public debate within the society to contribute opinions to enable the State in making informed decision.

Past Experience about the Purchase of Two Ship from China

In 2010 the Government purchased two ships from China without primarily holding a public debate, in particular, without involving the people and, therefore, the people do not access this information. This triggers excessive arguments after the ships arrived in Dili. The concerns of the F-FDTL Naval Component regarding the temporary port and the maintenance for the two vessels yet to be resolved despite the military authorities have often raised it with the Ministry of Defense.¹⁴

It resulted in an argument because the two vessels purchased from China had not gone through an integrated planning and, in the end, these ships cannot operate. The plan was not integrated because the purchase of these ships did not take into consideration the facilities that support the operation of the ships, such as the absence of the port itself and no dock for the maintenance.¹⁵ The issue was also questioned by the MPs in the National Parliament who consider that the purchase of the two vessels from China was done without adequate planning and feasibility studies.¹⁶ The SoSD admitted that they could not execute the General State Budget allocated for the construction of docks in 2012.¹⁷

More ironically, a port was constructed, costing U.S. \$ 8.4 million, occurred after the purchase of the ships. In its early development the construction was handled by the company *Lifese Engineering*. However the construction of the port is of bad quality and it has almost collapsed, so it was eventually handed over to other company to do the maintenance.¹⁸

This experience was shown in the purchase of the two ships for the F-FDTL Naval Component, which was done without intense discussion and the people do not know about the information. Recently, the Government has undergone intensive communication with Indonesia, particularly PT Dirgantara Indonesian (PT DI) to purchase two aircrafts from Indonesia.¹⁹ This requires a

¹⁴ Das Neves, Higinio, Frigate Captain. (2013). On the launching of the report on “The Future Installation of Naval Base in Hera: An Analysis of Social, Economic, Environmental and Cultural Impacts”. Dili

¹⁵ Belo, Nelson. (2010). Press Release: Maintenance of the F-FDTL Ship Jaco-Betano is Unclear. Fundasaun Mahein (FM). Dili

¹⁶ Fundasaun Mahein – FM. (2012). Mahein Nia Hanoin No. 02, Policy of the Ministry of Defense and Security for the Period of 2007 – 2012. Dili

¹⁷ Newspaper Timor Post. (17 December 2012). “The Government Failed to Execute 1 Million Dollars for the Construction of the Dock”. Dili.

¹⁸ Tempo Semanal. (2011). The Government Spent US\$ 8.4 Million in the Construction of Hera Port. Dili. <http://www.tempo-semanal.com/?p=495>

¹⁹ Yulianti, Tya Eka. (2013). Aircraft *Made in Bandung* Is Well Purchased by Timor-Leste, Malaysia To Madagaskar. Bandung – Indonesia. <http://finance.detik.com/read/2013/07/02/192613/2290746/1036/Pesawat-made-in-bandung-laris-dibeli->

discussion, opinion of the people to be heard. In addition requires a feasibility study to be conducted for the project and the people informed. More ironically, the information is concealed to the people on the pretext of 'State Secrets', whilst the foreign media made publications and having the best knowledge about the issue.

FM is not challenging this plan yet the Government need to conduct a profound study before purchasing the aircrafts for the armed forces. Meanwhile it requires an integrated plan by the Ministry of Defense and it should provide space for public debate, above all the opinion of the people. It is often the State leaders considered the issue as a secret however the foreign media is well-informed about what to be done by the Government of Timor-Leste. FM is somewhat in doubt whether it is really a secret or to conceal information to the people?

In regard to the issue where the Government will purchase two aircrafts for Timor-Leste's armed force, FM recommended to the SoSD to conduct a profound study on the institution's development package. The question is how much money to be allocated for the purchase of the aircrafts? What about the maintenance to the aircrafts and the facilities integrated in this package?

Hence, we should not commit the same mistake of the past, where the purchase of the two ships for the F-FDTL Naval Component was made without conducting proper feasibility study and having disregarded the supporting operation system such as the port and the dock for maintenance.

Summary Recommendation

1. Recommended to the Government that it is necessary to create a law on access to information in the security and defense sector in order to define the types of information deemed necessary to be disclosed to and/or concealed from the public, thus to guarantee the rights of the people as stated in the Constitution of the RDTL.
2. The security and defense institution needs to open itself to the civil society as the Government partner in order to contribute to the development in the sector in question.
3. The security and defense institution needs to strengthen the department of media and communication to disseminate information to the people, ensuring that the information on development in the security and defense sector is accessible and being followed by the people, thereby creates the space for constructive debates.

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