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## **Call to Re-Assess the Performance of the Special Police Unit (UEP) in Accordance with the PNTL Nature and Mission**

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## Introduction

Still fresh in the national consciousness is the brutality by members of the National Police of Timor-Leste (PNTL). In the beginning of August, 2016, Fundasaun Mahein (FM) issued a press release regarding a serious incident in which members of the PNTL shot dead a mentally ill man in Covalima. However, this is not the only incident of recent brutality by the PNTL. Others have taken place against common people, students, taxi drivers, medics, journalists, between members of PNTL and between PNTL and F-FDTL members. Further, cases of sexual abuse have taken place involving members of the Battalion of Public Order (BOP) and the Special Police Unit (UEP) of PNTL.<sup>1</sup>

In May 2016, an incident occurred in which a member of the BOP-UEP assaulted a member of F-FDTL in Balibar-Dili, the head of the F-FDTL made a highly visible public statement on the incident. A couple of weeks later, in June 2016, a similar incident took place in Ainaro, where a member of the F-FDTL committed an assault against a PNTL member.<sup>2</sup> A third case is still in process in Maliana-Bobonaro, where a member of the BOP-UEP hit a member of the F-FDTL.<sup>3</sup>

In light of the above incidents, FM has raised concern that institutional authorities must pay serious attention to the discipline and performance of the PNTL members. Despite this, brutality and excessive use of force, particularly that which involves members of the BOP-UEP, are increasing.

What exactly is the problem with the BOP-UEP that is causing such incidents of brutality, and causing exceptional public concern?

## Methodology

This report will analyze literature, legal documents, reports, media publications, and information from FM monitoring regarding cases of assault and crimes that involve members of the PNTL and F-FDTL. To conclude this report, FM will adopt a method called *Security Sector Discussion (SSD)*.

## Characteristics of the PNTL

The PNTL is a security force whose mission is to defend democratic law, and to ensure security, safety, and protected rights for its citizens, according to the constitution and associated laws. According the PNTL's internal strategy, they are

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<sup>1</sup> Report of Fundasaun Mahein, August 2016. Police "Vigilance" and Brutalism are strongly increasing. Available at: <http://www.fundasaunmahein.org/2016/08/08/polisia-main-hakim-sendiri-no-brutalismu-ironiku-aumenta-makaas-liu-tan/>

<sup>2</sup> Report of Fundasaun Mahein, July 2016. Irregularities involved members of F-FDTL - PNTL need serious attention "Do not ignore". Available at: <http://www.fundasaunmahein.org/wp-content/uploads/2016/07/MNL-NU-113.pdf>

<sup>3</sup> Timor Post News, 24 August 2016.



the sole organization responsible for community policing, despite the fact that their organization, discipline, instruction, and private statutes are still based rooted in militaristic culture.<sup>4</sup> However, the PNTL does not constitute a military force, because its competencies are as a criminal investigation and law enforcement body, in accordance with the judiciary authorities.<sup>5</sup>

In 2014, the PNTL approved the strategic plan of 2014-2018, adopting a policing philosophy called VIP – Visibility of the police to make people feel secure. In order to ensure Visibility, the police must provide their services and maintain a presence in every location, so that no gaps in security, and therefore trust, exist. Involvement requires engagement with the community in daily interactions. Involvement helps to educate people, so that they understand actions of the security process and how they can help. This is because ensuring security is not only the responsibility of the PNTL, but of all people in the community. Finally, professionalism of service must be practiced in order to satisfy the people.<sup>6</sup> Professionalism means that the PNTL perform their skills with a demonstrated knowledge of how to act in moments of need. Further, it is to demonstrate respect the command's hierarchy, thus preserving the integrity, credibility, and prestige of the PNTL institution.<sup>7</sup>

This means that the community policing philosophy applies to all members of the PNTL, because the community policing philosophy refers not only to one department or section within the PNTL, but to the approach that should be taken between the PTNL and communities. However, the perception that a community policing mentality is to be assumed exclusively by those within the National Department of Community Policing (DPKN) persists.<sup>8</sup>

FM is surprised by this situation. The organic law of the PNTL was approved in the last six years, but members of the PNTL still do not understand them, particularly the community policing philosophy, and the rest of the strategic plan for 2014-2018, which included the aforementioned VIP philosophy.<sup>9</sup>

FM believes that the relevant laws and the PNTL strategic plan were not effectively introduced to members of the PNTL across units, departments, and other sections. As a result, the conduct by members of the PNTL continue to commit concerning

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<sup>4</sup> Law Organic of PNTL/2009, article 1, no. 1 no 2.

<sup>5</sup> Law Organic of PNTL/2009, article 2, no. 3 no 2.

