



Obedience and Discipline in the PNTL and F-FDTL

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“Security forces should set an ‘example of discipline’ for the Timorese people, not be a force for of hurting and separating people.” (Taur Matan Ruak).¹

Introduction

The actions of the PNTL and F-FDTL are regulated according to the law and other applicable regulations. The Organic law of the PNTL regulates PNTL protocol, including the PNTL Discipline Rules (PDR), which is meant to uphold PNTL discipline. The PDR states that discipline should be obeyed rigorously along with the general law and the other applicable PNTL regulations.² This message signifies the PNTL’s primary responsibility to obey the law while it carries out its activities.

The F-FDTL’s code of conduct is the Military Discipline Rules. This doctrine calls for respecting people’s rights, adhering to the authoritative hierarchy, and sacrificing private interests for the greater good, as based on the constitution and other applicable laws.³

MDR article 4 mentions “military duties”, which include respecting civil authorities while also challenging them respectfully when necessary. It also states not taking any action that is not based on public morality, dignity, and military honor.⁴

Although the regulations are clearly outlined, some members of the PNTL and F-FDTL still disobey their duties by committing crimes. Some members have also been involved in violent activity and have demonstrated un-disciplined attitudes.⁵ These transgressions often involve civilian youth, who will in turn seek to attack officers (with whom they had the disagreement or confrontational incident with) when they are off duty.⁶ Civilian tension with security actors is exacerbated by their frustration stemming from unemployment. Even worse is when F-FDTL members confront each other in public and refuse to surrender to each other.

FM’s monitoring of the PNTL and F-FDTL uncovered some incidents involving plans by civilians to kill or assault members of the PNTL and F-FDTL. Reports received by FM indicate that unknown civilians have killed some PNTL and F-FDTL members.

¹ Speeches of the President Taur Matan Ruak at the 13th Anniversary of the Transformation FALINTIL to F-FDTL.

² Decree Law No. 13/2004. (16 June 2004). Discipline rules of the National Police of Timor-Leste.

³ Decree Law No. 17/2006. (8 November 2006). Military Discipline Rules.

⁴ Decree Law No. 17/2006. (8 November 2006). Military Discipline Rules. Article 4

⁵ Dgx. (09 January 2014). Command of the F-FDTL will Dismiss Disrespect Members and Commit in Crimes. <http://www.indiario.com/2014/01/09/komandu-f-fdtl-sei-hasai-membru-faltador-no-komete-krime/>

⁶ Guterres, Frey. (18 February 2014). Adviser of the Office of the Republic President (ORP) Military House. Private Interview.

Methodology

The research conducted in the creation of this report was done utilizing a method called Security Sector Discussions (SSD). FM monitored instances in which civilians attacked or killed PNTL and F-FDTL members between 2011 and 2013. FM also interviewed relevant authorities and gathered information from national and international media sources and governmental and NGO reports covering violence and crime committed by the PNTL and F-FDTL.

This report analyzes reasons “why civilians attack and kill PNTL and F-FDTL members”, and the impact of these events on national stability. This report also seeks to explain the causes of violence and crime against security actors, as well as the effectiveness of the application of the disciplinary process within the PNTL and F-FDTL.

Disciplinary Cases Involving PNTL and F-FDTL Members

a. PNTL Cases of Indiscipline

FM received reports in December 2013 alleging that two members of the police task force physically hit some youth community members. The police officers were accompanied by the chief of the village, Akadiru Hun, and all three men appeared to be intoxicated.⁷

On the 14 of January 2014 in Zumalai district, a PNTL agent attacked 54 year-old Lucio Acau's, and then forced him to run from Raimea village to sub-district Zumalai with buffalo skin around his neck. This incident insulted the people of Raimea village by sending the message that people from Raimea are thieves.⁸

Another case involved PNTL member Bobby Gonsalves (a Companhia Seguransa Pesoa-CSP member). On January 25th 2014, Gonsalves used his gun to shoot his girlfriend in his house in Delta, Fomento.⁹

In responding to the case, Superintendent Chief Afonso Dos Santos explained that any PNTL members involved in such acts should be disciplined and receive justice for their actions. Because the law prohibits PNTL officers from using unauthorized violence in any instance, and prohibits the use of guns while off duty, Gonsalves clearly violated the law on more than one count.¹⁰

A report released by HAK Association and the Voice of Human Rights highlighted more cases of PNTL violence in 2013. One case involved a PNTL officer stationed in Alieu, who

⁷ Belun, at Res. (December 2013). *Revise the Situation of December 2013*.

