Mahein NiaLian No. 21, 21 July 2011

Development in the National Police of Timor-Leste

Introduction

In mid 2006 the security institutions in Timor-Leste broke down and the Timorese took up arms against each other as many people died and a great many became displaced in refugee camps in Dili as well as in other places. PNTL and FALINTIL-Forças deDefesa de Timore-Leste (F-FDTL) could not manage to gain control in keeping with their existing mandate. The end result was numerous violations against the regulations for public order, the transgression of existing laws and the opportunity for foreign military intervention.

In the aftermath of the 2006 crisis, Timor-Leste begins the rebuilding of its security institutions as PNTL and FALINTIL-Forças deDefesa de Timor-Leste start to take up their role again. Given this opportunity, Fundasaun Mahein (FM) through Mahein niaLian no. 21, would like to open a debate around human resources development within PNTL, education and training, recruitment as well as clarifications regarding promotion within PNTL, and infrastructure, on one side; while on the other side FM niaLian also analyses PNTL's development obstacles in the application of law and order, human resources and finally, it concludes with the role of community policing.

Human Resources and PNTL Development

Faced with Timor-Leste's military and political crisis of 2006, PNTL was forced to give up power to UNPOL through the Supplementary Agreement of December 1, 2006, in order to bring back normalcy as it was considered then that the PNTL was unable to carry out its functions[1].

UNPOL instituted a three-phase assistance for PNTL development, with the first phase referred to as initiation, the second as consolidation and the third phase as reconstruction. UNPOL played a major role in PNTL's reconstruction phase, in addition to logistical support from UNMIT. Afterwards, UNPOL must transfer power to PNTL in phases, beginning with the District of Lautem, and concluding in the District

[1] Supplementary Agreement. Dili, 1 December 2006.

of Dili, while formally, starting from March 28, 2011 PNTL must assume responsibility for all security matters in the whole territory[2].

Table 1- Scheduled Transfer of Security Responsibility from UNPOL to PNTL

No.	District	Status of security responsibility handover	Directive Number	Total number of PNTL	Female	Male
1	Lautem	Handoverin 14 May 2009	01/2009	144	33	111
2	Oecussi	Handover in 30 June 20029	02/2009	118	33	85
3	Manatuto	Handover in 25 July 2009	03/2009	110	21	89
4	Viqueque	Handover in 05 December 2009	05/2009	138	27	111
5	Ainaro	Handover in 12 Aril 2010	01/2010	102	21	81
6	Baucau	Handover in 16 Aril 2010	02/2010	172	54	118
7	Liquisa	Handover in 07 September 2010	03/2010	99	26	73
8	Ermera	Handover in 10 September 2010	04/2010	130	29	101
9	Aileu	Handover in 21 September 2010	05/2010	90	21	69
10	Manufahi	Handover in 24 September 2010	06/2010	107	15	92
11	Dili	Handover in 27 March 2010	09/2011	454	92	362
12	Bobonaro	Handover in 27 March 2010	05/2011	133	42	91
13	Covalima	Handover in 27 March 2010	04/2011	126	30	97
		Total number of PNTL in the district		**1923**	**1480**	**443**

(Source: Monthly Government Report, March 2011. UNMIT & Government).

[2] Interview with UNPOL. 14 June 2011.

UNPOL continues to support PNTL after the power handover through *Joint Development Plan*, which focuses on 5 areas including legislation, training, administration, discipline and operations.[3] However, PNTL's main concerns were human resources, infrastructure, equipment and other facilities to support policing services.[4]

On the other hand, PNTL also received assistance through bilateral cooperation, including, from Japan, training in community policing, special training for the Special Operations Group (GOE – Grupo de OperaçõesEspeciais), and Close Protection Company (CSP – Companhia de SegurançaPesoal); from Portugal's National Republican Guard (GNR – GuardaNacionalRepublicana), training in riot control, siege and clean-up, and special operations; as well as other bilateral cooperationsupporting human resources development to administer and manage police institutions.[5] Command capability for areas of operation to provide community security is also included.

In the institutional context, human resources continue to be an obstacle to institutional development process to provide adequate security to the community. In order to provide security effectively, adequate education and training and appropriate facility to facilitate policing services will be required. Additionally, good management is also needed to manage existing resources such as transport, communication, policing equipment, and other facilities. Furthermore, training in the areas of services such as administration, management, specialist training in policing, including investigation, planning, operations, and other training which improves PNTL's professionalism, are also needed.[6]

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[3] Interview with UNPOL. 14 June 2011.

[4] Interview with PNTL. 20 June 2011.

[5] Interview with PNTL's Deputy Director for Human Resources. 16 June 2011.

[6] Interview with Nelson Belo, Director of Fundasaun Mahein (FM). Wednesday, 6 June 2011.

Table 2 - A comparison between the number of PNTL officers, both in the District Command and in the Units within the PNTL General Command, and the total population.

