



The Problem of Security Weapons: Civil Institutions Continue to Form with Weapon

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Introduction

The government continues to resolve the issue of old, missing weapons. It also looks ahead as it plans to acquire new weapons for security institutions in this era of independence. The investigation and collection of old weapons, which garnered the attention of the prime minister in late 2014, has produced positive results but continues at this time.¹

This report focuses on weapon issue in Timor-Leste, which has not yet been resolved. This report serves as a follow-up to the previous report, which discussed weapons auditing, the missing weapons of the 2006 crisis, the acquisition process for new weapons, and the misuse of weapons by security personnel.²

In the midst of this ongoing weapons recollection, the government approved a new decree law that established the Scientific Police of Criminal Investigation (SPCI),³ a specialized investigative unit. Meanwhile, another relatively undiscussed topic is that of the Commission Anti Corruption (CAC), which could possibly use weapons and conduct weapons training. This measure was established in mid-2014.⁴

This report does not wish to spark weapons-related controversy in Timor-Leste but, rather, to offer perspective and recommendations to the government for consideration. These issues are, after all, of concern to the greater public. Fundasaun Mahein also hopes to inspire healthy public debate on crucial issues, such weapons, because Timor-Leste has a tumultuous history with weapons.⁵

¹ Xanana forbids veterans not to keep more of sharpen things. Available at: <http://www.diaritimorpost.tl/berita-1265-xanana-aviza-veteranus-labele-rai-tan-sasan-kroat.html>. Accessed on 26 November 2014.

² Investigation Policy of weapons in Timor Leste. Available at: http://www.fundasaunmahein.org/wp-content/uploads/2014/05/MNL_Nu.-78_21052014_Kilat-pdf.pdf. Accessed on 25 November 2014.

³ Decree Law No. 15/2014, on 14 May. The Organic of the Scientific Police of the Criminal Investigation (SPCI).

⁴ Investigators of CAC will train physically against corruptors. *Jornal Independente*, 2 August 2014.

⁵ Investigation Policy of weapons in Timor-Leste. Available at: http://www.fundasaunmahein.org/wp-content/uploads/2014/05/MNL_Nu.-78_21052014_Kilat-pdf.pdf. Accessed on 25 November 2014.

Methodology

In preparation for this report, FM researchers conducted a security sector discussion (SSD), involving content gathered from national media publications, civil society publications, and official state documents, such as reports and weapons-related legislation. This report will focus only on new institutions that have formed with permission to use weapons.

New institution formed with weapons

As described in the first session of this report that this report is unintended to provoke public over the weapons in this nation, but because of the weapons issue that being a crucial issue and has not finalized yet so far.⁶ Ironically, the state is going to form new civil institution with weapons.

These institutions mentioned are the scientific police of the criminal investigation (SPCI) and the commission of anti corruption (CAC). The SPCI is the superior police corps⁷ and CAC is organ of the especial criminal police.⁸

1. *The Scientific Police of the Criminal Investigation (SPCI)*

The decree law No. 15/2014, on May 14th the organic of the scientific police of the criminal investigation became the corps of superior criminal police, as been set up on chapter III about rights and responsibility of the SPCI article 16 numbers 2 and 3), and article 20 about the using of weapons and procedure.

Article 16 numbers 2 and 3):

“2) The especial responsibility for the SPCI’s member to use the weapon is when there is a serious risk for his/her life or the physical integrity against any other people or some cases considering big threat for public safety, should use based on the legislation in using the weapons and forces. 3) If disobeyed with the aforementioned responsibilities consider as serious discipline infraction and can make for the criminal procedure”

⁶ Investigation Policy of weapons in Timor-Leste. Available at: http://www.fundasaunmahein.org/wp-content/uploads/2014/05/MNL_Nu.-78_21052014_Kilat-pdf.pdf. Accessed on 25 November 2014.

⁷ Decree Law No. 15/2014, on 14 May. The Organic of the Scientific Police of the Criminal Investigation (SPCI).

⁸ Law No. 8/2009, 15 July, Law of Commission Anti Corruption (CAC).

Article 20 uses port for arms:

“Authorities of the criminal police, member of the criminal investigation and assistant of the criminal investigation have rights for using and port of the duties’ weapons, caliber and other types with which is belonging to the justice ministry’s diploma”

If there is any serious risk for member of the SPCI life, or the physical integrity against any other people or some cases considering as a big threat for public safety, even the definition has clearly that using the weapons in a very necessary circumstances and do not obey the procedures; these are considering as the discipline infraction.

Although in the following articles are discussing about the department for arms and the security’s competency to execute procedures of using weapons, as described on article 34 as follows:

1. *Department for armament and security (DAS) have competencies to:*
 - a) *Make legal action for studying, analyzing and testing for the security equipments and armaments particularly, for each acquisition.*
 - b) *Land, preserve and distributing the equipments, armaments and bullets;*
 - c) *Make legal action for the controlling and verifying for the annual individual arms as well as bullets that have been distributed, and continue actualizing process for the individual of public civil servants.*
 - d) *Make legal action for the definition pattern and the evaluation parameter of shooting training at the national level as obliged.*
 - e) *Make legal action for the annual verification of individual ability level on using arms;*
 - f) *Make promotion for arms acquisition that is not danger and train for its utilization;*
 - g) *Make definition for norms and procedure in the preventive area also the security installation;*
 - h) *Provide insurance for the security members for the installations and materials that have been classified.*
2. *A chief investigator is lead DAS*