<sup>6</sup> Strategic Plan of the National Police of Tiimor-Leste (PNTL) 2014 -2018.

<sup>7</sup> Strategic Plan PNTL 2014 – 2018.

<sup>8</sup> Chief Department of the National Community Policing (DPKN) Superintendent assistant Boavida Ribeiro in the Meeting of managemen committee program for the community policing with development partners at the PNTL general quarter, Dili. On May 11<sup>th</sup> 2015. Cited as well on Report of Fundasaun Mahein. Available at: [http://www.fundasaunmahein.org/wp-content/uploads/2015/07/MNH-Nu.08\\_30072015\\_Politika-Implementasaun-POLKOM\\_Versaun-Tetum.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2015/07/MNH-Nu.08_30072015_Politika-Implementasaun-POLKOM_Versaun-Tetum.pdf)

<sup>9</sup> Report of Fundasaun Mahein, July 2015. Available at: [http://www.fundasaunmahein.org/wp-content/uploads/2015/07/MNH-Nu.08\\_30072015\\_Politika-Implementasaun-POLKOM\\_Versaun-Tetum.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2015/07/MNH-Nu.08_30072015_Politika-Implementasaun-POLKOM_Versaun-Tetum.pdf)



actions, with the practical result being an absence of the community policing approach.

## **UEP-PNTL**

The UEP is a reserve unit under the direct authority of the General Commander, and led by the Operational Command.<sup>10</sup> In addition to the Commander, it is led by a Superintendent Chief and Supported by the Second Commander<sup>11</sup> who is nominated by the General Commander, and conducts specialized training.<sup>12</sup>

According to the organic law of PNTL/2009 article 26 no.1, the defined competencies for the UEP are as follows:

- a) Maintain and re-establish public order;
- b) Resolve and manage critical incidents;
- c) Complete tactical intervention in situations of exceptional violence, danger, complexity and/or risk;
- d) Provide security for sensitive or major events, and to protect leaders at these events;
- e) Deactivate explosives;
- f) Provide protection and relief;
- g) Prepare and send forces for international missions.

The UEP is also meant to support the district commander if there is any threat or conflict taking place. The UEP may collaborate with Army Forces in a mission, as stated within the Integrated National Security System, which defines national security law related to surveillance, control of the land borders, natural disaster response, and any other situation in which the employment of joint-force operations is needed, especially in threats against the state.<sup>13</sup> The formation of the UEP under the PNTL Command was structured as such to facilitate internal functioning and mission compliance.<sup>14</sup>

The UEP is also intended to be able to serve as a reserve unit, to support the district commander, or to operate an autonomous mission. The UEP is trained and prepared to execute missions such as resolving serious incidents, intervening in violent or dangerous situations, or in complex and risky situations. They are meant to be able to re-establish and maintain public order, and to provide personnel security for leaders. They are also meant to be able to prevent and deactivate explosive devices, providing security in sensitive situations, including international missions.<sup>15</sup>

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<sup>10</sup> Law of Organic PNTL/2009, article 26, no. 1.

<sup>11</sup> Law of Organic PNTL/2009, article 27 line b.

<sup>12</sup> Law of Organic PNTL/2009, article 26, no. 2.

<sup>13</sup> Law of Organic PNTL/2009, article 26, no. 3 and no. 4.

<sup>14</sup> Especial Police Unit of PNTL. Available at: <https://www.pntl.tl/operasaun/uep/>

<sup>15</sup> As described on footnote 14.



The UEP leadership structure is as follows:

- a) Commander;
- b) 2<sup>nd</sup> Commander;
- c) Battalion of Public Order;
- d) Private Security Company;
- e) Special Company Operation;
- f) Support Platoon and Service.

The *Battalion of Public Order* (BOP) is a sub-unit comprised of members from the two operations companies, in addition to the primary mission, that is meant to respond to serious disruptions to the public order at sensitive points in time, and to reinforce order across the entire national territory.<sup>16</sup> This sub-unit has deployed three companies in Timor-Leste; The Alva company in Dili, Bravo company in Baucau, and Delta company in Bobonaro.<sup>17</sup> Private security companies (KSP) are a sub-unit, and their main mission is to provide private security for leaders, both for national figures and foreign visitors.<sup>18</sup>

The *Special Operation Company* (KOE) is, 1). is a sub-unit with the special capacity to lead when there is danger situation or violence, act against terrorism, and to manage hostage situations; 2). includes a section capable of deactivating bombs.<sup>19</sup>

The mission of the *Platoon of Aid and Service* (PAS) is to assume all administrative services, and to support the functioning of the units.<sup>20</sup>

### **Incidents involving members of the BOP-UEP**

FM's monitoring registered 12 incident cases involving members of BOP-UEP from 2014 to mid 2016. These incidents affected common people, local leaders, medics, students, journalists, members of F-FDTL, and other PNTL members.