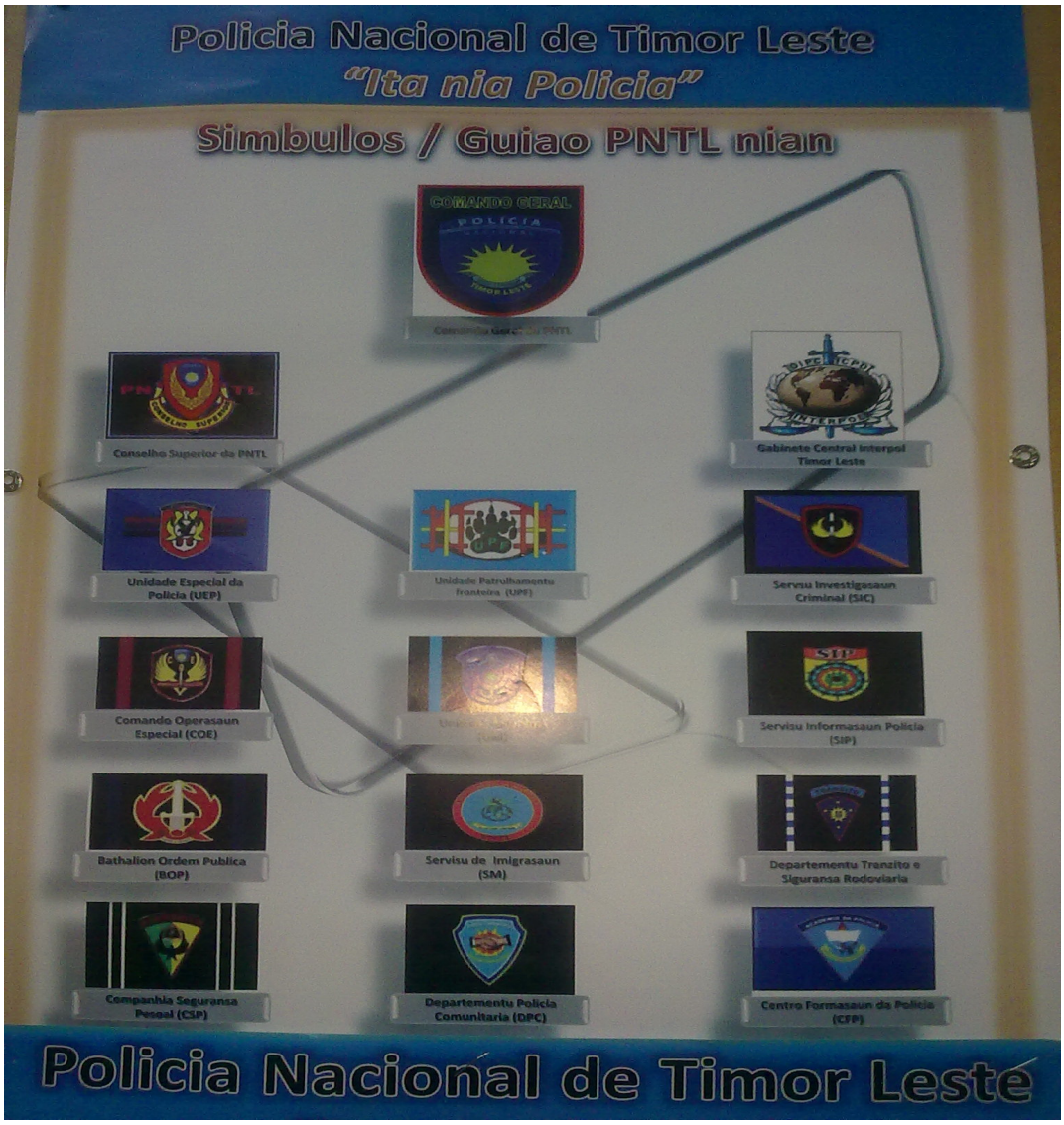
	Total Population[7]			Total Police[8]		
District	**Total**	**Male**	**Female**	**Total**	**Male**	**Female**
Aileu	44,325	22,902	21,423	91	70	21
Ainaro	59,175	30,183	28,992	100	79	21
Baucau	111,694	56,374	55,320	168	114	54
Bobonaro	92,049	45,915	46,134	122	81	41
Cavalima	59,455	29,982	29,473	125	96	29
Dili	234,026	124,388	109,638	443	351	92
Ermera	117,064	59,099	57,965	131	102	29
Lautem	59,787	29,404	30,383	142	110	32
Liquica	63,403	32,240	31,163	94	68	26
Manatuto	42,742	21,844	20,898	102	82	20
Manufahi	48,628	25,060	23,568	106	92	14
Oecusse	64,025	31,831	32,194	119	87	32
Viqueque	70,036	34,976	35,060	136	110	26
PNTL Units				**Total**	**Male**	**Female**
General HQ				318	240	78
Dept. of Immigration				76	64	12
Police Training Centre				83	72	11
Office of INTERPOL				8	8	0
Patrol Unit				259	245	14
Special Police Unit				465	445	20
Maritime Unit				58	56	2
Special Services Unit				3	2	1
Grand Total	**1,066,409**	**544,198**	**522,211**	**3,149**	**2,574**	**575**

(Source: PNTL, Human Resources Department, 16 June 2011)

[7] Household Census 2010, p. 25

[8] PNTL, Department of Human Resources. Dadus EstatistikaNumeru PNTL. 16 June 2011

Figure 1 - PNTL unit and departmental insignia



(Source: Comoro Police Station, 6 June 2011).

Insignias within PNTL General Command and other units

- PNTL General Command
- PNTL Superior Council
- INTERPOL Timor-Leste Central Office
- Special Police Unit
- Border Patrol Unit
- Criminal Investigations Unit
- Special Operations Command
- Marine Police Unit
- Police Information
- Public Order Battalion
- Immigration Services

- ❖ Road Traffic and Security Department
- ❖ Close Protection Company
- ❖ Community Policing Department
- ❖ Police Training Centre

1. Education and Training

The process of human resources capacity building is put in place to improve knowledge and capability required to pursue a dynamic institutional development. This report looks into PNTL training process, a basic education process which transforms the community member into a police officer. It also looks at education and training in the process of professional transformation, where officers respect the institution, policing procedures and are aware of social and humanitarian issues.

Training is a means of increasing capability in policing such as human resources, administration, investigation, operation, transit, intelligence and others. Knowledge and capacitation are important to the current demands against PNTL, the guardianwho is always close to the community and always at its service.