⁸ Azu. (14 January 2014). *Mauluta: Interfere the Problem*. Timor Post Newspaper

⁹ Flo. (03 February 2014). *Honor to FALINTIL*. Jornal Timor Post.

¹⁰ MJ6. (31 January 2014). *Case of A CSP member is on the Justice Process*. Timor Post. Newspaper.

captured and physically and verbally assaulted 4 youth on the 27th of April 2013.¹¹ In another incident, a PNTL officer In Baucau district used his gun to knock out a man, and then carried the victim to the PNTL headquarters and detained him all night without cause.¹²

Alarming, cases such as these are a monthly occurrence. While the media or civil society organizations report some cases, many others go unreported and unpublicized. Civil Society Organization Belun reported on a case where a PNTL member shot a disabled person in the sub-district of Dom-Aleixo in January 2013.¹³

Another case occurred in Dili in January 2013, in which a police officer dressed in civilian clothes forced a young man out of his house to confront him over a personal dispute. Yet another case in Vera Cruz sub-district involved a drunken policeman who used tear gas on an old man and hit him in his face.¹⁴

An Ombudsman's report mentioned that there was a high number of violent cases involving PNTL members in 2013: there were 49 cases of human rights abuses committed by the PNTL, including two cases involving local authorities. According to the ombudsman, about 27 of the stated cases involved hitting, kicking, or punching. In addition, there were 3 recorded cases of sexual abuse, 9 cases of capture and illegal imprisonment without cause, and 2 cases of random illegal shootings.¹⁵

The director of HAK Association, Manuel Monteiro, has confirmed that cases of crime and violence committed by members of the PNTL this year are reduced in comparison with the last three years.¹⁶ Police action thus far has been based on the existing legal procedures, but police have had to take less action as fewer serious crime offences have been reported in the last few months.¹⁷

PNTL members continue to commit crimes because of social and personal problems. The pace of development within the PNTL, which is moving quite slowly, may exacerbate these problems. Some PNTL members come from backgrounds of disadvantage or minimum education: some members' highest level of education is elementary school, and other members are war veterans, ex-POLRI officers (Indonesian police), and others.¹⁸ A lack of knowledge about the law, along with inadequate training and a weak emphasis on

¹¹ HAK Asosiasaun. (May-July 2013). Facts of the Human Rights Situation May – July 2013. Voice of Human Rights

¹² HAK Asosiasaun. (May-July 2013). Facts of the Human Rights Situation May – July 2013. Voice of Human Right

¹³ Belun, atRes. (February 2013). Revise the Situation of January -February 2013.

¹⁴ Belun, atRes. (February 2013). Revise the Situation of January -February 2013

¹⁵ Max. (24 January 2014). Many of the PNTL Members Committed in the Human Rights Violence. <http://www.diariutimorpost.tl/berita-856-membru-pntl-barak-komete-violasaun-diretus-umanus.html>

¹⁶ Monteiro, Manuel (30 January 2014). Private Interview.

¹⁷ HAK Asosiasaun. (October 2013). Facts of the Human Rights Situation August – October 2013.

¹⁸ Monteiro, Manuel (30 January 2014). Private Interview.

implementing the letter of the law encourages PNTL members disobey PNTL regulations and protocol.

If these problems continue to persist on an annual basis, they can present a challenge for the development of the PNTL, make it harder to reduce the level of violence committed by PNTL members.

The PNTL commander of the justice department, superintendent chief Carlos Jeronimo, confirmed that seven PNTL members are in the process of dismissing their disciplinary charges in relations with cases of regulation breaches they committed.¹⁹

b. F-FDTL Cases of Indiscipline

On January 24 2014, before the joint ceremony between FALINTIL and the F-FDTL, some F-FDTL members from the naval division attacked two youths in Tower nightclub.²⁰ This incident became the a central topic within the speeches of president Taur Matan Ruak and major General Lere Anan Timur during their speeches during the 13th anniversary of FALINTIL's transition to the F-FDTL, at the General Headquarters in Fatu Hada, Dili. Dili.

