



How effective is Timor's Intelligence Service?

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Contents

Introduction	3
Methodology	3
Intelligence Duty According to Law	4
Intelligence Service and Coordination System	4
Cases Related to the Functioning of Intelligence Service	5
Intelligence Service Weaknesses	8
Obstacles	9
Conclusion	11
Recommendation	11
Bibliography	12

I. Introduction

The attempted assassination of the 11th February 2008 against the head of state and government, missing police weapons, escaped prisoners that have not been recaptured have become a concern for the all entities. These concerns have raised questions about the responsibility of the government especially for defence and security institutions that have not used the resources well to resolve these problems. Members of the National Parliament are now questioning the intelligence's service which still has weaknesses and is unable detect these problems.¹

Regarding the intelligence service, there has always been weaknesses on how to collect and analyze information against any potential issues² however because of this there is a lack of capacity in detecting threats, crime that taking place within the communities, missing weapon during 2006 crisis, and inability to find prisoners who have escaped from prison.

By looking at these facts, FM's believes that the National Intelligence Service-NIS is a place just for the accumulation of data or information that is not relevant or is of limited use. These failures have taken place because the capacity to analyze data in the intelligence services is lacking and the lack of comprehension does not allow for intelligent decisions to be made in the field.

Despite this the intelligence service has a very important place in the security sector and is involved in preventing and combating illegal actions such as; organized crime, terrorism, drugs or human trafficking and others.³

This report will talk about the intelligence service based on the laws governing intelligence services as well as the internal security law, which belongs to the intelligence services and how it is its responsibility to detect problems that have the potential to threaten national security. This report also raises some reasons to minimize the public's negative impression of the intelligence services which is associated in people's minds as: abducting people, holding interrogations and to making people disappear. As a point of clarification is that the intelligence service is not part of the military or police professions but from civilians who have oversight over the program. The specific point of this report is questioning why the Timorese intelligence Services could not detect missing weapons, the assassination attempt of 11 February against former president Ramos Horta or is able to find some of escaped prisoners. These are the responsibilities of the intelligence service and are an ongoing challenge.

1 Ximenes Dias, David. (12 February 2014). President of the Committee B National Parliament. Private Interview.

2 Ximenes Dias, David. (12 February 2014). President of the Committee B National Parliament. Private Interview.

3 Wills, Adam. (2007). Understanding Intelligence Oversight. Geneva Centre for the Democratic Control for Armed Forces (DCAF). p10-11.

II. Methodology

Methodology which is applied by FM on this analysis is through recollecting the information and literature based on the official documents, interviewing, media publication and discussion within the FM team “Security Sector Discussion” (SSD) and monitoring in the field.

III. Intelligence Duty According to Law

As an institution of national defense and security, the intelligence service is very important. Because of this the law gives the intelligence service the following duties; promote the investigation, gathering, analyzing, interpreting and protecting information and data according to order and organization.⁴

The intelligence service related as well on the article 3 also give authority to FALINTIL-Defence Force of Timor—Leste (F-FDTL) and National Police of Timor-Leste (PNTL) to gather the necessary information for them in order to do their mission.

Article 3 also limited civilians, police, and military members from detaining suspects with cause or justification,⁵ cited according to police and military laws.⁶ These laws apply function to police and military members of the National Investigation services.⁷

It is clearly stated that the intelligence service is to gather, promote the investigation, analyze, interpreting and protecting information or data regarding the internal security. In this case internal Security refers to the preparation, or executing of crime, particularly serious crime such as sabotage act, espionage, terrorism, narcotic or drug trafficking, arms trafficking and other organized crime, as such actions could threaten or destroy the Democratic State.⁸

IV. Intelligence Service and Coordination System

1. Intelligence Service

Intelligence service is an important part in the security sector in this democratic nation. Generally the intelligence service is to gather, analyze and provide information needed for politicians to make better decisions for the purpose of protecting the state. This entails the intelligence apparatus needs to be; (1) analyzing the relevant issue regarding the national security, (2) provide early alarm for the threaten crisis (early warning system), (3) support to arrange national crisis through

