



**Creation Policy of the Scientific Police Criminal Investigation  
(SPCI):  
A Help and Hindrance to the Security Institution**

Mahein's Voice No. 86, 25 September 2014



**This Report of Fundasaun Mahein's Voice is supported by the People of America through the United States Agency for International Development (USAID) and the Embassy of Finland in Jakarta.**

**The views expressed in this report do not represent the views of the United States Agency for International Development (USAID) or those of the Embassy of**



Website: [www.fundasaunmahein.org](http://www.fundasaunmahein.org)



## Contents

<b>Contents</b>	<b>2</b>
<b>Introduction</b>	<b>3</b>
<b>Methodology</b>	<b>3</b>
<b>General Disposition and Policy</b>	<b>4</b>
<b>Specific Disposition</b>	<b>6</b>
<b>Recommendations</b>	<b>14</b>
<b>Bibliography</b>	<b>15</b>



## **Introduction**

Today's world faces highly complex and ever-changing threats. Therefore, agents of security must continue to innovate with science and technology to combat these issues. Ideally, an investigative unit consists of personnel qualified to conduct scientific investigation of organized crime. In the beginning of 2014, Timor-Leste passed a decree law in regards to the scientific branches of criminal investigation. This decree law, No. 15/2014, was passed on May 14<sup>th</sup> and serves as the organic law of the Scientific Police Criminal Investigation Unit (SPCI).

Citizens are widely discussing the creation of the SPCI as an institution focused on combating complex and organized cases. In particular, Timorese society is very confused about the creation of the SPCI. There seems to be ongoing confusion surrounding the nature of SPCI, the competences attributed to the SPCI, the rights and responsibilities of the SPCI, the SPCI's strategic units, and the financial management of the SPCI.

These general questions have also been voiced by members of other investigative institutions. Many wonder how the SPCI will contribute to the investigations of the traditional units. In a similar vein, politicians and civil society organizations suspect that the creation of the SPCI will simply double the number of staff assigned to each individual case. If true, this could breed animosity and lack of motivation between the various investigative institutions of Timor-Leste.

Some argue that, because Timor-Leste is small nation relatively few inhabitants, it should focus on fortifying and developing already-established institutions, rather than create new ones. The SPCI represents an old concept which is already undergoing reform in other countries. Therefore, critics say, Timor-Leste should not implement this outdated foreign model.

This report does not wish to challenge the creation of the SPCI but, rather, wishes to provoke discussion in the public arena, in order to draw forth constructive opinions surrounding this institution. Therefore, this report will discuss the following: the general disposition and creation policy of the SPCI, its relationship with the traditional insitutions, the competencies attributed to the SPCI, the responsibilities of the SPCI's, the SPCI's operating units, and the financial management of the SPCI.

## **Methodology**

This report uses discussions of the research team at FM, called the security sector discussions (SSD), which involved rigorous analysis of documents and laws relating to the creation of the SPCI. In addition, FM held discussions and interviews with politicians, government authorities, NGO's, and academics in regards to the creation of the SPCI.



## General Disposition and Policy

This decree law was approved by the Council of Ministry on 18<sup>th</sup> February 2014. The President of the Republic ratified the law on 11 April 2014, at which point it was published on *Jornal da Republika*. The Secretary General of the CNRT now assumes a post at the Ministry of Justice. In speeches at the CNRT Party Convention at the Dili Convention Center (DCC), Dionisio Babo stated that the SPCI was established with the intent to reinforce the Public Ministry. In particular, this unit would assist in criminal investigations, complementing the activities of the PNTL, migration control, and the CAC in regards to organized crime operations. Organized crime in Timor-Leste has taken on various forms, such as drug trafficking, money laundering, human trafficking, prostitution, falsification of documents, and more.<sup>1</sup>

In discussions and interviews with principal state actors, FM found that civil society was seemingly surprised by the creation of the SPCI. Many of the interviewees had no knowledge of the decree law that established the SPCI, because this ruling was not widely broadcasted or explained to the general population. As such, FM worries that this decree law is simply a clone of a program already established in another country. If this is true, FM worries that the drafting of the decree was led largely by international actors. This decree law should belong to Timorese people and should address criminal investigation of Timor-Leste. With this in mind, many critics believe that the decree law was drafted without performing sufficient pre-tests for viability and implementation.