However, this department focuses specifically for the using of weapons from the SPCI's members, or from the state security authorities; if only for members of the SPCI, where do members who are going to pay attention for this department are coming from or any proper recruitment from the SPCI itself?⁹ FM is quite concern of this process, because members of the SPCI only attended the training in a few month without proper knowledge for weapons, in terms of utilizing, studying, analyzing, testing and the acquisition for weapons.¹⁰

2. Commission of Anti Corruption (CAC)

Law No. 8/2009, July 15, Law of the CAC described its nature on article 3, the commission's nature:

- a. *A Comissão é uma pessoa colectiva de direito público, dotada de personalidade jurídica, com independência técnica e autonomia administrativa e financeira.*
- b. *À Comissão é atribuído o estatuto de órgão de polícia criminal especializada, independente, pautando-se apenas, na sua intervenção, por critérios de estrita legalidade e objectividade nos termos da lei.*
- c. *Na sua qualidade de órgão de polícia criminal, a Comissão actua sob a direcção da autoridade judiciária competente nos termos da lei.*

Staff investigator of CAC is started joining in shooting training by the PNTL institution last couple months.¹¹ The commissary police Longuinos Monteiro with the assistant commissary of CAC Jose Neves launched such training called "Using force and arms" for 14 agents of CAC, at the police training center, Comoro-Dili. The purpose of the training is to improve mental, discipline, attitude and loyalty of those CAC agents to obey the law and order, the training gone for a week.¹²

⁹ The creation policy of the scientific police criminal investigation (SPCI): Cooperation or Competition? Available at: http://www.fundasaunmahein.org/wpcontent/uploads/2014/09/MNL_Nu.86_25092014_PSIK.pdf. Accessed on 23 November 2014.

¹⁰ The creation policy of the scientific police criminal investigation (SPCI): Cooperation or Competition? Available at: http://www.fundasaunmahein.org/wpcontent/uploads/2014/09/MNL_Nu.86_25092014_PSIK.pdf. Accessed on 23 November 2014.

¹¹ Investigators of CAC will train physically against corruptors. *Jornal Independente*, 2 August 2014.

¹² CAC trains using force and arms. Available At: <http://tetum.cac.tl/2014/09/komisariu-polisia-nasional-timor-leste-pntl-dr-longuinho-monteiro-akompana-husi-komisariu-adjuntu-jose-neves-segunda-159-ohin-ofisialmente-loke-formasaun-uza-forsa-no-armas-ba-ajentes-cac-nain/>. Accessed on 24 November 2014.

An image exercise of using weapon that FM accessed in the social media (face book) by a staff investigator of CAC is this staff shown off the military style with the military equipment. The trainer is from members of the PNTL, members of the investigator did not only train by using small weapons but also big ones.

What need to pay attention for?

A simple question, what types of weapons will be used by the SPCI and CAC? At the same time Timor-Leste does not have any legislation to define types of the weapons for the state security authorities. FM's thought that it needs to define a legal patter for types of the weapons, as FM alerted in its previous report about types of weapons for the F-FDTL and PNTL. According to FM that PNTL is responsible for the internal security and uses various types of weapons also automatic which is really different with the F-FDTL?¹³

The more problem is because those weapons do not have annual auditing and responsibilities during using those weapons. Therefore, the national media and the communities concerns that some of the security authorities still misused the weapons and some used for hunting.

There are several reports related with this weapons processes, except there has no well-attention by the relevant ministry on how to search those missing weapons, the responsibilities and its acquisition that become problems in Timor-Leste. FM's worries that Timor-Leste will face again the past event experience. This happened because of bad controlling system for weapons, and for the time being Timor-Leste establishes more civil institution without viability study, just get privilege to use weapons.¹⁴

This may become tentative for the security situation of this nation, because by seeing from the experiences around the world that if majority civilians use weapons will cause to the security stability. A report "The Small Arms Survey" estimates that 75% of weapons (big and small) are used by civilians in the world.¹⁵ This issue can be happen in Timor-Leste if the controlling system is not

¹³ Investigation Policy of weapons in Timor Leste. Available at: http://www.fundasaunmahein.org/wp-content/uploads/2014/05/MNL_Nu.-78_21052014_Kilat-pdf.pdf. Accessed on 25 November 2014.

¹⁴ The creation policy of the scientific police criminal investigation (SPCI): Cooperation or Competition? Available at: http://www.fundasaunmahein.org/wpcontent/uploads/2014/09/MNL_Nu.86_25092014_PSIK.pdf. Accessed on 23 November 2014.

¹⁵ COMMENTS OVER THE PROPOSAL LAW OF WEAPONS IN TIMOR-LESTE. Available at: <http://www.timor-leste-violence.org/pdfs/Commentary-for-Timor-Leste-Draft-Arms-Law->



going well, as well as the consequence of the legislation that still weak in terms of regulating and misusing the weapons.¹⁶

Recommendation

FM believes that soon or later the investigators staff will use weapons, these investigators staff use weapons while they are in a big risk in conducting an investigation against a criminal, therefore need to consider as well for the following recommendations:

1. Recommends to the national parliament to urge the ministry of justice, defense and security to clarify for the establishment of the criminal investigation institution that formed with weapons.
2. Recommends to the ministry of defense and security and the ministry of justice to create first the legislations for the using of weapons also the controlling system before staff of the investigators use the weapons.

[11-Aug-08-Tetum.pdf](#). Accessed on 22 November 2014.

¹⁶ COMMENTS OVER THE PROPOSAL LAW OF WEAPONS IN TIMOR-LESTE. Available at: <http://www.timor-leste-violence.org/pdfs/Commentary-for-Timor-Leste-Draft-Arms-Law-11-Aug-08-Tetum.pdf>. Accessed on 22 November 2014.



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