1. Two members of BOP-UEP and one PNTL officer hit one of their colleagues from BOP-UEP in Dili on April 2014
2. One BOP-UEP member, with another member from PROVOST hit a man (Bosco Lobato) in Tasi-Tolu-Dili on May 2014.
3. Members of BOP-UEP assaulted a police member from Comoro station in June 2014.

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<sup>16</sup> Law of Organic PNTL/2009, article 28

<sup>17</sup> PNTL News on the Placement of BOP-UEP, January 2015. Available at: <https://www.pntl.tl/sub-unidade-bop-loke-liras-iha-bobonaro/>

<sup>18</sup> Law of Organic PNTL/2009, article 29

<sup>19</sup> Lei of Organic PNTL/2009, article 30

<sup>20</sup> Lei of Organic PNTL/2009, article 31



4. Members of BOP-UEP hit a Taxi driver at the Comoro-Dili roundabout in June 2014.
5. Members of BOP-UEP fired a gun during a feast in Santa-Cruz-Dili in August 2014.
6. The Commander of BOP-UEP Baucau shot three young men in Baucau in August 2015.
7. Members of BOP-UEP hit people in Audian-Dili on May 2015.
8. Members of BOP-UEP including Task Force attacked each other in Has-Laran Dili, on August 2015.
9. A member of BOP-UEP hit a man (Mario Soares) in Bairo-Pite-Dili on November 2015.
10. Members of BOP-UEP made a physical aggression against a medic in Maliana-Bobonaro, on December 2015.
11. Members of BOP-UEP sexually assaulted a woman and physically assaulted a man in Bairo-Pite-Dili, on January 2016.
12. Members of BOP-UEP assaulted a university (UNITAL) student in Colmera-Dili, on January 2016.
13. Members of BOP-UEP assaulted a member of the F-FDTL in Dili, on May 2016.
14. Members of BOP-UEP assaulted a member of F-FDTL in Maliana-Bobonaro, on August 2016.

### **Why are always involved by BOP-UEP?**

People are concerned by the actions of the BOP-UEP, who are known to frequently employ excessive use of force. The BOP-UEP developed this problem during its formation within the PNTL, when UEP units and their sub-units were formed as paramilitary groups, equipped with weaponry comparably to that of the F-FDTL. Another challenge enabling this behavior is the fact that the laws are written in a language which the majority of BOP-UEP do not know – Portuguese. Further, they do not have foundational understandings of human rights training, and the community policing approach.<sup>21</sup> Even the PNTL has been more successful in adopting the VIP policing doctrine (Visibility, Involvement, Professionalism).<sup>22</sup> The government has aligned on the National Police Board with the VIP program and community policing values defined as clear priorities. In so doing, the government has demonstrated an interest in pursuing this strategy as a pathway to establishing positive relationships between police and the people.<sup>23</sup>

However, the BOP-UEP sometimes feel that they are a more privileged and elite force within the PNTL that is subjected to a different set of expectations and their

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<sup>21</sup> Look at law organic PNTL/2009, article 1.

<sup>22</sup> Strategic Plan of PNTL 2014 – 2018.

<sup>23</sup> National Development Strategic Plan (PEDN) 2011 – 2030. P198.



own private form of power, which is feared by ordinary people.<sup>24</sup> We can note this cultural difference when members of the BOP-UEP drive at high speeds in their patrolling vehicles, even when there are not emergencies or urgent situations.

On the other side, the application mechanism of discipline for members of the PNTL has been less strong and less accurate. At this point, they still do not take seriously criminal cases according to the law. The lack of deterrents means that members of the PNTL will continue to commit crimes with anticipated impunity. Sometimes, internal misconduct cases are being processed, but are not well publicized, as the mechanisms for internal misconduct trials are not well established. An example of this comes from an incident in which a member of the BOP-UEP Alfa Company in Dili assaulted an F-FDTL member in Balibar in June 2016. At that time, the PNTL General Commander Julia da Costa Hornay informed that a joint investigation between the PNTL and F-FDTL will take place, in order to provide a robust and impartial investigation and prosecution. However, to date, no trial or final solution has materialized. In even more concerning examples, a member of the BOP Delta Company in Maliana assaulted an F-FDTL member in August 2016, and an incident took place in Covalima on August 3<sup>rd</sup>, 2016, in which a PNTL officer fatally shot a man with a mental disease.

These acts may degrade the confidence that the public has in the PNTL, and will affect the efforts of the PNTL to complete their objectives and to provide services to the people. Although, it should be noted that the survey outcomes from The Asia Foundation in 2015 show that the public's trust in the PNTL is significantly increasing compared to the last few years.