The creation of the criminal investigation institution was initiated by the Ministry of Justice in 2010, under the mandate of Lucia Lobato by a majority of the Parliamentary Alliance (AMP). At the time, the creation of the General Prosecution (GP) was controversial in the eyes of society, because the GP in Portugal was attempting to reform and redefine police services in the field of investigation. Critics questioned whether Timor-Leste possessed the facilities, infrastructure, and human resources necessary to support service of the GP. In 2011, recruitment and training courses for the investigative staff were held in Portugal. Soon after, many of these individuals had left their positions. MP's at the National Parliament have become considered with the low retention of these individuals.<sup>2</sup>

FM also believes that, as a small country with population of 1.066.409,<sup>3</sup> Timor-Leste

---

<sup>1</sup> Babo, Deonísio Soares (02 August 2014). General Secretary of CNRT Party. Allocation at the core CNRT party conference. 2-3 August 2014. Available at: <http://www.temposemanal.com/opiniaun/o-estado-da-nacao-preocupasaun-restruturasaun-no-transisaun-lideransa>

<sup>2</sup> Faculto, Eladio (2014). Member of the National Parliament, FRETILIN Seat. Private Interview

<sup>3</sup> Census of Timor-Leste, 2010.



does not need an abundance of institutions. Indeed, crime is not abated by institutions alone but, rather, by the degree to which existing institutions are fortified and qualified. Therefore, FM believes that it would be most prudent to simply fortify existing institutions, such as the PNTL and its Criminal Investigation Service (CIS).<sup>4</sup> Thus far, the CIS has conducted investigations of organized crime operations, such as drug and human trafficking, by performing forensic exams and working in coordination with other PNTL sub-units.

In reality, the CIS-PNTL continues to face limitations in training, facilities, or other supporting condition. The PNTL has been in operation for more than fourteen years, but investment in the criminal investigation area is very poor. However, the CIS-PNTL has continued to carry out mandates from the Public Ministry, in coordination with the penal code of Timor-Leste. As such, is it necessary to create many institutions to cover the similar issues? Furthermore, it has been written by decree law itself that the SPCI will only assist in investigations of serious, organized crimes.<sup>5</sup> Many existing institutions already address these and other similar issues. To continue forming new institutions will only increase state expenses,<sup>6</sup> because the development of investigative will not be concentrated nor will it move in an expedient, professional manner.

FM has also observed that, if the government continues to create departments, it risks doubling the services of state institutions. This may cause confusion between similar units, which may resort to competitiveness and lack of coordination. With a complex bureaucracy, institutions often lack the authority to make final decisions and, instead, must wait for instruction from up the chain of command. This was the case for the Commission Anti Corruption (CAC), which was forced to receive confirmation from the Public Ministry before making allegations of corruption. At the time, there was strong debate surrounding the correct interpretation of the CAC mandate.

The SPCI operates within the Ministry of Justice and is supervised by the Public Ministry from whom the SPCI must receive instructions and procedure. This remains the case, despite the fact that the SCPI is a superior authority within the police system.<sup>7</sup>

Interpretations for surrounding the mandate of the SPCI are confusing. It is established in the penal code, Chapter V, that 'Police' refers to not only the PNTL but also any other organ or institution that can assume the duty and receives instruction from the Public Ministry.<sup>8</sup> This indicates that only the public ministry has the competence to lead and

---

<sup>4</sup> Article 35, Decree Law No. 09/2009, Police of Timor-Leste (PNTL).

<sup>5</sup> Decree Law No. 15/2014, 14 May. Organic Statutes of the Scientific Police Criminal Investigation (SPCI).

<sup>6</sup> Sampaio, Luis Oliveira (2014). Executive Director of JSMP. Private Interview

<sup>7</sup> Decree Law No. 15/2014, 14 May. Organic of the Scientific Police Criminal Investigation– SPCI.

