



Weapons and Bullets have been Recollected from the Perpetrators of the Crisis

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Introduction

In 2011, an investigative report concerning F-FDTL and PNTL weapons presented some recommendations in regards with some missing weapons. This report, which was prepared in light of the 2006 crisis, recommended further investigation of former members of the F-FDTL and PNTL, active members of the PNTL.¹

This report also urged the Ministry of Defense and Security to create a mechanism that would effectively recollect the missing weapons. FM has monitored the situation since 2012, and it has noted that security authorities have made an effort to recollect some illegal weapons from communities and security personnel alike.²

However, many people are still concerned with illegal weapons, which continue to spread around the country. On 22 August 2014, the government passed a resolution calling for the recollection weapons, bullets, explosives, and uniforms.³

The deadline of this recollection period has passed. The resolution stated that the recollection period for these weapons, bullets, explosives, and uniforms would be in effect until October 31st 2014. FM notes that because there has no spirit from some security members, communities that have mentioned on the aforementioned resolution.

The prime minister, in coordination with the Ministry of Defense and Security, has urged veterans, F-FDTL personnel, PNTL personnel, and communities to hand over their war materials. These materials must be handed over before December 31st, 2014. Those who handed over their materials voluntarily were not to be processed by law.⁴

¹ Final Report of the Investigation Commission Service for the F-FDTL and PNTL, by the Ministry of Defense and Security in 2011.

² Relatoriu autoridade siguransa relaciona ho kilat hirak ne'ebé rekolla iha periodu 2012 to'o 2014.

³ President of the Council Ministers. Press Release: Extraordinary Workshop of the Council ministers on 22 August 2014

⁴ Xanana urges veterans not to keep more materials. Available at: <http://www.diariutimorpost.tl/berita-1265-xanana-aviza-veteranus-labele-rai-tan-sasan-kroat.html.accessed> on 4 December 2014.



This report will discuss the process of searching for weapons, bullets, and uniforms during the second period of recollection, as requested by the prime minister and the Ministry of Defense.

Methodology

In preparation for this report, FM monitored the implementation of the government resolution to recollect sensitive wartime equipment (bullets, uniforms, weapons, etc.) that has been missing since the 2006 crisis. Furthermore, FM conducted a Security Sector Discussion (SSD).

Resolution for the Recollection of Weapons and Bullets

On August 22nd 2014, the Council Minister issued a resolution that established a new grace period for the recollection of bullets, explosives, and uniforms. This initiative aimed to collect illegal materials from the populous, in order to ensure continued political and social stability.

Only the government has the power to make decisions for the promotion of civil rights, fundamental freedoms, and public order. After reviewing the successes of past recollection efforts, the government decided to establish this new period of recollection, which prioritized the surrendering of illegal weapons, bullets, explosives, and uniforms before the end date of October 31st 2014.⁵

Government Resolution No. 24/2014, which discusses the recollection of weapons, bullets, explosives and uniforms, can be found below:

RESOLUÇÃO DO GOVERNO N.º 24 /2014 de 1 de Setembro Sobre a Recolha de Armas, Munições, Explosivos e Fardamento

Cabendo ao Governo tomar as medidas necessárias para a garantia, promoção e gozo dos direitos e liberdades fundamentais de todos os cidadãos, bem como assegurar a ordem pública e a disciplina social, pilares básicos para a manutenção da normalidade constitucional e sentimento de segurança das populações;

Perante os resultados conseguidos no passado com as campanhas nacionais de recolha de armas, no sentido de levar os cidadãos a entregarem as armas, munições, explosivos e fardamento adquiridos durante a Guerra da Resistência bem como os adquiridos ilegalmente depois da mesma;

⁵ President of the Council Ministers. Press Release: Extraordinary Workshop of the Council Ministers on 22 August 2014



Tendo o Governo sido confrontado recentemente com o ressurgimento de grupos paramilitares, levando inclusive, o Parlamento Nacional a repudiar tentativas de instabilidade e ameaças ao Estado de Direito provenientes daqueles através da sua Resolução n.º 4/2014;

O Governo decidiu estabelecer novo período para a recolha de armas, munições, explosivos e fardamento, de modo a que os cidadãos ou entidades ainda em incumprimento avancem com a entrega de material ilegal na sua posse e colaborem na manutenção da actual estabilidade política e social.

