



Increased Weapons Purchases for PNTL in 2014 Problematic in Absence of Auditing and Oversight System

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I. Introduction

In the 2014 general budget proposal, the government places the security sector as the third priority sector after the health and education sectors.¹ According to the budget, the government considers the security sector to be more of a priority than other sectors such as agriculture and tourism in 2014. Fundasaun Mahein has ideas for the consolidation and establishment of a better security system that does not entirely depend on the funds invested by the state for the security sector. These ideas, however, depend on the management capacity of security sector institutions, especially in the planning and institutional capacity to perform services. These ideas can offer a base for public investment in the security area in order to avoid faulty investments and allow Timor to invest at intervals while monitoring the results on a gradual basis.

The 2014 General Budget proposal from the Ministry of Defense and Security (MDS) was submitted to the National Parliament and discussed at the Specialize Committee in November 2013. The Secretary of State for Security (SES) and the General Command of the National Police of Timor Leste (PNTL) have given speeches publicly through national media indicating that new weapons will be purchased for the PNTL to replace the old weapons.²

FM first alerted the National Parliament Committee B, (defense, security and foreign issues) on 8 November 2013. FM questioned the proposed budget to purchase weapons, the details of which are not explained in the budget's report.³

FM's questions regarding the proposal to buy new weapons arose out concerns that the internal management of PNTL weapons remains a large liability. Specifically, weapons that went missing during the 2006 crisis (for which there was a joint investigation called by FANLINTIL-F-FDTL and PNTL in 2011), as well as weapons that went missing in 2012 and 2013 raise serious doubts about the PNTL's capacity to prevent weapons from being lost or falling into the wrong hands.

II. Methodology

This study's methodology was the gathering of documents related to the issue of missing weapons which have been published on national media. Reports of the 2014 general budget proposal for the Ministry of Defense and Security were also analyzed. FM also interviewed community members and some credible sources from the PNTL in every district.

¹ RDTL. (2013, October) Book 1 Economic Panorama 2014 State General Budget Proposal, page 1.

² May. (05, November 2013) Government will purchase weapons for UPF-PNTL in 2014. Jornal Nasional Diario.

³ Mahein Foundation. (11, November, 2013). A civil Society Perspective about the 2014 general budget proposal, for Ministry of Defense and Security. "The Report had made audience with Committee B National Parliament, on 8 November Mahein's voice No. 62. Pdf.

III. PNTL posturing and politics of armament

FM has publicized many alerts regarding the importance of the PNTL's strategic plan to establish the PNTL position as outlined in the National Development Strategic Plan (PEDN). Following the PNTL Strategic Plan guidelines, effective planning is possible after thinking through some key questions: How much manpower is needed? What types of equipment are needed and what logistics must be implemented? What types of infrastructure must be built?

FM's observation and inspection of the PNTL armament is still a big concern, because there is not yet any policy defining what kind of weapons are needed or appropriate for use by the PNTL. Questions still remain, such as how many weapons does the PNTL need? What is the quality of weapons in the PNTL?

FM suggests that the PNTL establish an armament policy so that it can begin planning for an inspection team to monitor the PNTL. With regards to the PNTL, FM suggests that the PNTL categorize the weapons in its armory. Security threats to be considered when considering the effectiveness of PNTL weapons include terrorism, human trafficking, drugs, money laundering, and other national crimes.

FM also questions the PNTL process of purchasing weapons. In 2013, Timor-Leste bought new PM2 V1 (75) weapons for the PNTL made by PT. Pindad Indonesia. Responsibility for buying the weapons became a point of contention between the SES and PNTL general commands, but the PNTL finally ended up buying the weapons. Upon being examined after purchase, however, it was found that the weapons were of poor quality and malfunctioned.⁴

Lacking control and an internal auditor, sometimes the PNTL does not control its weapons well or realize that some officers have lost or stolen weapons. FM questions how the PNTL can regulate the illegal weapons trade when the PNTL itself cannot control its own weapons? This is a big liability for the PNTL as it plans to buy more weapons.⁵

IV. PNTL buys more weapons in 2014

The government presented the 2014 general budget proposal to the National Parliament, and the general budget for the Ministry of Defense and Security particularly to Committee B of the National Parliament. The Secretary of State for Security (SES) and general command through national media published that in 2014 the government will buy more weapons for Timor-Leste's police force by replacing old weapons with US\$224.000 from the 2014 general budget.⁶

FM's analysis states that the general budget for MDS did not indicate plans to buy weapons for UPF-PNTL.⁷ Where did funding for buying these weapons come from? As confirmed in paper 4A from the 2014 general budget, the capital for PNTL is minor. The security equipment allocation is US \$598.⁸ But there is no explanation for this figure, what equipment will be

⁴ Mahein Foundation. (13 August 2013). Management and Mismanagement of weapons in Timor Leste. Mahein's Voice No. 38. pdf

⁵ Mahein Foundation. (23 April 2013). Lost Weapons and Other Weapons Issues in Timor-Leste. Mahein's Voice No. 49. pdf

⁶ May. (5 November 2013). Government will purchase weapons from the PNTL in 2014. Jornal Nasional Diario.