A great effort has been advanced by the Government and PNTL Command in cooperation with Australia, through the *Australian Federal Police* (AFP), for training in leadership, police investigation and communication, or information, both inside the country and overseas.[9] In addition, there is also basic police training provided by the National Republican Guard (Portugal's GNR), as well as training for Special Police Unit[10]. There are 21 officers in training in Japan for community policing services.[11] Seven officers undergoing in Indonesia and the Philippines, including one pilot, 5 in criminology and 1 in human resources management.[12]

With regards to the officer undergoing training as a pilot in the Philippines, FM questions whether the Government of Timor-Leste is planning to purchase a helicopter in the future given the preparation for human resources to that effect. This officer's training signals future militarisation of the police institution, or PNTL. What is the purpose of the helicopter to be purchased? Is there a plan to form an air police unit? On the other hand, the helicopter is necessary for PNTL to carry out its mission in the application of law and order. If the government decides to acquire the

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[9]Daily *Timor Post*. Thursday, 19 May 2009, p. 16.

[10]Interview with AnacletoRibeiro, 16 June 2011.

[11]Daily *Suara Timor Lorosa'e*.Tuesday, 17 May 2011, p. 1 & 11.

[12]Interview with PNTL's Deputy Director for Human Resources. 16 June 2011.

helicopter, how many is it planning get? How much preparation does the government have? How will the maintenance of the helicopters be carried out?

2. Promotion

The Organic Law of PNTL, which the Government approved through Decree Law No. 9/2009 of February 18, provides under article 42 that the Career and Promotion Regime will be regulated through its own diploma.[13]Under the existing legal provisions, the Government decreed the Decree Law No. 16/2009 of March 18 On the Promotion Regime for National Police of Timor-Leste. This is the decree law which regulates the changes within police ranks.

Table 3 - Scales in the PNTL posts.

Categories	**Posts**
Official Superiors	Commissioner Chief Superintendent Superintendent Assistant Superintendent
Official Inspectors	Chief Inspector Inspector Assistant Inspector
Sergeants	Chief Sergeant First Sergeant Sergeant
Agents	Chief Agent Principal Agent Agent

(Source: Decree Law No. 16/2009 of March 18, On the Promotion Regime for the National Police of Timor-Leste).

[13]Decree Law No. 16/2009 of March 18, On the Promotion Regime of National Police of Timor-Leste.

Figure 2 - PNTL Ranks from Commissioner to Agent

(Source: "Promosaun ba PNTL: Prosesu, RejultaduhoImplementasaun", Seguransa: Information & Communication Media of the Secretary of State for Security (1st Edition), October 2010).

Table 4 - Number of PNTL officers within each rank in the Units, in the departments of PNTL General Command, and in the district command, according to 2011 statistics.

District	Comm.	Chief Supr.	Supr.	Asst. Supr.	Chief Insp.	Insp.	Asst. Insp.	Chief Srg.	1st Srg.	Srg.	Chief Ag.	Prcpl. Ag.	Ag.	Total
Aileu			1	1	1		6	3	2	14	37	24	2	91
Ainaro			1	1	1	1	2	2	1	10	35	39	7	100
Baucau		1	1		1	1	2	8		13	72	57	12	168
Bobonaro			1	1	1	1	4	3	3	13	51	36	8	122
Covalima			1	1		3	3	6	1	13	43	42	12	125
Dili		1	1		3	1	14	7	6	43	168	115	84	443
Ermera			1	1			3	8	2	14	48	43	11	131
Lautem			1	1		4	8	3	1	24	47	49	4	142
Liquisa			1	1	1	1	1	4	1	10	33	25	16	94
Manatuto			2		2	1	7	2		8	32	40	8	102
Manufahi			1	1		1	3	4		12	39	36	9	106
Oecusse			1	1	1	4	2	2	1	6	39	50	12	119
Viqueque			1	1	2	1	1	6	1	8	46	57	12	136
Unit														
General HQ	2	7	6	4	11	16	30	27	6	38	88	50	32	318
Police Training Ctr.		1	1		7	6	14	6	4	8	24	10	2	83
Immigration			1		1	1	5		1	11	40	12	4	76
INTERPOL					1		1		1	2	2	1		8
Patrol Unit				1		1		4		19	97	110	27	259
Special Police Unit		1	1	1	1	2	12	7	9	48	214	106	63	465
Maritime Unit				1	1		3		1	3	28	14	7	58
Special Services Unit					2		1							3
Grand Total	2	11	23	17	37	45	122	102	41	317	1183	916	332	**3,149**

(Source: PNTL Department of Human Resources, 16 June 2011).

Based on the Decree Law No. 16/2009 of March 18, The Secretary of State for Security establishes the Commission for Promotion, to be composed by various nationalities from Timor-Leste, Portugal, Malaysia, Australia and New Zealand, and in consultation with all competent institutions including the Public Prosecution, the Courts and the Evaluation Panel, which also involves the United Nations. However there are grievances against the promotion process right from the very beginning until its end result, as expressed by PNTL officers.[14] There are irregularities stemming from the Decree Law, which delegates competence to the Secretary of State for Security but without any involvement from the PNTL Command with the later being informed only through the Department of Human Resources and Justice. The most recent promotion process raised a series of complaints and confusion between PNTL officers and the Commission for Promotion. The complaints emerged because of the minimal inclusion of the PNTL Command in the process. In addition, complaints also surfaced following the publication of the results which saw many officers having failed in the promotion process.[15] However, the resulting promotion tests also points to extrajudicial acts committed by the PNTL officers, and that have also affected their career prospects.[16]

FM recommends that the promotion process should be conducted with greater involvement of the PNTL Command because the Command has better information of the whole process, including the human resources in preparation by the Command for the promotion, who are truly merited. FM also recommends that implementation of the law on the promotion regime be carried out correctly in accordance with the law.