### **Defiance shows the way to professionalism**

Referring to cases of assault against members of the F-FDTL and the public, the head of the F-FDTL addressed leaders of the PNTL, suggesting that there is an organized group within the PNTL that intends to destroy the two institutions. The first case cited involved an assault by a member of the BOP-UEP against an F-FDTL member in May 2015. The Vice Chief of the State Major General Filomeno de Jesus Paixão suggested that “there is an effort to systematically destroy the relationship between the two institutions by organized members within the PNTL.”<sup>25</sup>

The second case in reference occurred in Maliana, and was an assault committed by a member of the BOP-UEP against a member of the F-FDTL in August 2016; the

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<sup>24</sup> Report of Fundasaun Mahein, July 2016. Irregularities Involved Members of F-FDTL – PNTL. Need serious attention “Do not ignore”. Available at:

<http://www.fundasaunmahein.org/wp-content/uploads/2016/07/MNL-NU-113.pdf>

<sup>25</sup> Look on report Fundasaun Mahein, July 2016. Available at:

<http://www.fundasaunmahein.org/wp-content/uploads/2016/07/MNL-NU-113.pdf>.

Cited as on the Press Release that Fundasaun Mahein published on August 2016.

Available at: <http://www.fundasaunmahein.org/2016/08/08/polisia-main-hakim-sendiri-no-brutalisku-ironiku-aumenta-makaas-liu-tan/>



same response was given from the Chief State Major General of the F-FDTL Lere Anan Timur, stating, “There is an organized group inside the ONTL, and I urge the PNTL command to investigate and identify this group, which intends to destabilize and destroy these two institutions (PNTL and F-FDTL).”<sup>26</sup>

This will challenge the new leaders of the PNTL, who have just assumed their positions one year ago, and whose experience comes from the period of Timor-Leste independence. Because the PNTL mission is to apply and implement the law, including to themselves, they do not utilize threats, assault, physical force, or shooting and killing.

The PNTL command must pay serious attention to disciplinary mechanisms in incidents of misconduct by PNTL officers. They should not automatically defend themselves to the media, but instead turn first to their own internal incident reporting from any members. In the case of one incident that took place in Dili, a police member from the traffic unit hit a journalist while he was taking pictures of the police’s activity. In response, PNTL Second Commissary General Commander Faustino da Costa rejected this accusation; however, the CCTV video obtained and displayed on RTTL demonstrated that the PNTL member did indeed hit the journalist in July 2016.

In response to these cases, the Commissary General Commander Julio da Costa Hornay declared to the national media that a joint team from the PNTL and F-FDTL will conduct investigations of members from both institutions who are involved in such incidents. FM recommends that such statements function not simply as placations for news agencies, but that they actually materialize into responsible and accountable processes.

Such processes should apply not only to cases against members of the F-FDTL, but for all cases, including those which involve members of the PNTL. FM supports any initiatives which seek to increase discipline in the security institutions, and to establish mechanisms for accountability for all security force members who violate the laws of Timor-Leste.<sup>27</sup>

The decision to utilize suspensions to increase discipline will be effective for three reasons: first, anyone in violation of the law must submit themselves to a judge in court in order to provide a due process for justice to the victims. Second, those who are guilty must not be granted any tolerance or lightened sentences on account of loyalties or family ties. Finally, the rigorous and uniform application of these rules for all members of the PNTL will ensure that officers take responsibility for their actions, resulting in more professional conduct.

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<sup>26</sup> Timor Post Newspaper, 24 August 2016.

<sup>27</sup> Report of Fundasaun Mahein, 2014. Available at:

<http://www.fundasaunmahein.org/2014/06/16/discipline-in-the-security-system/>.

Accessed on July 20<sup>th</sup> 2016.



FM believes that the implementation of a rigorous disciplinary system will be beneficial for the military and police institutions, and thus the society as a whole.<sup>28</sup>

### **Recommendations**

1. That the Ministry of the Interior and the PNTL General Commander re-assess the displacement policy for the BOP-PNTL.
2. That the security institutions implement a rigorous internal penal system for members who are involved in a crime, thus motivating Section Commanders and units to work hard to control its members.
3. That the PNTL revise the type of training received from the GNR, so that the BOP's culture and mentality is congruent with the rest of the PNTL. This way, their behavior is more likely to be in line with the PNTL organic law from 2009, article 26 no. 1., which outlines training objectives in accordance with the PNTL philosophies for community-minded policing.

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<sup>28</sup> Report of Fundasaun Mahein, 2014. Available at:  
<http://www.fundasaunmahein.org/2014/06/16/discipline-in-the-security-system/>



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