4 Flo. (11 August 2014). PNTL Really Interrupt Prisoners.
Media Timor Post

5 RDTL. (2009). Competency Material Article 5 part (a).
Decree Law of the National Parliament.

6 RDTL. (2008). National System of the Intelligence Article 3.
Law of the National Parliament.

7 RDTL. (2009) National Service of Investigation Article 4. Decree Law of the National Parliament.

8 Related with their institution, e.g. PNTL or F-FDT.

detecting what “enemies” or those sides considering potentially to be enemies, (4) supply information secretly and (6) doing operation against intelligence.⁹

Related to this service, intelligence is essential to serve and protect Timor-Leste by preventing terrorism and other threats against the nation’s safety and its contribution to the safety of the individual.

2. Coordination System of Intelligence

Intelligence of Timor-Leste is composed of the Intelligence Strategy (NIS) and Operational Intelligence that comes from the Military Information Service component (MIS), Police Information Service (PIS), taxes and migration.¹⁰ The coordination intelligence system, according to the law, should be based on a technical system. The coordination of information between intelligence service with the security forces is largely through regular meetings between the two.¹¹

The aim is for the organizations to share information with each other, example; if the civil service information gets information about missing weapons they should share the information with the F-FDTL, and if the civil service gets information about organized crime, they should share the information with the police, so each of them are responsible for taking action.¹²

The coordination between the intelligence services of the national intelligence service and the information service of the police and F-FDTL are not coordinated and they do not share information with each other as they should. The only coordination these organizations display is reporting to the same command structure, and submitting their reports to the Prime Minister and the Republic President.¹³

The Timorese people deserve an answer to the question of why police have not been able to locate the state’s missing weapons, why they are not able to anticipate security threats, and why they have not been able to locate escaped prisoners. FM’s point of view that these failures are due to the weaknesses and failures of the security institutions, particularly the Department of Police Intelligence Service, the Information Department of Defence Force and the NIS, which have no information sharing coordination.

9 RDTL. (2008). Demilitation in terms of action’s. Article 5. Decree Law of the National Parliament.

10 RDTL. (2009). Finalist. Article 3. Law of the National Parliament.

11 Suryana, Cahya. (04 May 2013). MAIN DUTY AND INTELLIGEN DUTY OF SECURITY.
<http://csuryana.wordpress.com/2013/05/14/tugas-pokok-dan-fungsi-intelijen-keamanan-intelkam-literature-review/>

12 RDTL. (2008). Technical Commission. Article 12 Part (3).
Law of the National System of the Intelligence.

13 RDTL. (2008). Executive Organ and Coordination’s Article 12 Part (5). Law of the National Intelligence System.

V. Cases Related to the Functioning of Intelligence Service

1. Record Case

a. Missing Weapons

In the Military and Political Crisis of 2006, lots of weapons from the PNTL and F-FDTL were distributed to each member to keep security for the state sovereignty. All military weapons have been recollected and none of them are missing inside the warehouse; however, many of the PNTL's weapons are still missing as of present. According to FM's information, 31 weapons are still missing and have not yet been found by the police.¹⁴

Some action taken by the government was to establish an investigation team to search for those missing weapons. The report of the investigation's results has been presented to the Prime Minister and National Parliament. Regarding the case, the second commander of PNTL stated that the investigation team is composed of PNTL and F-FDTL members, and they are still searching for the missing weapons.¹⁵

Members of the National Parliament have called attention to the PNTL command to claim responsibility for the missing weapons. Some other NP members consider believe that these missing weapons will not threaten the country. However, it will become a serious problem if people use these weapons for organized crime or to threaten other people; these situations would have a negative impact on the national stability and security.¹⁶ The facts show that the missing weapons problem has created an outcry between members of the National Parliament and civil society demanding to get the weapons back. The public has questioned the security service and why it could not find the missing weapons. On the other hand, the public can help the effort by sharing information so the weapons can be located as soon as possible. However, the public has largely urged the government to use other mechanism in order to find the missing weapons, such as through the use of a weapon detector apparatus.

b. 11 February Assassination

In the early morning, on 11 February 2008, a group led by Alfredo Reinaldo and Gastão Salsinha assaulted the residence of the Republic President Ramos Horta's house and the Prime Minister (PM). President Ramos Horta was shot; Alfredo and his members died on the scene.