<sup>8</sup> Vital, Nelino (2014). Director of the National Directorate for Juridical Assessorry and Legislation of the Justice Ministry. Private Interview



officially conduct investigations.<sup>9</sup> After analysis, FM found that society has become confused by the various institutions referring to themselves as 'Police.' This moniker no longer explicitly refers to the PNTL. Therefore, there are suspicions from members of the PNTL that the SPCI assume the whole responsibility of the PNTL. In reality, the articles simply revoke the norms and services of INTERPOL.<sup>10</sup> Another thought is that institutions addressing the same issues will become unmotivated and prone to competition. Furthermore, such bureaucratization only increases the state's expense.<sup>11</sup>

Therefore, there must be a clearer distinction between the PNTL and the SPCI, in terms of competencies and aims. This definition should be codified in legislation and should outline the roles of the PNTL and SPCI as it relates to criminal investigation. This would resolve any ongoing confusion as well as address the public opinion that the SPCI lacks a clear operational purpose.

### **Specific Disposition**

As introduced above, this section will discuss the specific disposition of the SPCI, as established by Decree Law No.15/2009 on 14 May 2014.

Article 2 of the SPCI's institutional code states that, as the highest-order branch of the criminal police, the SPCI will enjoy administrative, financial, and patrimonial autonomy. This seems to signify that the SPCI possesses the income to fund its own activities. However, Article 63 of the SPCI's organic law states that SPCI income will be drawn from the state general budget.

Article 2, of the SPCI Organic Law:

1. *SPCI is the superior corps of the criminal police. The SPCI is organized under the supervision of the Ministry of Justice, and it enjoys administrative, financial, and patrimonial autonomy.*

Article 63, of the SPCI Organic Law"

1. *Included in the SPCI's income are the following:*
  - a) *Federal allocations, as laid out by the state general budget*

FM is concerned, because Article 2 explicitly identifies the SPCI as financially autonomous. However, this seems to be directly contradicted by the provisions of Article 63. If it were truly autonomous in the administrative, financial, and patrimonial senses, the SPCI would not receive funding from the state general budget.<sup>12</sup>

---

<sup>9</sup> According to director of DNAJL of Justice Ministry, Nelino Vital, in regards to the penal code process, Article 57, Number 1).

<sup>10</sup> Article 70, Decree Law No. 15/2014, 14 May. Organic Statutes of the Scientific Police Criminal Investigation (SPCI).

<sup>11</sup> Sampaio, Luis Oliveira (2014). Executive Director of JSMP. Private Interview

<sup>12</sup> Law No. 13/2009 on 21 October. Budgetary and Financial Management. Article 2.



More doubts surrounding SPCI income have arisen from the exam activities and certification practices of the SPCI, as described in Article 6, Number 1, sub-heading b) as follows;

*“Quantities earned via activities or services rendered are from examinations, certifications, and other activities.”*

What examinations will be done to raise income for the SPCI? What certificates will be issued the SPCI? FM is very troubled by the notion of the SPCI issuing certificates, licences, or authorization for any activity. Is there a licence required of businesses for security materials or services? This is one of many interpretations of the description of given by the aforementioned ‘sub-heading b).’ FM worries that this situation is very fragile and vulnerable to misuse of power by SPCI authorities. As such, FM suggests the need for further discussion surrounding these proposed licenses and certificates. Such matters should be settled and codified by the government.

In addition to these unclear income sources, there is also ambiguity in regards to certain ‘confidential expenses.’ Chapter V of SPCI Organic Law addresses financial affairs, and Article 65 mentions these ‘confidential expenses’:

- 1. SPCI can make confidential expenses in cases where the integrity of the worker is in jeopardy. This policy can also be applied if the disclosure of the expense would threaten the efficacy or position of an ongoing investigation. .*
- 2. The National Director will authorize these confidential expenses.*

FM wishes to know how and for what purpose these confidential expenses are carried out. Though Article 2 of the organic law expresses the administrative, financial, and patrimonial autonomy of the SPCI, there must be a general system of rules and practices to regulate these confidential activities and expenses. FM worries that, if the authorization can only be given by the director, these confidential expenses will be difficult to spread geographically and will be subject to fraud. At this particular time, the entire Timorese society is concerned with transparency and good-governance, so it would be wise for SPCI statutes to reflect these principles.

Other attributes of SPCI criminal investigation are outlined in Articles 3 and 5 of the SPCI's organic law.