The PNTL promotion regime defines PNTL officer promotion through the following modalities: Seniority, Choice, Nomination and Exceptional Circumstance(in the original Decree Law: Antiguidade, Escolha, Nomeação and CasoExcepcional).[17] Looking at the recent promotion process, this report identifies that one of its biggest weaknesses was that the newly promoted officers had no prior training relative to the new rank obtained. Even when the officer had higher degree of education or a

[14]ManeinniaLian, No. 15, "Rekrutamentuba PNTL: DalanNarukbaProfesionalismu", p. 5. Also in http://www.fundasaunmahein.wordpress.com.

[15]Interview with PNTL. Tuesday, 5 July 2011.

[16]Mahein niaLian, Idem., p. 6.

[17] Decree Law No. 16/2009 of March 18, On the Promotion Regime for National Police of Timor-Leste.

bachelor degree, but he or she lacked any training required for the post or the rank promoted. As a consequence, while the officer assumes an important rank and takes up important responsibilities, he or she will not be able to carry out their duties effectively in accordance with the laws defined in the promotion regime.

Furthermore, PNTL's academy only instructors for agent training, and there is yet to be instructors for superiors[18], inspectors and sergeants.[19]As a consequence, among the ranks of the officers promoted to the superior posts or sergeants, there is no one who holds any adequate academic training relative to the new posts they obtained. FM is of the belief that education and training are extremely important for PNTL officers in order to increase their capacity and for them to clearly understand their roles as professional police officer, and recommends adequate steps for this effect, in addition to specific training relative to the ranks that individual officers become promoted.

3. Recruitment

There were a total of 2,530 PNTL officers[20] recruited in the UNTAET period in 2000. On March 31, 2003 the first constitutional government recruited a further 253 officers, and by 2004 new agents were taken in to bring the total number of officers to 3200.[21] Recruitments for the year 2011, currently ongoing,will take in 250 people, who will be stationed in the districts while prioritising female recruits in an effort to promote gender equality.[22]

Of the total number of PNTL officers, 3,149 of them remain active.[23] The officers are distributed among the district commands, police units and the various departments. The placing of the officers takes into account the security risks of the communities involved and the population size of each district.[24]

In 2011, the Government, through the Secretary of State for Security (Portuguese acronym: SES) and the PNTL Command began the recruitment process for the 250

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[18]The category of Superior Official in the PNTL rank include Commissioner, Superintendent, Chief Superintendent and Assistant Superintendent.

[19]Interview with the PNTL Chief of Administration and Planning Department. Wednesday, 29 June 2011.

[20]CIVPOL recruitment, 27 March 2000.

[21] Mahein nia Lian, Idem., p. 2.

[22] Daily *Independente*, Friday, 3 June 2011, p. 1.

[23] PNTL Statistics for current number for the year 2011.

[24]Daily *Independente*, Idem.

officers, an ongoing process. Based on the new law regarding police recruitment, the SES emitted its ministerial dispatch No. 30/2011. Based on the 2011 recruitments and according to different population sizes, it is estimated that each district will require the following number of officers:

Table 5 - Total number of PNTL officers recruited in 2011 to posted to each district

District	Number of PNTL
Aileu	15
Ainaro	17
Baucau	23
Bobonaro	20
Covalima	17
Dili	36
Ermera	23
Lautem	17
Liquica	17
Manatuto	15
Manufahi	15
Oecusse	17
Viqueque	18
Total	**250**

(Source: PNTL Department for Human Resources, 16 June 2011).

The security risks faced by the community and the population size of the districts may be the underlying reason behind the new recruitment posed to respond to the demands. On another note, as a number of PNTL officers are approaching retirement age, these new recruits are also timely, specially with regards to the younger recruits who will secure the PNTL's process of continuity more adequately.[25] However we have also gone through a number of experiences, from the first recruitments carried out under UNTAET and the recruitments which occurred under

[25] See http://timorlorosaeonacaodiario.blogspot.com/2011/02/7-febreiru-hahu-fahe-formulariu-polisia.html.

Timor-Leste Government, in particular by the responsible Ministry and PNTL Command.[26] In that time, recruitment process took too short a time (three months) and included former members of POLRI (Republic of Indonesia Police) who had experience in police services. The process caused major concerns among many sectors in Timor-Leste who questioned PNTL's professionalism, when at times, during their operations, many acts of violence against the community were reported.

FM is concerned about the duration of the training process provided to PNTL officers to be recruited. What type of training will be given to them and what will they do in these trainings? Or, are these new recruits intended only to replace the members who are on their way to retirement, and to promote gender equality within the institution? After a series of experiences, FM recommends that with the new recruitment process, there needs to be an improvement in their knowledge for the agents who are being trained, and for the future, a corresponding level of education. The training model should also be consistent with existing social and cultural contexts of the Timor-Leste society; the trype of training which can create partnership with the community, located within the community and cooperate with the community.

4. Infrastructure

According to the Vision 2030, security development is planned to develop in phases. The first phase (2011-2015) will be to strengthen and consolidate its base. The second (2016-2020) will be to increase and develop internal security. The third phase (2021-2025) will the strengthening of peace and stability. The fourth phase (2026-2030) is the provision of better community service.[27]In the first phase, the government has invested in basic infrastructure as the minimal condition for PNTL to carry out police work.[28] Through the cooperation under the *Timor-Leste Police Development Program* (TLPDP), assistance has also been given to training centre in the construction of a communication post for PNTL.[29]

However the issue of infrastructure continues to be a challenge to PNTL, be it at General Command level, district or subdistrict. Beginning from PNTL's formation in

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[26] See http://benvindodezenvolvimentu.blogspot.com/2011_05_01_archive.html.

[27]*Seguransa: Media informasaun no komunikasaunSekretáriaEstadubaSiguransa.*Outubru 2011, p. 14.