Assim,

O Governo resolve, nos termos da alínea c) do n.º 1 do artigo 115º da Constituição da República, o seguinte:

Todas as pessoas que tenham na sua posse armas, munições, explosivos e fardamento, devem colaborar na sua entrega voluntária, junto das sedes distritais da PNTL;

A PNTL, como entidade responsável pela recolha desse material, compromete-se a assinar um acto de entrega;

A PNTL, como entidade responsável pela recolha desse material, não pode punir ou criminalizar quem, neste prazo, procede à entrega voluntária de armas, munições, explosivos e fardamento;

O prazo de entrega é fixado até dia 31 de Outubro de 2014;

Esta Resolução deve ser distribuída pelos grupos da Organização da Resistência, nomeadamente os responsáveis das Regiões I, II, III e IV, Comando da PNTL e Comando da F-FDTL, para a devida circulação;

A presente Resolução entra em vigor no dia seguinte ao da sua publicação.

Aprovado em Conselho de Ministros, em sessão extraordinária, de 22 de Agosto de 2014.

Publique-se.

O Primeiro-Ministro,

Kay Rala Xanana Gusmão

The execution period of this recollection expired on 31st October 2014. At this time, Prime Minister Xanana Gusmao, in coordination with the Ministry of Defense and Security, once again requested the handing over of these contraband materials. This request, specifically aimed at veterans, members of the F-FDTL, and members of the PNTL, established the deadline date as 31st December 2014.



“I ask that, by December 31st, people from every region come to hand over any war materials in their possessions. These include weapons, bullets, and grenades, and also old weapons. F-FDTL and PNTL using old weapons must also surrender their materials to the state, in order to maintain stability. This recollection is occurring because the state wishes to perform inspections and establish a system of weapons control. Even more important is the need to ease the worries of citizens. Because of these goals, those who going to hand over their illegal materials voluntarily will not be processed by law”⁶

Despite the issue of this announcement by security authorities, FM worries the announcement was not documented in written and verbal terms via the national media, FM believes that security authorities will be able to not execute this resolution successfully by its deadline, because this announcement did not follow the standard protocol of being documented in written form. This measure, which is the usual course for announcements, garners support for the state.

Through its monitoring efforts, FM uncovered an unsettling reality: some members of the PNTL are still hiding bullets and F-FDTL uniforms in their houses. This is in direct violation of the resolution, which places the PNTL in charge of the recollection process, which allowed punishment-free handing over of contraband materials before December 31st, 2014.⁷

Executing the Resolution

On 6 December 2014, security authorities recollected 500 pistol bullets, 986 AK-33 bullets, Stayer weapons, and F-FDTL uniforms at the residences of a police sergeant (V. de A. M) in Dili.⁸ ‘V. de A. M’ is an active member of the police that has recently been working in uniform distribution in the Logistic Department at PNTL General Headquarters.

⁶ Xanana urges veteranst to not keep more materials. Vailable at: <http://www.diariutimorpost.tl/berita-1265-xanana-aviza-veteranus-labele-rai-tan-sasan-kroat.html.accessed> on 4 December 2014.

⁷ THE GOVERNMENT RESOLUTION No.24 /2014, 1st September. Sobre a Recolha de Armas, Munições, Explosivos e Fardamento.

⁸ FM monitoring of the recollection of bullets and F-FDTL uniforms when security authorities made the arrest at the home of Sergeant Police ‘V. de A.M.’

This police member (V.de A. M) is the wife of former police officer Abilio Mesquita. The report authored by the independent special investigation commission of the United Nations Mission in Timor-Leste stated that Abilio was the main instigator of the 2006 crisis.⁹

In regards to the aforementioned F-FDTL uniforms and bullets, Police Sergeant 'V. de A. M' explained that:

"The bullets and F-FDTL uniforms were brought by my husband Abilio and kept in our house. As his wife, I kept them carefully. In actuality, he hid these bullets secretly, but I found the uniforms. I kept them in my cupboard. My husband brought these bullets here in 2006, and the uniforms were brought home between 2008 and 2009.

According to what Abilio has told me, these bullets belonged to the 2006 crisis. Why he did not hand over these bullets and uniforms is not my business, even though we are a couple."¹⁰

Though this police sergeant has declared to security authorities that the mentioned materials (weapons, bullets and uniforms) do not belong to her, she was still found hiding the materials and, thus, was in violation of the government resolution. The government resolution assigns the PNTL the responsibility of recollecting these items.¹¹

As described in the organic statutes and disciplinary rules of the PNTL, all personnel are obliged to obey rules that have been established in PNTL organic law¹² and to ensure public order, based on the law and the decrees of competent organs.¹³

This incident signifies that there was not ample cooperation from 'V. de A. M' in regards to the resolution. As such, she has violated the law as well as the regulations set out by the PNTL organic statutes.