#### Article 3, Number 1: Mission and Attributes

- 1. The SPCI's mission is to support the judicial authorities by developing and promoting preventative actions, detaining perpetrators, and conducting investigations requested by judicial authorities. Among these actions are national centralization of criminal information, inter-agency coordination, and international policy enforcement.*

#### Article 5: Prevention of Crime



*In the prevention of crime, the SPCI has the following competencies:*

- a) Conduct actions that can reduce criminal operations, motivate citizens to anticipate and reduce incidents as crime as well as situations that can facilitate crime;*
- b) Facilitate detention and prevention, as necessary, in situations of emerging criminal operation. This deterrence should include supervision and vigilance in areas of potential criminal activities;*
- 1. Perform legal actions necessary to analyze and respond to crime-related information. In addition to the services described in the previous clauses, the SPCI can access information for characterization, identification, and location. Furthermore, the SPCI can identify people and monitor them, if needed, with available resources and mechanisms. This includes searching and investigating, in a manner condoned by this document, the penal code process, and complementary legislation.*

Societies have questioned whether the SPCI mission will entail the doubling of services already performed by the PNTL. Currently, the PNTL contributes important services from the national to the village level, and it involves all social structures in its efforts to prevent crime. This coordinated approach uses both moving and community-stationed police units to combat crime. However, the description of the SPCI above seems to suggest activities very similar to those of the PNTL, which already covers supervision, vigilance, detention, and investigation, in the effort to deter and prevent crime.

Article 6 of the SPCI creation policy describes its many responsibilities, many of which are also attributed to the PNTL:

- 1. In regards to criminal investigation, the SPCI has the jurisdiction to investigate the following crimes:*
  - a) Crimes against peace and humanity;*
  - b) Actions against quality of life, such that one's actions significantly diminish the quality of another's life;*
  - c) Confiscation, kidnapping, and slavery;*
  - d) Human trafficking, including trafficking of human organs;*
  - e) Torture or cruel treatment of humans;*
  - f) Aggression, exploitation, and sexual abuse;*
  - g) Interfering with correspondences or telecommunications;*
  - h) Criminal association;*
  - i) Participation in army mutineering;*
  - j) Driving under the influence;*
  - k) Actions against state security, including actions disrupting the functioning of the constitutional organ and actions disrespecting national symbols;*
  - l) Violations of environmental regulations, including fishing and maritime law;*
  - m) Harboring or enabling the escape of prisoners;*
  - n) Transactions, paying, and edits;*
  - o) Obstruction of roads and destruction of public utilities;*
  - p) Robbery and theft;*
  - q) Aggravation of classified digital information;*
  - r) Bribery, obstruction of justice, and obstruction of jurisdictional activity;*
  - s) Unlawful institutional favoritism;*
  - t) Simulation for crime and violate of the justice secret;*
  - u) Abusive use of public force;*
  - v) Falsification of documents;*
  - w) Falsification and counterfeiting of money;*



- x) *Fraud in capital banking and fiscal affairs;*
- y) *Exploitation for illegal gambling;*
- z) *Crimes that related to trafficking of barbiturates, psychotropic substances, and illicit drugs;*
- aa) *Any other crimess that are organized, malicious, and conducive to social alarm may be directed to the SPCI by the Ministry of Justice.*

*Other organs of the criminal police should immediately communicate all known facts related to cases involving the above-mentioned crimes to SPCI. When intervening in suspected crimes, the SPCI needs all mechanisms of proof in an urgent and secure fashion.*

FM considers this implementation strategy to be policy-motivated, rather than outcome-motivated. It was described in the mandate that the SPCI would only focus on organized and complex crimes. However, as demonstrated by this list, there are competencies assigned to the SPCI that are already assigned to the PNTL. In performing many of these duties, PNTL members have been accused of torture, physical aggression, sexual abuse, and disruption of the public order.<sup>13</sup> In these cases, the Criminal Investigation Service (CIS) of the PNTL did not follow the procedures written by the Public Ministry. Therefore, there should be a focus on fortifying established institutions with ample investments and resources. As mentioned above, the CIS-PNTL and its sub-sections, such as Forensics, Drugs, and others currently face limitations in training, facilities, and basic resources. FM believes that, given the CIS-PNTL situation in the last 14 years, the SPCI institution may face many of the same shortages when dealing with organized and complex crime.

In Chapter III, the rights and responsibilities of the SPCI are set out in Article 16, Numbers 2 and 3. Weapons and protocol are detailed in Article 20.