[28]Interview with AnacletoRibeiro, adviser to SES in matters of conflict prevention and security management. 16 June 2011.

[29]Daily *Timor Post*, Thursday, 19 May 2011, p. 16.

2000 until today, former Indonesian infrastructures such as buildings left behind by the Indonesian government, continue to be used. In 2011 four PNTL Command buildings begin to be constructed, guided by priorities already defined. The buildings are located in the districts of Viqueque, Dili, Manufahi and Ermera. The buildings for PNTL stations at the subdistrict levels and border police posts came under the Referendum Package (Pacote de Referendum) some years ago, the constructions of which have now been finalised.[30] Fundasaun Mahein is surprised with this declaration[31] because in reality, in the districts mentioned above, there is no building to be found of the District PNTL Command. FM continues to question the existence of this infrastructure whichconstitutes a measure for PNTL development, thus satisfying the suggested minimal condition. On the other hand, inspections conducted by the Office of the Inspector General show that the conditions, such as that of communication and other facilities, are not sufficient for policing services to be carried out.[32] FM recommends the SES to include in the national development plan continued investment in the basic PNTL infrastructures, given that these are some of the most basic necessities for policing service.

Obstacle to Development

1. Human Resources

Beginning from 2000, until today the biggest obstacle to the PNTL institution is human resources. Professionalism within PNTL continues to be of concern. Inside PNTL, right from its formation, there are many members with different history, level of education, experiences, not to mention the short period of police training. In addition, instructors also came from various countries with different languages, values and cultural experiences. With the unique situation in Timor-Leste, how can they adapt? In response, trainings in the context of Timor-Leste's social and cultural dynamics are required. That means the type of training which will produce members of police force who can build partnership in the community, learn about community issues and provide immediate solution, and nurture an environment of dialogue within the society.

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[30]Interview with the PNTL Chief of the Department of Administration and Planning. Wednesday, 29 June 2011.

[31]Idem.

[32]Daily *Suara Timor Lorosa'e*. Wednesday, 15 June 2011, p. 2.

Similarly, in the legal aspect, human resources are also major obstacles within PNTL. Low level of education hampers officers' ability to interpret the law or conduct criminal investigations which fall under their responsibility.[33] The low level capacity has great implications for the application of law and order, a challenge which has been with the PNTL since the day if its inception.[34] From the point of view of application of the laws, the capability to interpret the laws is very limited, while the knowledge the language used in writing the laws itself is vastly inadequate.

Often, orders take precedence and the law is ignored, a fact illustrated by a case involving conflict among the youths in BairroPité. When the police proceeded with capture operations in one evening, it was clear that such move was not allowed under the law, but the officers heeded their orders instead.[35] FM is extremely concerned with PNTL and UNPOL's actions in the capture process as they used the name "XANANA GUSMÃO", the current Prime Minister, to threaten the community, an incidence which took place on Friday, June 10, 2011, at 5:20 in the morning. The community considered it as an assault by PNTL and UNPOL, and deplored the act.[36] FM affirms that this action was not carried out in accordance with the law but it heeded an order instead, which is not sanctioned by the law. Is this a vindication of a remark made by FM during a seminar where it said, "Is the commander the law, or is it the Maun Abut (thugs)?"[37]

Challenges to the implementation of the law, its implication to discipline among members of PNTL and reports of human rights violations are helping to raise questions publicly against the professionalism of this institution. FM notices that the biggest weakness faced by PNTL is related to the knowledge of the law, and in particular the application of the later. Therefore capacitation and training of human resources in legal area, human rights and investigations are urgently needed. There are initiatives for of human rights training on behalf of agencies such as the United Nations and international and local NGOs, however their implementation has been rather difficult.

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[33]Interview with Roberto Pacheco, Justice System Monitoring Project. 17 June 2011.

[34]Interview with PNTL Deputy Director of Human Resources. 16 June 2011.

[35]Interview with Roberto Pacheco, Idem.

[36]Daily *Suara Timor Lorosa'e*, Saturday, 11 June 2011, p. 1.

[37]*HanoinLisuk: Lei makkomandanteka Maun Abut makkomandante?* See http://www.fundasaunmahein.wordpress.com.

There are no clear procedures against acts of violence and insubordination committed by PNTL members, and their cases remain under investigation processes without any form of justice applied to the members found responsible for these acts. This fact is clearly reflected in the case of Vladimir Lebre who was shot by a PNTL officer during an operation in the Delta Nova Hall on December 28, 2009.[38] There are also other cases which are still under investigation process. These weaknesses are the result of low level education, which are affecting the whole process within PNTL when it comes to legal procedures.

Table 6 - Disciplinary cases involving members of PNTL from 2007 to 20011

PNTL disciplinary cases from 2007 to 2011						
No.	**Case type no phase**	**Total**				
		2007	**2008**	**2009**	**2010**	**2011**
1	01. Instruction-Phase 1	1	0	6	151	64
2	01. Instruction-Phase 2	0	4	2	3	0
3	01. Instruction-Phase 3	0	0	0	0	1
4	01. Instruction-Phase 4	0	1	0	2	0
5	05. Decision withheld	3	3	5	24	6
6	07. Cases closed	239	256	145	212	3
7	09. Pending review	2	2	3	0	0
8	10. Preliminary investigation	2	4	6	19	0
9	11. Criminal action pending	5	3	1	4	0
10	12. Pending due to other reasons	3	2	2	1	0
11	13. Archived	0	1	3	0	0
12	14. Pending ordinary of resources	0	4	2	0	0
13	17. Pending notification	2	26	27	45	1
TOTAL		**254**	**306**	**207**	**461**	**75**

(Source: PNTL Department of Justice, 6 July 2011).

[38]Human Rights Report on Timor-Leste, 1 July 2009-30 June 2010, p. 9.