⁷ RDTL. (October 2013). Paper 2 General Action Plan from State General Budget to the Ministry of Defense and Security in 2014. p. 200

⁸ RDTL. (October 2013). Paper 4A General State Budget Rubric for the PNTL in 2014. P. 174

bought? According to a confirmed source, the funds referred to are allocated for the purchase of 80 weapons for the UPF and 20 weapons for the UPM.

On the other hand, SES and general command did not provide information about where they purchased the weapons and which authorities or institutions will be responsible for buying the weapons. Additionally, FM has observed that the SES and general commander do not have specific authority single-handedly develop the PNTL, especially with regards to the planning or purchasing of PNTL weapons.

If the government's proposal for buying weapons is approved by the National parliament, FM will become very worried because Timor-Leste is still in its developmental stages in terms of weapons management. New weapons continue to replace missing weapons that have yet to be found or accounted for. The effective management of these weapons requires an internal control mechanism to ensure effective oversight. FM's monitoring about PNTL use of weapons reveals that PNTL officers often break protocol, with some officers using weapons not only during on-duty hours, but also bringing their weapons home with them.

V. Problems for auditing PNTL weapons

Management of PNTL weapons has become problematic; FM observes that the PNTL has not yet created documents for record-keeping of the PNTL's armory. A lack of record-keeping of PNTL weapons will create an opportunity for officers to misuse weapons. FM considers it very important that the PNTL keep close and accurate records on its armament to combat the misuse of weapons. These records could facilitate the management and maintenance of the PNTL's armory, as well as allow for an annual audit of the PNTL's weapons.

FM's observations show that there is no annual audit of the PNTL's weapons. Instead, the PNTL command and SES have established appropriate laws or regulations for the administration of the PNTL's weapons. A legal panel could be appointed to oversee the use and conservation of weapons. The legal panel could facilitate document control for the PNTL internal auditing and record-keeping. These records would cover how many weapons the PNTL is using, how many are used in the command ranks, how many are kept at headquarters, how they are used, and how they are maintained.

FM consider that weapons information, especially the auditing results, should be confidential, and overseen by government institutions such as: Provider of Human Rights and Justice (PDHJ), Casa Militar, SES, and committee B national parliament. Auditing and inspections should be done not only for the existing weapons but also to ensure quality control for the weapons that are bought in the future. FM's observation show that weapons recently bought from PT. Pindad Indonesia had gun barrels that had been previously used. Therefore, a lack of inspection led to the money of the Timorese people being spent on second-grade weapons.

The safe-keeping of the PNTL's weapons has become a concern as FM's monitoring has revealed that there are no warehouses at PNTL headquarters in any of the districts in Timor-

Leste.⁹ As a result, many PNTL officers bring their guns back home for hunting. Ironically, sometimes PNTL officers bring their guns home without knowing that PNTL regulations do not permit PNTL officers to bring weapons back home on off duty hours.

VI. Who is responsible for the missing weapons?

FM asks for a recollecting process to be done for the missing weapons in 2006, including the missing weapon in 2012. FM's monitoring has revealed that there had been an investigation into the missing weapons in 2006, and the report was finalized by the end of 2011. To date, however, the investigation report has offered little insight into the incidence or consequences for those involved.

In October 2013, the PNTL command and SES created public confusion through releasing conflicting public statements. The second commander of the PNTL, Afonso de Jesus declared that 23 PNTL weapons were missing, including AK-33's and pistols. However, at the same time, the SES declared that the PNTL weapons lost in the 2006 crisis had been recollecting and they were in the process of verifying which unit had been responsible for losing those weapons.¹⁰

Control processes have not yet been finalized, and others incidents of weapon loss have occurred. In 2012 a PNTL officer lost a gun. Many were surprise when a PNTL officer in Ermera district lost his pistol in March of 2013. He was disciplined, but ironically was still promoted to the rank of chief sergeant.¹¹

FM believes that to properly control the use of weapons, PNTL officers who misuse or misplace their weapons should be held responsible according to a process of discipline, and should also be answerable in a criminal court. If officers are allowed to break regulation without consequences, as is currently the case, a culture pervaded by lack of respect for the structure of command and regulations will pervade the PNTL, making it much harder for the organization to fulfill its law-enforcement mission. If this happens, other security sector institutions will not want to cooperate with the PNTL and the public will lose all trust in them.