Article 16, Numbers 2 and 3:

*“2) It is of the utmost importance that SPCI members use weapons only if the situation poses significant risk to the SPCI member, bystanders, or public safety. These members must closely follow the legislation that regulates the use of weapons and force. 3) Failure to obey the aforementioned protocol represents a disciplinary infraction that has serious and even legal consequences.*

Article 20 establishes the right to carry arms:

*“Authorities of the criminal police, orchestrators of criminal investigations, and assistants of criminal investigations have right to use and carry service weapons, whose type and caliber will be decide by the Justice Ministry.”*

Any serious risk to the individual's life, the physical integrity of others, and general public safety seems to warrant the usage of service weaponry. However, it is stressed that weapons only be used in serious situations, and the failure to follow these guidelines represents a grave disciplinary infraction.

FM is concerned with the reality of service weapon protocol. The long history of weapon usage in Timor-Leste, on a national level, is cause for some wariness. Over the years,

---

<sup>13</sup> Article 6 of the Criminal Investigation Scientific Police. Decree Law No. 15/2014, 14 May. Organic Statutes of the Scientific Police Criminal Investigation (SPCI).



weapons have been misused by security authorities, victimized innocent civilians, and facilitated violence. To this day, conflicts remain unsolved, as weapons continue to be missing, victims continue to suffer without justice, and the acquisition of weapons remains largely unregulated.

A few reports have discussed these issues but did not receive ample attention from the ministry in question. Still largely unaddressed are missing weapons, improper usage of weapons, and the largely-unregulated process of acquiring weapons in Timor-Leste. FM worries that Timor-Leste will once again face the dangers of the past, as the mechanisms for weapon control remain insufficient. At this time, Timor-Leste is content to establish the SPCI, an institution whose ability to properly handle weapons has not yet been verified.

The following articles discuss the procedures for weapons usage for the Department for Arms and Security,

Article 34:

1. *Department of Arms and Security (DAS) has the ability to:*
  - a) *Conduct necessary studies, analysis, and testing of security equipments and arms for each acquisition;*
  - b) *Acquire, preserve, and distribute equipments, armaments, and bullets;*
  - c) *Establish a legal system of controlling and verification for annual individual's armament, and bullets that have been distributed, and continue actualizing process of the individual civil servants.*
  - d) *Establish definitions and parameters for arms training at the national level, as well as any necessary liability considerations;*
  - e) *Enforce an annual verification of firearm proficiency for all security personnel;*
  - f) *Codify the norms and procedures for accident prevention for security units;*
  - g) *Make promotion for acquisition arms that not for danger and train for its utilizing;*
  - h) *Give security safety for individual, for installations and the classified subjects.*
2. *A Chief of Investigation will lead the DAS.*

As a department charged with monitoring and regulating weaponry, will the DAS pay special attention to individuals of the SPCI? If so, who else is involved in the monitoring and recruitment of SPCI members? FM is concerned, because SPCI members only attend training for a few months, during which they cannot fully learn how to properly use, analyze, and test their service weapons.

Also undefined is the type of weapon to be used by the SPCI. At the present moment, Timor-Leste does not legally restrict the types of weapons available to security authorities. FM believes that the weapons distributed security authorities should be legally defined. In a past report, FM alerted that such a system is very much needed for security institutions like the F-FDTL and the PNTL. Through monitoring, FM found that the PNTL possesses automatic weapons that are vastly different than those of the F-FDTL. Many of these weapons are not part of an annual auditing. The national media and civil society organizations have expressed concern in regards to these uncertain



weapons practices. Perhaps even more alarming are reports that security personnel are using their weapons in situations not associated with their work, such as hunting.