This report, which focuses on the legal procedures taking place inside PNTL relative to disciplinary and criminal act committed by members of PNTL, reveals that no suspension has been made public. As exemplified by the F-FDTL institution, the expulsion of any member of its members resulting from the commission of disciplinary or criminal act,is made public. FM recommends that the PNTL Command ensures that the PNTL be the example of an institution which safeguards and executes law and order in the community and the rest of the society. Therefore the institution must not cover itself up from the scrutinies of the civil society working in the legal and human rights field as some of them have knowledge of the disciplinary acts before it arrived in the courts.[39]

These acts continue to be committed because there is no strong legal procedure to keep the members of PNTL away from these disciplinary acts. The legal procedures which take place inside PNTL continue to pose challenges to the development of this institution. There are 1,303 disciplinary cases committed between 2007 and 2011 and among them, 855 cases have been closed without any clear justification.[40]

Based on the above numbers, FM believes that the existing disciplinary procedures are not strong enough to prevent these acts. Furthermore, there is no procedure to clearly specify a disciplinary case similar to ordinary procedures in place, and that these cases continue to increase. Impunity reigns inside PNTL under the protection of its own institution, which has been given the mandate of securing law and order.

FM continues to raise the issue of impunity because, while the procedures against cases of indiscipline continue, however there are no clear application of justice in the face of it. Facts show that over half of the disciplinary cases committed by members of PNTL do not undergo ordinary procedure in accordance with the law, as evidenced by the closing of the 855 cases arising from 2007 to 2011. FM is deeply concerned with the way that these cases have been dismissed unjustifiably.

Notably, the impunity endemic in the PNTL institution poses a serious threat to the institution's professionalism and credibility, resulting in an organisation where members do not obey the law, the institution or their own leaders. In consequence, FM continues to urge for the necessary investment in the human resources sector, catered to specific areas inside PNTL. Besides this, stronger regulation is also

[39]Interview with Roberto Pacheco, Idem.

[40]PNTL Statistics for disciplinary cases, 2007-2011. PNTL Department of Justice, 6July 2011.

required to force the members of PNTL to observe the law and regulations which govern the nature police services.

2. Facilities

Through the *Timor-Leste Police Development Program* (TLPDP), logistical support have been forthcoming ranging from, among others, beds and mattresses for community police, to vehicles, construction of training centres, a communication post for General HQ, and a planned construction of a warehouse for national logistics.[41]

The public has often questioned PNTL's professionalism and its assistance faced by the absence of even a minimal condition to support effective policing services.[42] The situation is worse in the rural areas, where sometimes the police is not able to effect any detention while the suspect continues to move freely for more than 48 hours before the suspect is captured.[43] A certain minimum condition is necessary to warrant a more effective service for the community. For example, the Lautem District Command reports that facilities to support security services are the main obstacle for similar concerns illustrated.[44]

According to PNTL's Office of the General Inspection, equipments and facilities are proving to be an impediment to policing services in all the 13 districts. For example during police operations, these equipments and facilities cannot be employed to deter any further problems from emerging. Further, facilities to support administrative services are also lacking, such as printers or photocopy machines. UNPOL has been helping with these facilities so far.[45]

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[41]Daily *Timor Post*, 19 May 2011, p. 16.

[42]Interview with PNTL. 20 June 2011.

[43]Interview with Hon. Duarte Nunes, MP, President of Commission B, National Parliament, 15 June 2011.

[44]*Tempo Semanal*, Tuesday, 21 June 2011, p. 8.

[45]Daily *Suara Timor Lorosa'e*, Wednesday, 15 June 2011, p. 2.

Table 7 - A general inventory of PNTL vehicles, including motorbikes, for 2011 (

No.	Type of vehicle	Good	Poor	Total
1	Car	237	69	**306**
2	Motorbike	366	94	**460**
3	Boat	11	2	**13**

(Source: PNTL Logistics Department, 11 July 2011).

Table 8 - List of vehicles obtained through donor support

No.	Donor	Type of vehicle	
		Car	**Motorbike**
1	GNR-Portugal	20	0
2	AFP-Australia Federal Police	40	0
3	TLPDP *(Timor-Leste Police Development Program)*	23	66
4	UNFPA	1	0
5	Australian Government	0	54
6	Chinese Government	0	10
7	NGO Ballarat Australia	0	1
Total		**84**	**131**

(Source: PNTL Logistics Department, 11 July 2011).

Table 9 - Cars and motorbikes in the 13 District Commands.

No.	District Command Unit	Type of vehicle			
		Car		Motorbike	
		Good	Poor	Good	Poor
1	Police Training Centre	8	0	12	0
2	General Command	74	7	51	10
3	Immigration	4	3	6	2
4	Special Police Unit	48	17	4	10
5	Maritime Unit	4	2	3	0
6	Border Patrol Unit	9	0	44	2
7	Aileu	6	1	18	2
8	Ainaro	3	4	14	4
9	Baucau	10	1	21	4
10	Bobonaro	3	5	18	7
11	Covalima	8	2	25	3
12	Dili	20	14	33	6
13	Ermera	8	0	21	4
14	Lautem	7	1	19	4
15	Liquisa	4	3	11	9
16	Manatuto	5	2	22	2
17	Manufahi	4	4	10	8
18	Oecusse	6	1	20	5
19	Viqueque	6	2	14	12
Total		**237**	**69**	**366**	**94**

(Source: PNTL Logistics Department, 11 July 2011).

With regards to the allocation of vehicles to the districts, units and departments, FM notes that there is no balance in favour of the services being rendered in the districts and in the borders. The allocation concentrates most of the vehicles in the Dili district, or within PNTL's various units and departments within the Command. Smaller number of vehicles are allocated to the districts, where they are most needed. For example, along the border districts such as Bobonaro, Covalima and Oe-Cusse, the Border Patrol Unit (UPF) needs vehicles to carry out their operations, which cover an extensive area, however this unit is only allocated 9 vehicles. The District of Oe-Cusse, located in an enclave within West Timor, is afforded only 6 vehicles to cover a lengthy border perimeter situated inside Indonesian territory.