In his speech, president Taur Matan Ruak said that the F-FDTL should “become a symbol and presence for national stability and development, through self-improvement, in order to serve the people and the country and become an example for other security entities, not to fight or become enemies with the people of this country”.²¹ Major general Lere Anan Timur reinforced in his speech that the F-FDTL “should practice maturity and discipline to be a professional force”, as well as demonstrate a spirit of nationalism and patriotism.²²

The Military Discipline Rules (MDR) is a guide for F-FDTL members to follow when assigning their daily duties. The F-FDTL should serve as an example for the public by displaying maturity of discipline in order to guarantee the security and development of the country in the future. However, such a display of maturity and discipline has not yet been applied consistently in the field. Illegal actions and cases of violence are still committed by members of the F-FDTL.

There are six cases of indiscipline committed by F-FDTL members, including two cases committed by F-FDTL against the local authorities, as based on the ombudsman's report from 2013.²³

¹⁹ Sonia Ferreira. (28 January 2014). 7 of PNTL Members is in Dismiss Process. STL Newspaper

²⁰ Alm. (30 January 2014). Two youths hit by the member of F-FDTL, NP urges to apply the Penalty. Diario Newspaper.

²¹ Flo. (03 February 2014). Honor to FALINTIL. Jornal Timor Post.

²² Flo. (03 February 2014). Honor to FALINTIL. Jornal Timor Post.

²³ Max. (24 January 2014). Many of the PNTL Members Committed in the Human Rights Violence. <http://www.diariutimorpost.tl/berita-856-membru-pntl-barak-komete-violasaun-diretus-umanus.html>

Report from national organizations also recorded violence and criminal cases committed by F-FDTL members during 2013. In January, one F-FDTL member hit a man in his house in Maubisi sub-district, because the man hit the village chief. In February an F-FDTL member physically dominated a youth while using his LAPTOP at an Internet Café.²⁴ In another incident, an F-FDTL member along with a group of his colleagues attacked a man and his wife inside their home. This attack apparently took place because the perpetrating F-FDTL member suspected the man of stealing fish from him.²⁵

Between July and August of 2013, an F-FDTL member attacked the PNTL commander in Bobonaro district after the commander stopped him for not wearing a helmet and checking the documents of his motorbike.²⁶ Another case took place in December 2013, when one F-FDTL member hit and injured the owner of a shop in Colmera because the owner did not reduce the price of his merchandise. Additionally, in Oe-Cusse, an F-FDTL member hit two men and a woman because they threw dirt on a grave belonging to the family of an F-FDTL member.²⁷

Another troubling aspect of cases of disobedience committed by PNTL and F-FDTL members is that they often leave a bad impression on members of the public. Civilians who are victims of violence at the hands of PNTL or F-FDTL members sometimes recruit others to attack the PNTL or F-FDTL members who assaulted them while they are on vacation or on off-duty hours.

Civilian Action against Members of the PNTL and F-FDTL

The first recorded civilian attack against a security force member took place in Tashilin village, sub-district of Zumalai Covalima district, where unidentified perpetrators killed a PNTL member. PNTL agent Augusto Paolo Dos Santos came from Zumalai to his house, where he saw a group hit a youth in the street. In response, he attempted to help the youth and was stabbed by the group in his stomach and neck, and was hit an iron bar.²⁸ In another case, an unknown group assaulted and stabbed sergeant Armindo on December 29, 2013 in Bacau sub-district of Baguia.²⁹

Some members of the F-FDTL have been killed by unidentified perpetrators. One such case involves F-FDTL member Sabino Ximenes, who was killed by unknown assailants in November 2011. He was killed after returning from Metinaro, and his body was thrown into the sea before being recovered in the area of Metiaut beach. In another incident, F-FDTL member Damião Soares was killed by his wife (assisted by her younger brother) on

²⁴ Belun, atRes. (July–August 2013). Revise the Situation of January -February 2013.