There are also organic statutes regarding remuneration within the SPCI. Salaries within the SPCI are based on the experience, skillset, professional career, and position of each member. These can be found in Article 61, as follows:

1. *Indexes and salary tables apply for individuals of the SPCI, as written in Annex 2 and 3 of this law. One maintains his or her right to keep one's original salary (before joining the SPCI), if this salary is larger.*
2. *When an individual exercises his/her right to choose, as described in the previous number, this will also increase the supplemental bonuses set out by this law, because current supplements are only based on standard salaries.*
3. *The base salary of the director is the same as the base salary of the Secretary of State.*
4. *The base salary of the assistant director is 90% of the director's salary.*

According to these statutes, the Director of the SPCI receives the same base salary as the Secretary of State, and the Assistant Director's salary is 90% of that of the Director. These figures do not include daily and monthly subsidies. These special subsidies are earned by the services of the SPCI, which involves risk and requires speciality. This principle is stated in Article 62 of SPCI organic law:

1. *Civil servants of the SPCI have the right to receive the following subsidies, because the services they provide require speciality and great personal risk:*
  - a) *Subsidies for representing and communicating with directors, for assistant directors the DSIK's director. This subsidy is set at 10% of the individual's base salary;*
  - b) *Subsidy for leaders of armament, security, and administrative services. This subsidy is calculated at 5% of one's base salary;*
  - c) *Subsidy for the risk undertaken by investigators, specialists, and directors. This subsidy is calculated at a rate of 20% of the Head Investigator's Scale 1 base salary;*
  - d) *Picket's subsidy with the total per day 2% from basis payment for each category for 24 hours services;*
  - e) *Subsidy for food and rations, totalling \$50 per month.*
2. *Individuals of the SPCI have the right to receive pocket money for displacement services, according to general law.*

The details for SPCI and PNTL salaries are outlined in the table below. This table outlines the respective salaries of the institutions, categorized by position, mandate, and professional category.



**Table 01: Remuneration of the SPCI**

Careers and Individual Categories	Level						
	1	2	3	4	5	6	7
<b>Directorate and Chief Staff</b>							
Director	Basis Remuneration of the Secretary State						
Assistant Director	90% Basis Remuneration of Director						
Director Laboratory of Police	\$998						
Chief Department	\$928						
Chief Section	\$595						
<b>Investigative Staff</b>							
Coordinator	\$805	\$840	\$875				
Chief Investigator	\$630	\$665	\$700	\$735	\$770		
Investigator	\$543	\$560	\$578	\$595	\$613	\$630	\$648
Investigative Worker	\$350						
<b>Specialist (Laboratory)</b>							
Superior Specialist	\$473	\$490	\$508	\$525	\$543	\$560	\$578
Specialist	\$350	\$368	\$385	\$403	\$420	\$438	\$455
Specialist Worker	\$280						

**Source:** Decree Law No.15/2014, 14 May of the SPCI organic. Index 3, remuneration table of PIC.

**Table 02: Salaries of Various Police Roles within the PNTL**

Salary	1	2	3	4	5	6	7
<b>Commissary</b>	850						
<b>Chief Superintendent</b>	572	592	613	634			
<b>Superintendent</b>	516	534	553	573	592		
<b>Assistant Superintendent</b>	465	481	498	516	534		
<b>Chief Inspector</b>	413	430	447	465	483	502	523
<b>Inspector</b>	367	382	397	413	429	447	464
<b>Assistant Inspector</b>	339	353	367				
<b>Chief Sergeant</b>	297	310	324	339	354	370	
<b>1<sup>st</sup> Sergeant</b>	260	272	284	297	310	324	339
<b>Sergeant</b>	238	249	260				
<b>Chief Agent</b>	236	240	245	250	255	260	265
<b>Principial Agent</b>	207	216	220	225			
<b>Agent</b>	170	179	187	196			



**Source:** Decree Law No. 10/2009, 18 February for Salary Regime of the National Police of Timor-Leste (PNTL).

The SPCI is a new and inexperienced institution, but it has privileges and special treatment. The PNTL was established first and has undergone twice as many alterations relating to salary figures. Salaries for the PNTL are higher than those of the SPCI even though the PNTL performs many of the same roles as the SPCI. FM worries that this overlap in responsibilities, but with different salary assignments, will cause some investigative departments to lose motivation and even compete with one another. Coordination may prove difficult as individuals become frustrated by differential treatment and privileges between departments. All of these factors may diminish overall discipline and the ability of related institutions to coordinate at full capacity.

The last article to be discussed in this report is Article 70, which would revoke certain norms established by Decree Law No. 9/2009, in regards to the organic structure of the PNTL.