The police is unable to control the vast area and that will in turn encourage people to cross the border illegally. Similarly, illegal activities such as illicit trades along the border will also take place. Drugs have been smuggled through the border as was reported in Mahein niaLian, No. 14, which looked at organised crimes in Timor-Leste and concluded that illicit drugs which found their way into Timor-Leste have originated from Indonesia. Most of the contraband has been smuggled through the bushes which the police is unable to maintain control.[46]

FM also raises an issue regarding the maintenance of the 69 cars and 94 motorbikes listed as in poor condition. Where are they being serviced? FM recommends that the Government, in particular the Secretary of State for Security, look into this matter more seriously and ensure that PNTL has access to its own repairs workshop to provide regular maintenance for their own vehicles when necessary. Furthermore, questions arise as to the means of fuel allocation for PNTL vehicles since the company Aitula Fuels stopped supplying fuel to PNTL because of non-payment by SES of the fuel it supplies.[47]

FM recommends that the Government directs its attention to the difficulties confronting the police force. The prevailing situation is challenging the very basicsof police servicein the community. The community hopes for a professional police service however, in order to provide professional services, the police also needs adequate facilities to support their activities. Therefore, FM urges the Government to identify all vehicles currently under PNTL's control, according to its type, make and

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[46] *Mahein nia Lian*, "Operasaun krimi organizadu iha Timor-Leste", 10 November 2010, p. 12. See also http://www.fundasaunmahein.wordpress.com.

[47] Daily *Suara Timor Lorosa'e,* Friday, 8 July 2011, p. 1.

how many are distributed throughout the 13 districts, and within each unit in the PNTL Command.

In the Future: Community Police or Militarisation?

The Decree Law no. 16/2009 of March 18, Organic Law of the National Police of Timor-Leste (PNTL), defines PNTL's policing philosophy with a community based character.[48] FM would like to introduce a new definition for the community police that is closer to the Timor-Leste context. Community policing services in Timor-Leste needs to be directed at conflict prevention within Timor-Leste's *bairros*, that is, the community police needs to work with the community.

The community police in Manufahihelps local communities in their farms as well maintaining local roads. While in Ermera, the police are involved in activities which bring them closer to their community such as, among others, in harvesting coffee beans.[49] The definition of a community police is as follows:[50]

1. Community police must establish an effective partnership with the community, be close to the community and be able identify local problems when they arise.
2. Community police find resolution to problems. Community police must focus on the specific problems in a specific and direct the solutions.
3. Develop a police structure that is capable of management and decentralised decision making so that community police officers can gain deeper understanding of the community in context.

Timor-Leste's community police can use the above definition as a guide to develop a system of local community partnership. A report by the NGO Belun suggests that most of the problems exist in the category of crime and violation against the law, however there are insufficient community police to work with the community leaders.

With reference to the above three points, Timor-Leste's community police will realise that most of the existing problems have more to do with personal security rather than crime of violations against the law. The community police should apply actions which can prevent conflict and establish an early warning system for conflicts which have the potential to result in confrontations. An early warning system is a means of

[48]No. 2, Article 1, Organic Law of National Police of Timor-Leste.

[49]Interview with Nelson Belo, Director of Fundasaun Mahein (FM). Tuesday, 5 July 2011.

[50]Idem.

communication which can collect information about disputes and in the areas of potential risk to help prevent conflicts from taking place in the communities.

An early warning system will need a good communications system. In some places, community leaders have difficulties accessing the names and contact details of the community police. This is made worse by the fact that community police rarely bring themselves close to the community, making it difficult to identify problems when they arise. For example the case of Au-Hun Becora, where on June 4, 2011 youths from the hamlet of Au-Hun Becora clashed with youths from BidauMasaur. The clash also involved a PNTL officer who threatened community members of that area.[51] The community police could not identify the problem and therefore unable to provide appropriate resolution, leading to more insecurity in the community.

Policing under community police aims to creates closer friendship with members of the community, thereby avoiding the traumatic experiences which Timor-Leste communities went through in the past than 24 years. Community police needs to expand contextual policing as stated above.

Community policing also helps stop militaristic police actions which are too far removed from police philosophy. The existing situations in Timor-Leste do not warrant police operations where powerful rifles are used such as in the operation against the *Ninjas* in Suai-Bobonaro area in 2010, as well as in the operation against unidentified individuals who regularly robbed cattle and intimidated the community members in Kelikai in 2011, and is still ongoing.

FM is shocked with the operation codenamed 88. Why is it called 88? Where did the name 88 come from? Has it been copied from POLRI's DENSUS 88, which was set up to combat terrorism? Are the criminal incidence in Kelikai being considered as terrorism? It is even more alarming with the fact the suggested name originated from the leaders and people's representatives in the National Parliament.[52] Nevertheless, there is no indication to suggest that the situation truly reflects the supposed threat to stability. Or, is the name to reflect the number of MPs in the first legislature, a total of 88. Indeed it was the 88 deputies who approved Timor-Leste's Constitution as the basic law which guarantees the people's lives and the state's sovereignty. Whenever the country's stability comes under threat by any type of aggression, be it from within or foreign, the F-FDTL and the PNTL will automatically assume their responsibilities

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[51] Interview with the chief of Au-Hun Hamlet and community members, 8 June 2011.

[52] *Tempo Semanal*. Tuesday, 5 July 2011.

to eliminate that threat. However with regards to the cases of theft and threats made by unidentified groups against community members in Kelikay, they do not bear the conditions which would make it necessary for the operation codenamed 88.