The public responded to this assassination attempt with various interpretations. Some people believe it occurred in order to make the president and prime minister go into hiding while other believed it was a homicide assassination attempt. There is no clear motive for the 11 February assassination attempt. There have been allegations that some political parties supported Alfredo Reinaldo and Salsinha to make the assassination attempt.

14 Ribeiro, R. (21 February 2014). Former Director of the National Information Service. Private Interview.

15 Ribeiro, R. (21 February 2014). Former Director of the National Information Service. Private Interview.

16 ETLJB. (15 August 2012). East Timor Legal News 14 August 2012.

<http://www.easttimorlawandjusticebulletin.com/2012/08/east-timor-legal-news-14-august-2012.html>

The public debate regarding the assassination attempt has not been directly addressed by the government. The attack is related to the weak operation of Timor's intelligence service, which failed to detect the infiltration of Alfredo's group into Dili to attack the head of state and the prime minister.¹⁷ This failure occurred because there was no coordination between the information services of the police, the F-FDTL and the civilian's information service.

The assassination attempt took place because the intelligence service is still weak. As a young institution, Timor's intelligence service is still learning from other countries to improve human resource, equipment standards, and protocols. There is no coordination between the institutions of the police, defence forces, and civilians. This is because the separate intelligence organizations have no confidence and trust with each other.¹⁸

c. *Escape of Prisoners*

On November 3rd 2013, twenty four (24) prisoners of the total 350 (prisoners), escaped from Becora prison after attending mass. Before escaping they hit the prison guards at the main gate. Prisoners' escaping from prison is not a new case in Timor-Leste. FM's monitoring shows that such cases have happened three times¹⁹ since Timor-Leste restored independence in 2002. It has been guessed that the prisoners escaped because the prisons have inadequate facilities and equipment (such as radios and truncheons).

A few days later, prisoners were re-captured by the police and brought back to prison. From the total 24 prisoners who escape, 22 were captured and two more prisoners have not been captured yet and the police are still searching. The vice minister of justice announced through news outlets that the prisoners should surrender and go back to the Becora prison. The police have posted their images everywhere, so if communities recognize them they can inform the police.²⁰

Regarding the prisoners who escaped and have not been captured yet, the police have failed to locate those prisoners because members of the intelligence service had conflicts of interest and did not conduct their jobs with determination and professionalism. The police do not have a formulated system by which to involve communities as allies for gaining information and intelligence on where the prisoners are hiding.

17 ETLJB. (15 August 2012). East Timor Legal News 14 August 2012.

<http://www.easttimorlawandjusticebulletin.com/2012/08/east-timor-legal-news-14-august-2012.html>

18 ETLJB. (15 August 2012). East Timor Legal News 14 August 2012.

<http://www.easttimorlawandjusticebulletin.com/2012/08/east-timor-legal-news-14-august-2012.html>

19 Ansley, Greg. (16 February 2008). Young nation on knife-edge.

http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10492729

20 RTL. (10 January 2014). Operational Commander Armindo Monteiro. RTL News.

2. Intelligence Service

In normal or emergency situations, the intelligence service is very important and their job is part of the national security for the state and government. The intelligence service is a vital organization. The intelligence service works to respond to national security issues which are considered to be threats to national stability.

In normal situations, the intelligence service becomes the center of information gathering and analysis. The information and analysis is passed on to the government to help inform decisions particularly in the security and defence area. Even though the intelligence service is not primarily meant to strengthen security policy, it is the police's responsibility to maintain law and order and defend citizens.