²⁵ Belun, atRes. (January 2013). Revise the Situation of January 2013.

²⁶ Belun, atRes. (July–August 2013). Revise the Situation of July -August 2013.

²⁷ Belun, atRes. (December 2013). Revise the Situation of December 2013.

²⁸ CJITL. (16 August 2011). Confrontation in Zumalai Resulted A PNTL Dead no Joven and A Youth get Serious Injury <http://cjitl.org/cjittimor-today/cjitl-breaking-news/709-konfrontasaun-ih-zumalai-rezulta-pntl-1-mate-no-joven-1-kanektodan>

²⁹ Fundasaun Mahein. (09 January 2014). Up-date of the Security Sector in Timor-Leste: Tentative of the National Stability Since 2014. <http://www.fundasaunmahein.org/2014/01/09/up-date-siguransa-ih-timor-leste-tentativa-estabilidade-nasional-hahu-2014/>

November 25 2011, at 10:00 PM in Comoro village, Dom-Aleixo sub-district, Dili. Additionally, unidentified perpetrators in Maliana sub-district killed F-FDTL member Sebastião Borges Marques on the 24th of June, 2012.

One last incident took place on the morning of Sunday August 12, 2012, at 4:00AM in the morning, when an unidentified group attacked F-FDTL second lieutenant Cristovão da Silva “Kiki Lai”. Lieutenant Silva died on August 20th 2012 at 7:00AM at the National Hospital Guido Valadares (NHGV), in Bidau Dili.

According to FM’s monitoring, suspects have been arrested and sent to prison for involvement in some of the cases mentioned above, while other cases remain entirely unresolved. The suspect accused of killing F-FDTL member Sebastião Gomes in Maliana has been arrested and detained in prison. In the case of F-FDTL member Damião Soares, who was killed by his wife accompanied by her younger brother, the police have not yet been able to gather enough incriminating evidence.

Another case that has not yet been resolved (and is still being investigated) is the 2011 Metiaut case. Superintendent Calistro Gonzaga has explained that the suspect has not yet been found and that the investigation is still ongoing. Superintendent Calistro Gonzaga also explained that the case is quite hard to solve because of a lack of evidence and information.

The murder of second lieutenant Cristovão Borges Marques in Santa Cruz has also not yet been solved, and is still being investigated. The commander of the Criminal Investigation Service (CIS) has stated that they were conducting the investigation because the case was not presented to the district police station. The people of Murak hamlet have had a “Koremetan” feast on Saturday August 11, 2012. An F-FDTL member participating in the feast drank wine with colleagues before returning to Kaikoli to visit his family at 4:00AM. At some point, youths from Kintal-Bot raided the feast. Former hamlet chief Martinho Casmiro called F-FDTL member Cristovão for support and to prevent the confrontation from escalating. However, Cristovão was attacked and killed by the group after arriving at the scene.

Conclusion

Actions of PNTL and F-FDTL members are regulated under the PNTL Discipline Rules (PDR), and the Military Discipline Rules (MDR), respectively. PDR and MDR rules regulate the actions of the PNTL and F-FDTL, in addition to other applicable laws. Hence, some of the cases mentioned in this report involve member of the PNTL or F-FDTL who disobeyed PDR or MDR regulations.

Members of the PNTL and F-FDTL sometimes display public brutality, such as hitting people of displaying an un-professional attitude while in public. For example, a case of such misconduct could take place in a bar.

FM is concerned that the public will lose confidence in the PNTL and F-FDTL because of the disorderly behavior displayed by some members from each institution. Some community members may have a negative reaction to these actions and even seek reprisal action. FM’s

monitoring has shown that members of the PNTL and F-FDTL have been attacked and killed by community members because of their disrespectful attitudes against the community.

Summary of Recommendations

1. Recommend to the Ministry of Defense and Security and the Secretary of State for Defense and Security to focus on the development of the F-FDTL, particularly in the human resources department, in order to support a positive attitude for the members.
2. Recommend to the PNTL and F-FDTL command to strengthen the application of disciplinary law and apply serious disciplinary action against PNTL and F-FDTL members who commit violent acts.

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