In Timor-Leste's history various operations have taken place, including Operation Halibur in 2008, Operation Ninja in 2010, Operation 88 in 2011 and there may be other operations which FM is unable to include in this report. FM notes that these operations have become an embedded culture which sanctions violent acts against criminal activities without any regard for their size. It is normal for any state to carry out operations against any action that threatens ist national stability. Or is the operation 88 currently in place in the Subdistrict of Kelikai being used to show off PNTL's military capability before the community?

FM considers that the case which took place in Kelikai-Baucau is in fact a social problem which escaped detection by the local leaders and the community police with impacts on community stability. Nevertheless, conflicts such the Kelikai case is not a recent development, but it has been occurring since 2010 but without any preventive response from the community leaders nor the community police in the locality concerned.

Therefore community policing is required with an ongoing presence, while helping prevent situations which call in measures designed for internal security threats. Where the preventive response comes before a situation which warrants capabilities greater that that afforded to community police, then the possibility arises for the delegation to the competent ministry to take immediate solution. Like the burglary case in Kelikai, the community leaders and their police counterpart need to investigate the roots of the issue, why has burglary taken place? This alone may lead to solutions to the issues involved, not operations with imposing names which only traumatises the community psychologically.

Conclusion

PNTL has come through a long road towards professionalism and the journey has been slow. Under Minister RogerioLobato's leadership, PNTL fell prey to factionalism and political problems that opened the way a military crisis, paralysing and rupturing the institution.

Following the 2006 crisis, PNTL was reformed into an institution which will heed only the RDTL Constitution. UNPOL took charge of internal security as provided under the supplementary agreement of December 1, 2006.

From 2007, PNTL's development became the responsibility of the Government, in particular the Secretary of State for Security. Some efforts have been advanced by the Government include new legislations for PNTL, infrastructure, promotion, recruitment and other facilities to support their work. Bilateral supports were also made available for PNTL's institutional development.

On March 27, 2011, PNTL was handed over full responsibility for security of the whole territory, asvisible sign of its development. Similarly, on the policy side, laws and decree laws which govern security sector development have been forthcoming, including national security law, national defence law, career promotion law and other laws. Furthermore, the institutional statute itself contains organic laws which promote community policing in the community.

However the biggest challenge facing PNTL development continues to be human resources, afflicted by inadequate knowledge and capacity in the areas of management and administration and poor accountability. And this is further compounded by a general lack of adequate facilities to support police services, both at Command and District levels.

The Government, in particular the Secretary of State for Security need to invest in the human resources area to improve PNTL capacity and knowledge, through education and training both at home and through bilateral cooperation. Conditions and facilities also need to be brought to a satisfactory level, an action urgently needed.

Fundasaun Mahein hopes for the Government to pay more attention to community policing initiatives in order to limit the need for paramilitary police force. A community police will form closer ties with the community and will be more effective in preventing conflicts.

Moreover, Fundasaun Mahein hopes thatthe bilateral support provided to PNTL will focuses on important areas in need of development. Maximum support in every area with continued consultation with the East Timorese counterpart will help empower the East Timorese and encourage local ownership of the PNTL institution, which is established by the East Timorese, controlled by the East Timorese and applied according to East Timorese laws as contain in the RDTL Constitution.

Document Sources

Organic Law of National Police of Timor-Leste, Article 1
Organic Law of National Police of Timor-Leste, No. 1, Article 1
Mahein niaLian No.15, “Rekrutamentuba PNTL: DalanNarukbaProfesionalismu.”
Human Rights Report for Timor-Leste, 1 July 2009 – 30 June 2010
Supplementary Agreement, Dili, 1 December 2006.
Decree Law No. 16/2009 of March 18 On the Promotion Regime for National Police of Timor-Leste.
Seguransa: Media information and communication of the Secretary of State for Security, October 2010.
PNTL Statistics on the number of PNTL Officers, 2011
PNTL Logistics Department, “Statistics on the Number of Vehicles Owned by PNTL,” 11 July 2011.
PNTL Command of Manufahi and Ermera, November 2010
Population Census, 2010

Interview Sources

Hon. Duarte Nunes, MP., Presidentof Commission B, National Parliament, 15 June 2011.

Nelson Belo, Director of Fundasaun Mahein (FM), Tuesday, 05 July 2011.

UNPOL source,14 June 2011.

PNTL source,20 June 2011.

AnacletoRibeiro,16 June 2011.

PNTL Deputy Director of Human Resources, 16 June 2011.

Gordon Peake,expert in the area of security and policing, 20 June 2011.

Roberto Pacheco,Justice System Monitoring Project, 17 June 2011.

Roberto Viegas, Director of YayasanHak, 14 June 2011.

PNTL Chief of the Department of Administration and Planning, Wednesday, 29 June 2011.

Chief of Aldeia Au-Hun-Bekoraand community members of the Aldeia, 08 June 2011.

Newspapers

Timor Post, Thursday, 19 May 2011.
Suara Timor Lorasa'e,Wednesday, 15 June 2011
Suara Timor Lorosa'e, Tuesday, 17 May 2011.
Suara Timor Lorosa'e, Saturday, 11 June 2011.
Suara Timor Lorosa'e, Friday, 30 June 2011.
Suara Timor Lorosa'e,Friday 08 July 2011
Tempo Semanal, Tuesday, 21 June 2011.
Tempo Semanal, Tuesday, 05 June 2011.
Indepedente,Friday, 03 June 2011.

Internet Links

http://www.fundasaunmahein.wordpress.com

http://www.etan.org/et2006/april/22/28army.htm

http://timorlorosaenacaodiario.blogspot.com/2011/02/7-febreiru-hahu-fahe-formulariu-polisia.html

http://benvindodezenvolvimentu.blogspot.com/2011_05_01_archive.html