*Article 70 revokes the following norms of SPCI organic law;*

*This article would revoke the following norms, as found on Decree Law no 9/2009, which establishes the organic structure of the PNTL;*

- a) Sub-heading J of Article 2, Number 2;*
- b) Sub-heading D of Article 15;*
- c) Article 23.*

Under this article, Decree Law No.15/2014 automatically revoked certain responsibilities of the PNTL, as demonstrated by the excerpts below.

Article 2, Number 2, Sub-Heading J states the following:

*“Based on the statutes that define security law and the internal security policy, which do not prejudice the legal attributes of other legislation, the fundamental objective of the PNTL is:*

*Sub-heading j): The PNTL must secure the national cabinet of INTERPOL.*

Article 15, Sub-Heading D, which concerns the locality and composition of the PNTL General Command states:

*Sub-heading d): The locality and composition of the PNTL above is the Cabinet of Interpol.*

Article 23 for the Cabinet of INTERPOL reads as follows:

- 1. The Interpol Cabinet is charged with facilitating the cooperation and support between the PNTL and police departments in other companies. This will occur with the coordination of Foreign Affairs Minister.*
- 2. The Interpol Cabinet is the contact point for the General Secretary of Interpol, regional cabinets, and other countries that need support for international investigations and detentions of suspects.*



One must consider some of the important regulations and competencies assigned to the INTERPOL department. Such criteria allow the police engage in cooperation with INTERPOL in regards to *blue notices* and *red notices*.<sup>14</sup> The *blue notice* designates a dispatch notice from Interpol for the search of criminals at large. The *red notice* pertains to the capture of criminals. As the organs responsible for defending democracy and internal security, the police institutions are given these notices.<sup>15</sup>

This final section concerns the functions of INTERPOL. There is a public perception that only the police have provided criminal services and prevention. However, many INTERPOL activities that were previously intergrated with the PNTL General Command have been revoked by the new SPCI. As described in the previous page, this transition should be properly defined and firmly established in the national legal framework. With the establishment of these many investigative institutions, there is confusion to who “The Police” is. Is it the PNTL or the SPCI?

### **Recommendations**

1. Committee A of the National Parliament should supervise the implementation of laws in development and laws that have been produced.
2. The National Parliament and the government should create legislation for criminal investigation institutions that specifically defines the mission, attributes, and competencies of each institution. This legislation will clearly define the scope of actions pertaining to each institution.
3. The National Parliament and the government should create legislation or a general system of regulations for police institutions, defined by the penal code process of Timor-Leste. Currently, society is confused and has developed multiple interpretations over who “the police” are. Some believe that this title pertains to the PNTL, while others believe that it represents a general, coordinated organ.
4. When drafting laws, the National Parliament and the government should take special care to consult the various society entitites of Timor-Leste, in order to produce legislation that reflects the reality of Timorese society.

---

<sup>14</sup> Freitas, Antonio (2014). Executive Director of Dili Institute of International Studies (DISIS). Private Interview

<sup>15</sup> Constitution of RDTL, Article 147



## Bibliography

### Law and Documents:

Decree Law No. 15/2014, 14 May. Organic Statutes of the Scientific Police Criminal Investigation (SPCI).

Decree Law No. 09/2009, 18 February. Police of Timor-Leste (PNTL).

Decree Law No.10/2009, 18 February. Salaries for the National Police of Timor-Leste (PNTL).

Decree Law No. 28/2009, 9 September. Wage Changes of the National Police of Timor-Leste.

Constitution of the Democratic Republic of Timor-Leste

Penal Code Process of Timor-Leste

Census of Timor-Leste, 2010.

Law No. 13/2009, 21 October. Budgetary and Financial Management.

### Media and Interview:

Babo, Deonísio Soares (02 August 2014). General Secretary of CNRT Party. Allocation at the core CNRT Party conference. 2-3 August 2014. Available at: <http://www.temposemanal.com/opiniaun/o-estado-da-nacao-preocupasaun-restruturasaun-no-transisaun-lideransa>.

Faculto, Eladio (2014). Member of the National Parliament, FRETILIN Seat. Private Interview

Freitas, Antonio (2014). Executive Director of the Dili Institute of International Studies (DISIS). Private Interview.

Sampaio, Luis Oliveira (2014). Executive Director of JSMP. Private Interview

Vital, Nelino (2014). Director of the National Directorate for Juridical Assesory and Legislation of the Justice Ministry. Private Interview.