The intelligence service (PIS, MIS and NIS), police and F-FDTL do not coordinate with the NIS. The NIS is the institution of strategic intelligence. In contrast, the police intelligence service is more focused on crime (organized crime, terrorism, drugs, human trafficking) and reports directly to the operational commander of intelligence and the PNTL general commander for reporting to the Secretary of State for Security.²¹

The Military Intelligence Service (SIM) of the F-FDTL reports to the Operation Commander who in turn reports to the chief of state of Major General and then to the Defence Ministry. However, these two institutions assume their duties are independent of the NIS. The law states that NIS is a unique intelligence organ.²² According to the existing information system, the Police Information Service (PIS) and Military Information Service ((MIS) are independent of NIS.

NIS' work does not focus on specific issues such as organized crime and the military or police strategy, but is more focused on strategic planning and making national policy for peace and stability. NIS is mostly focused on gathering information to help inform policy formation, it is not focused on specific issues such as finding missing weapons or crime. Intelligence service members (NIS, PIS and MIS) conduct investigation activities and look for information according to each specific case²³ as work to disperse data or information to each other. Intelligence service members conduct their field duties without any obligation to share information with other institutions.²⁴

VI. Intelligence Service Weaknesses

In their daily activities, intelligence members or secret agents work on the front lines monitoring, gathering and detecting potential threats, and analyzing information with the intent to discover threats or locate the whereabouts of threatening people.²⁵

21 Fundasaun Mahein. (26 November 2013). Why prisoner abandoned Becora Prison?
<http://www.fundasaunmahein.org/2013/11/26/tan-sa-prizioneru-abandona-prizaun-becora/>

22 RTL. (10 January 2014). Operational Commander Armindo Monteiro. RTL News.

23 Ribeiro, R. (21 February 2014). Former Director of the National Information Service.
Private Interview.

24 RDTL. (2008). National System of the Intelligence Article 3.
Law of the National Parliament

25 Difficult to give Problem

To date, the public is confused as to why the police weapons that were lost have not been found yet. They also wonder why the assassination attempt of 11 February was allowed to occur, as well as why prisoners were able to escape from prison without being found again. Why did these failures occur?

The questions and concerns mentioned above are challenges for the PNTL and particularly the Police Information Service (PIS) and the National Intelligence Service. These two institutions are responsible for information related to security issues that could threaten national stability.

The facts show that the intelligence service still has many weaknesses, and these weaknesses are in place because of the lack of education possessed by members of the information services. The intelligence institution does not have a human resources mechanism in place and does not provide adequate equipment for members such as transportation vehicles and communication devices and other funding to support their fieldwork.

Many individuals working for the collection and analyses of information do not have neutrality and impartiality. In many instances, intelligence service members become followers that work for a certain political group. This loyalty creates a conflict interest. In addition, many officers in the field are involved in gambling. One of the main problems is that new members are not given an orientation from commanders to be trained regarding their responsibilities and how to collect information and detect security threats. In other instances intelligence service members carry guns into communities, and attempt to catch criminal offenders.²⁶

Intelligence service weaknesses pose a direct challenge to information service members in the field who are try to conduct their duties based on the law. They do not understand how to collect information, detect threats and other information on illegal activities such as human trafficking, terrorism and drugs. Information should be analyzed by police to prevent crimes from happening before they occur. According to FM's monitoring, in many instances the police have withheld information from each other instead of using it to prevent crimes from occurring.

VII. Obstacles

One obstacle occurring inside the security institution is the fact that the education level and ability of the members carrying out duties in the field is low. These members did not receive quality training, making successful completion of their duties difficult.

Seriousness, professionalism and neutrality are all necessary components that need to be maintained by members of the information service. It is also necessary that commanders use initiative and creativity to improve internal conditions in the intelligence service to develop polices that can better support intelligence members to complete their activities in the field.²⁷ If the

26 RDTL. (2008) Limited Activities of the Intelligence's Service. Article 4 Part (2). Law of the National Intelligence System.