⁹ Report of the special independent investigation commission of United Nations Mission in Timor-Leste. Geneva, October 2nd 2006.

¹⁰ FM monitoring of the recollection of bullets and F-FDTL uniforms when security authorities made the arrest at the home of Sergeant Police 'V. de A.M.'

¹¹ THE GOVERNMENT RESOLUTION No.24 /2014, 1st September. Sobre a Recolha de Armas, Munições, Explosivos e Fardamento.

¹² Decree Law No. 09/2009, 18 February. ORGANIC LAW OF THE NATIONAL POLICE OF TIMOR-LESTE (PNTL). Article 2.

¹³ Decree Law No. 13/2004, 16 June. DISCIPLINARY RULES OF THE NATIONAL POLICE OF TIMOR-LESTE.



FM worries that the bullets secretly hidden by Police Sergeant 'V. de A. M' could possibly be misused in an off-duty capacity, a demonstrated concern of communities and the public in general.

FM further suspects that it is possible that Police Sergeant 'V.de A.M' took bullets from the PNTL, because she is also an important member of the PNTL Logistic Department. She has declared in her statements to security authorities, however, that these bullets were carried to the house by her husband, Abilio, during the 2006 crisis.

If there were bullets for pistols and other weapons, there may have a gun barrel(s) as well. If this is true, she could be continuing to hide those bullets. In light of this, it is possible that some weapons and pistols of the 2006 crisis have not yet been found and recollected.

Weapons and Bullets from Perpetrators of the 2006 Crisis

As explained in the first session of this report, the issue of missing bullets and F-FDTL uniforms are related to Abilio Mesquta, the former PNTL member that is considered the main author of the 2006 crisis, as first stated by the UN's independent commission investigation report for Timor-Leste in 2006.

The investigation commission report noted and expressed concern that there has not been a sufficient control system for the weapons and bullets involved in the 2006 crisis. At that time, the PNTL General Command took weapons from the PNTL National Deposit without the knowledge of officials. On March 23rd, 60 Stayer weapons and 50 boxes of bullets were sent to the Reserve Police Unit (RPU) in Aileu. Later, on April 15th, bullets and 10 Stayer weapons were shipped to the Liquisa police station on April 15th. After the May 25th Incident, he sent 10 Stayer weapons and the necessary bullets to the police station in Gleno.¹⁴

¹⁴ Report of the special independent investigation commission of United Nations Mission in Timor-Leste. Geneva, October 2nd 2006.



The commission report also discussed the distribution of weapons to PNTL officers. This action was approved by the Dili Assistant Commander, Abilio Mesquita. On May 11th, Mesquita provided weapons training to 10 PNTL officers from the Task Force unit of Dili. These 10 officers became proficient in the usage of Stayer weapons, and more than 20 PNTL officers used the weapons distributed by Abilio Mesquita on May 17th. Both the training and the distribution of weapons were initiated by order of the PNTL Command.¹⁵

On 11 May 2006, a group of PNTL personnel, led by Abilio Mesquita, used the Stayer weapons belonging to members of the Patrol Border Unit (PBU).¹⁶ On 24th May 2006, ten members of this mob attacked F-FDTL Commander Taur Matan Ruak. This attack, led by Abilio and Parliament Member Leandro Isaac, injured two men and killed one.¹⁷

The investigative report found that this group of men, led by Abilio Mesquita, attacked Taur Matan Ruak's house on 24 May 2006. The report recommended that this group of assailants be processed by a court of law.¹⁸

Abilio Mesquita (the Former Assistant Commander of the PNTL) and the three suspects, accused of using of stolen weapons and committing murder in the attack of Taur Matan Ruak's house, were tried in court on 24th and 25 May 2006. On 13 March 2008, Abilio was absolved from the homicide case, but he was found guilty of stealing and using weapons. For this violation of public order, he was sentenced to three years in prison. The other three suspects were given 15 month sentences. Abilio was then dismissed from the PNTL, because he did not register for a certificate.¹⁹

On 18 June 2010, the Dili district court made another judgment involving these four suspects. This case underwent its third judgment after revisiting the court of appeals two times, on grounds that the bench had failed in its composition and

¹⁵ Report of the special independent investigation commission of United Nations Mission in Timor-Leste. Geneva, October 2nd 2006.

