



The Shadow of Conflict in the General Election of 2017
Mahein's Voice No. 117, November 21st, 2016



Photo: Fundasaun Mahein, 2012

Fundasaun Mahein (FM)
Website: www.fundasaunmahein.org
2016

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Introduction

In just a few months, the 2017 Elections for President of the Republic and the National Parliament will begin. Currently, political party leaders are visiting the districts for their electoral campaign activities, consolidating party structures, and conducting conferences and congresses both at the municipal and at the national level. At the same time, the number of political parties has increased compared to previous elections, resulting in a more competitive democratic contest. This will demand that the organization responsible for conducting and monitoring the elections do so independently and professionally, including members of the security forces who will be responsible for providing security during the elections.

Timor-Leste is no stranger to security problem during elections. The first election was held in 2001, following the independence referendum of 1999, in which the Timorese population elected Constituent Assembly that finally became the National Parliament. The first Presidential election occurred in 2002. Security problems peaked in Timor-Leste in 2007, after the 2002 elections¹ and the political crisis of 2006², right when the United Nations (UN) Peacekeeping Mission was supposed to end.

Timor-Leste has experienced high levels of violence during its elections, indicating the potential for it occur again, even though these incidences of violence not always directly linked to the elections themselves. In 2006, before the 2007 General Elections, violence increased dramatically in Timor-Leste, involving conflicts among the population often fueled by the influence of Martial Arts Group's (MAGs).³ It particularly increased during the Presidential and Parliamentary election campaigns. The situation became more serious after the publishing of elections results in Viqueque, Baucau, Dili and Ermera districts, among others.

In the 2012 election, numerous violent incidents occurred during the electoral campaign, as well as after the holding of elections and the formation of the government. A serious episode took place in the capital Dili, where police shot dead a young student in Hera-Dili.⁴

Political stability and security are fundamental issues that concern the Timorese people. These two issues should not be ignored during the upcoming Presidential Election occurring in March 2017 and Parliamentary Election occurring in July 2017. As stated by Xanana Gusmão, Timorese leader and head negotiator for maritime border between Timor-Leste and Australia: "be careful, people will destroy us in 2017 election, particularly young people including the armed forces and police, because people will use money to destroy our beloved country".⁵ This report aims to analyze the political situation before the General Elections of 2017.

¹ Assessment Report about Armed Violence in Timor-Leste (TLAVA). Electoral Violence in Timor-Leste: identification and assessment of incidents and responses. No. 3, June 2009.

² The 2012 elections saw a fatal incident in Hera-Dili in which a young student was killed before the election. Nevertheless, in general there were fewer incidents compared with the 2007 election.

³ Assessment Report about Armed Violence in Timor-Leste (TLAVA). Groups, gangs, and armed violence in Timor-Leste. No. 2, April 2009.

⁴ Fundasaun Mahein report, July 2012.

⁵ News Timor Post, 12 September 2015

Methodology

To understand the context of political and security developments before the General Elections of 2017, Fundasaun Mahein (FM) employed the method called *Security Sector Discussion* (SSD). SSD's serve as an initial method involving the FM Research Team, to discuss the main issues linked to the security sector and the analysis of collected data in order to determine research methodologies and desired outcomes.

After the SSD, a literature review regarding political and security issues linked to the elections was undertaken. Consultations and/or interviews were carried out with key stakeholders at the national level and with security authorities from the National Police of Timor-Leste (PNTL), the Ombudsman of Human Rights and Justice⁶ (PDHJ), academics, NGOs, lawyers, and observers. Another separate process called *Focus Group Discussion* (FGD) was undertaken at the national level with journalists covering political and security issues, as well as with youth groups from the districts of Manufahi and Liquiça. A total of 10 people were interviewed and 25 people participated in the FGDs, conducted between July and August 2016.

Competition between Old Leaders

A new political situation appeared at the National Parliament, where many people commented on new political alignment involving a consensus between representatives in the legislature. People began to wonder about what would happen in politics over the next few years.

At the end of 2013, a debate took place at the Dili Convention Center (DCC) where the then Prime Minister, Mr. Xanana Gusmão, announced his resignation.⁷ This declaration unsettled political and security commentators due to fears of political instability and security problems that could occur during a generational change of leadership. Prime Minister Gusmão himself was concerned about this, yet he believed it was time to hand over to a new generation to lead the country.⁸ He emphasized that his decision was irreversible.⁹

Mr. Gusmão's resignation was confirmed in 2015, which was followed by a limited generational transition of power, including the nomination of a new Prime Minister from the opposition FRETILIN party.¹⁰ This was justified by the 'national interest' according to the new Prime Minister, Dr. Rui Maria de Araujo. However, the events that followed would call into question the legitimacy of this 'generational change'.