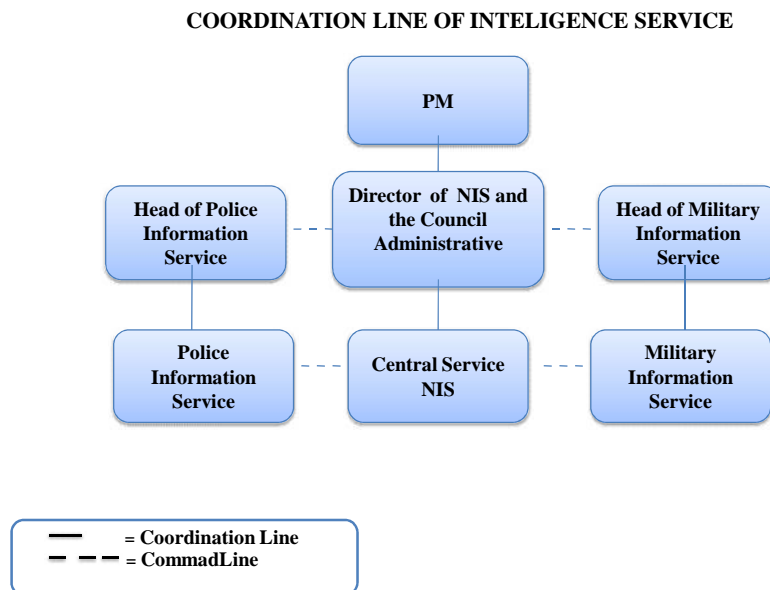
27 RDTL. (2009). Police Information Service. Article 4 Part b-f. Law Organic of PNTL PNTL.

intelligence service does not improve its weaknesses they will continue to conduct sub-standard work.²⁸

The intelligence service is comprised of people who stand on the border line day and night to monitor, gather and analyze information on both internal and external threats so that government members can make better informed decisions concerning national security policies.

The intelligence institution needs to improve the condition for its members, because bad conditions will have a negative impact on the organization's success. As an example, many intelligence members are involved in gambling (such as chicken-fighting). Another example is that the police intelligence commander brings large guns to prostitution areas.

In other instances sometimes members of the intelligence service sometimes have threatened community members with their pistols in confrontations, which is unprofessional and against protocol.



Source: Law No. 9/2008 2nd July, National Intelligence System – RDTL and this Diagram designed by Fundasaun Mahein

28 The Law does not admit member of the Intelligence Service to Capture People. Even Criminal's that the police are searching, so the secrets as the intelligence people could not be discovered.

VIII. Conclusion

Intelligence information is important for the government to make decisions for security issues, especially in informing their decisions regarding the carrying out of operations.

Based on the previously mentioned cases and other criminal cases taking place in communities, members of the intelligence service (National Intelligence Service, Police and Military Information Services) have failed some of their duties because intelligence service members do not work in an impartial and bipartisan manner.

The majority of information service members working in the field are not fully aware of their role within their organization because they did not receive quality education or training to prepare them.

To improve the information member's effectiveness a policy must be enacted to increase community involvement and cooperation with information service members. This is necessary so that problems, threats and other issues regarding general security, weapon, prisoner escapes and other issues can be detected as soon as possible.

For the intelligence service to improve, the organisation must improve its ability to quickly detect domestic problems and threats. The service must be able to anticipate threats before they become big problems and are hard for the government to resolve.

IX. Recommendations

1. Strengthen coordination between security institutions working for intelligence such as NIS, PNTL, F-FDTL and other institutions.
2. Provide ongoing support and training for information service members to improve their capacity and operational success.
3. Create a "Popular Information Service" program to involve communities in the intelligence gathering effort and to support community police in areas considered to be potential conflict zones.

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