According to FM's observations, PNTL officers have a big problem regarding responsibility for the use and conservation of weapons. Additionally, the PNTL has not yet been able to set up an internal control mechanism to oversee officers and discipline those who have misused or misplaced weapons.

⁹ Mahein Foundation. (13 August 2013). Management and Mismanagement of PNTL Weapons. Mahein's Voice No. 38. Pdf

¹⁰ Da Costa, João. (23 October 2013). 23 PNTL Weapons Missing. Jornal Independente. Timor-Leste

¹¹ Campos, Aquino. (26 November 2013). Officers Promoted Despite Missing Weapons. Jornal Independente.

VII. Lack of weapons control implemented by PNTL

FM published a report in August 2012 about the management and mismanagement of PNTL weapons in Timor-Leste.¹² In the report FM discussed the impact of missing weapons on national stability. The following is an incomplete list registered by FM:

1. On 28 November 2002, there was a protest in front of the PNTL in Baucau district. In responding to this protest, the PNTL killed a person and they were not held legally responsible.
2. On 4 December 2002, there was a demonstration in Dili and the PNTL action in response led to the deaths of two people and others injured. The deaths and injuries were caused by weapons. The PNTL was not held responsible based on the law in this case.
3. In April 2006, the interim minister and police officers distributed weapons for civilians, and made significant contribution to the 2006 crisis that killed police and military as well as civilians, police. This crisis also resulted in burnt houses and offices of the government as well as creating around 150,000 internal refugees.
4. On 3 June 2007, Afonso Kudalai was shot dead by a PNTL member in Viqueque district.
5. On 8 February 2008, some former police and military members took PNTL guns and then seriously wounded the republic president, as well as also launching an attack on the convoy of the prime minister.
6. On 2 November 2009, a civilian was shot in his stomach by a PNTL officer in Bobonaro district.
7. On 22 November 2009, a PNTL member shot and wounded a Timorese citizen during off duty hours.
8. On 29 December 2009, in Delta Nova-Comoro, a PNTL member shot dead Vladimir Lebre Correia at a party.
9. On 4 November 2011, a PNTL member from UPF shot dead a university student named Lulu in Lourba village, Bobonaro district.
10. On 15 July 2011, Armindo Perreira Alves was shot dead by a PNTL member (Hera station) in Hera.

This list shows us the importance for the PNTL to resolve its problem, and to make a plan for the control of the use of weapons before they take any steps to buy more weapons. FM asserts

¹² Mahein Foundation. (13 August 2013). Management and Mismanagement of PNTL Weapons. Mahein's Voice No. 38. Pdf

that if the PNTL continues to increase its armory while at the same time neglecting to put in place a weapons control mechanism, the mistakes of the past and PNTL misuse of weapons will continue to occur.

VIII. Summary recommendations

1. FM recommends to SES and PNTL general command to revise the armament policy for the PNTL and set up a management and administration system for the PNTL's weapons so they can facilitate a control system (especially auditing and internal inspection).
2. FM recommends the need to improve the procurement system at SES and PNTL general command. A lesson should be learnt from the decision to purchase weapons from the Indonesian company PT. Pindad in 2012, which was a botched sale.
3. FM recommends enacting an annual audit for the PNTL's weapons, monitored by the Ministry of Defense and Security. These efforts should be supervised from an integrated team of the PDHJ, SES, Casa Militar and committee B national parliament. These efforts should confirm the number of the existing weapons, including how many good and broken weapons, how many weapons are held by PNTL members, how many are inside the warehouse, and how many are used by the commanders.
4. FM urges enactment of annual auditing for PNTL weapons to also ensure the quality of the weapons and that they are not misused. FM's monitoring about some guns bought from PT. Pindad Indonesia (PM2 V1) reveals that some had been used, even before the PNTL conducted training on how to shoot the guns. FM received reports that some PNTL commanders had used these guns to shoot deer in Soibada Manatuo.
5. Recommend to PNTL to implement disciplinary regulations within the PNTL so officers who misuse or are responsible for the disappearance of weapons will be held responsible.
6. FM recommends improving the capacity of the PNTL institution for management and control of weapons by establishing a control system, before purchasing more weapons for the PNTL.

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