¹⁶ A history of the availability of small weapons and the control system in Timor-Leste. Available at: <http://www.timor-lesste-violence.org/pdfs/Timor-Leste-Violence-IB1-TETUM.pdf>. accessed on 9 December 2014.

¹⁷ Group, Gang, and Army Violence in Timor-Leste. Available at: <http://www.timor-lesste-violence.org/pdfs/Timor-Leste-Violence-IB2-TETUN.pdf>. Accessed on 9th December 2014.

¹⁸ Report of the special independent investigation commission of United Nations Mission in Timor-Leste. Geneva, October 2nd 2006.

¹⁹ Report on the Progress of Human Rights in Timor-Leste: 1st July 2008 to 30 June 2009. Available at: Accessed on 9th December 2014.

other process. The court absolved the four suspects, because there was no evidence of their involvement in the attack on TMR's home.²⁰ However, not more than a year later, Mesquita was involved in a new incident, on 23rd March 2011. He was forced to face the PNTL in relation to a homicide in Liquica district.²¹

Mesquita is now detained in prison for his involvement in this homicide. The court proceedings took place in Liquica District on 6th December 2014. Security authorities captured and recollected some bullets in his residence in Lahane Osidental, Dili. Around

500 pistol rounds, 986 AK33 bullets, Stayer weapons, and a set of F-FDTL uniforms were found, despite attempts by his wife to hide them. According to the declaration of his wife, Police Sergeant 'V. de A.M,' Abilio Mesquita brought these bullets to their home during the 2006 crisis. The F-FDTL uniforms, she claims, were brought between 2008 and 2009.

These bullets are strongly related to the 2006 crisis, and Police Sergeant V. de A. M recognized that her husband took and kept those bullets in their house in 2006. Abilio Mesquita is, as we all know, the main author of the 2006 crisis,²² and he has been accused of stealing weapons with the intention to provoke public disorder. This includes the homicide case.²³

FM worries about the F-FDTL uniforms. Where did these come from, and by whom were they given? It is possible that Abilio, himself, obtained the F-FDTL uniforms during the conjoint mission in 2008. This is odd, however, because Abilio was not member of the F-FDTL. FM suspects that these uniforms may have come from a member of the F-FDTL with ties to Abilio Mesquita. It is

²⁰ Periodic Report for the Development of Human Rights in Timor-Leste: 1st July 2009 30th June 2010. Available at: http://www.ohchr.org/Documents/Countries/PeriodicReportHRDevelopmentsJuly09-June10_Tetum.pdf. Accessed on 9 December 2014.

²¹ Periodic Report for the Development of Human Rights in Timor-Leste: 1st July 2009 – 30th June 2010. Available at: http://www.ohchr.org/Documents/Countries/PeriodicReportHRDevelopmentsJuly09-June10_Tetum.pdf. Accessed on 9 December 2014.

²² THE GOVERNMENT RESOLUTION No.24 /2014, 1st September. Sobre a Recolha de Armas, Munições, Explosivos e Fardamento.

²³ Report on the Development of Human Rights in Timor-Leste. Available at: <http://unmit.unmissions.org/Portals/UNMIT/Newsletters/Human%20Rights%20Report%20Tetum%20010908.pdf>. Accessed on 9 December 2014.



possible, however, that Abilio simply stole the uniforms, as he stole other equipment in the 2006 crisis.

Recommendations

Weapons, bullets, explosives, and military uniforms are of concern right now, because there have been problems, and there has been limited success in implementing the resolution to recollect these items. Thus far, the government resolution and the recommendations from the investigation commission have not solved the issue of missing war materials, despite the recollection campaigns.

It seems that people are still able to hide these missing weapons. The sad reality is that some members of the PNTL have been found in possession of illegal weapons. These individuals are fully aware that these items are illegal and that they have been ordered to turn these items over to the state.

1. The Ministry of Defense and Security should investigate former F-FDTL and PNTL petitioners, members of FALINTIL, and civil armies involved in the 2006 crisis. It is also imperative to investigate active members of the F-FDTL and the PNTL that were in contact with the weapons and bullets of the 2006 crisis, including those stolen by Abilio Mesquita. Finally, the MDS should inspect former FALINTIL, police personnel, and F-FDTL personnel involved in the control of weapons.
2. The Ministry of Defense and Security should collaborate with the Commander of the F-FDTL to investigate the uniforms which remain hidden at the house of Abilio Mesquita's wife.
3. The PNTL General Commander should begin investigating Police Sergeant 'V.de.A.M' according to law and official regulations, because she has been found in possession of hidden bullets and F-FDTL uniforms.



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