Despite the nomination and formation of the new government, calm has continued to prevail in Timor-Leste. The public can see that some leaders from political parties inside the government

⁶ Debate between Prime Minister Xanana Gusmão and Mauk Moruk. But Mauk Moruk himself did not participate in the debate for his own reasons. November 2013.

⁷ Prime Minister stated through RTTL, Your Government Program, January 2014.

⁸ Stated in CCD when a debate occurred between Prime Minister Xanana Gusmão and Mauk Moruk, although Mauk Moruk did not participate, November 2013.

⁹ Nominated Dr. Rui Maria Araujo as Prime Minister from the FRETILIN opposition party.

¹⁰ General Secretary PD Mariano Sabino left the position of Minister of Agriculture and Frente Mudansa President Jose Luis Guterres left the position of Minister of Foreign Affairs and Cooperation. But PD President Fernando Araujo "Lasama" moved from the position of Vice-Prime Minister to the Ministry Coordinator for Social Affairs and Education.

have exited their posts,¹¹ including some of the government members from the national Reconstruction Congress of Timor-Leste party (CNRT).

A controversy emerged due to strong demands from members of the CNRT party that members of the PD should resign from the government, given that the PD is now out of the coalition block. However, the government members from PD continue to maintain their positions in the government independently according to the complaints of the CNRT.

Ironically, Vicente Guterres was discharged from his post as the President of the National Parliament despite being a member of the majority CNRT party.¹² This occurred during a dispute between the government and the President of the Republic about the nomination of leaders of the FALINTIL-Defense Force of Timor-Leste (F-FDTL). The government recommended renewing the mandates of the General Chief of Staff (CEMGFA) of the F-FDTL, Major General Lere Anan Timur, and the Vice-CEMGFA, Brigadier General Filomeno Paixão de Jesus. But the President of the Republic rejected this decision, demanding the government initiate a transition to new F-FDTL leaders.¹³

While the controversy about the leadership of the F-FDTL was taking place, the President of the Republic, Taur Matan Ruak, stated his criticisms during his speeches at the National Parliament. He emphasized the need to hold Xanana Gusmão and Mari Alkatiri accountable about governance and the project of the Special Market Economic Zone (ZEESM). Politicians and Members of Parliament from the CNRT and FRETILIN denounced the President's speech in the following days.

Additionally, participants acknowledged the potential of the current President Taur Matan Ruak to lead a recently begun party (the Popular Liberty Party-PLP), signaling that the 2017 General Elections will be more competitive than even. Given the historical leaders from the two main parties (CNRT and FRETILIN) and the presence of the new PLP party led by Taur Matan Ruak, the Timorese population might not vote based on the political program of each party, but on their leaders.

Direct Election of FRETILIN Leaders in 2016

The direct election of FRETILIN leaders on 3rd September 2016 was a political means of gauging the party's strength. In this election FRETILIN achieved a massive victory. A total number of 193,229 (97.13%) votes out of 196,836 were in support of Lu-Olo and Mari Alkatiri, with only 5,550 (2.87%) against.¹⁴ This percentage of 97.13% for Lu-Olo and Mari Alkatiri was interpreted by FRETILIN as an indication of victory in the 2017 general elections. This figure of 97.13% has begun to spread around Timor-Leste's territory of Timor-Leste, shaping the expectations of FRETILIN supporters about the party's performance in the upcoming elections.

¹¹The position of President of National Parliament was filled by a member of the CNRT party Aderito Hugo who was previously Vice-President of National Parliament.

¹²See also Fundasaun Mahein, 23 February 2016.

¹³A member of PLP said that the existence of PLP, led by Taur Matan Ruak would imply strongly for the big parties such as CNRT, FRETILIN and PD, because some militants and leaders of the referred parties have been affiliated to PLP. Particularly militants in base which are dominating by the three big parties.

¹⁴Direct election for FRETILIN President and General Secretary with sole package of Lu Olo and Mari Alkatiri.

Yet while FRETILIN supporters celebrate this percentage, FRETILIN has not clearly explained why 97.13% of the vote went to Lu-Olo and Mari Alkatiri.

Given this context, FRETILIN supporters may struggle to accept an outcome in the 2017 General Election other than a FRETILIN victory. Yet many factors could lead to a defeat for the party. For example, FRETILIN supporters might vote in the party leadership election but decide to support another party during the general election. This situation can erode the support for the new FRETILIN leaders, creating a possibility that supporters will initiate conflict if the end results do not match their expectations.

With 193.229 votes in the 2017 General Election, FRETILIN could take 16 seats, and indeed FRETILIN is dreaming of taking even more. FRETILIN's expectations about the number of parliamentary seats gained in the 2017 elections derive from the results of the election of FRETILIN leaders Lu-Olo and Mari Alkatiri. Therefore, misunderstandings may arise among leaders and supporters of FRETILIN if such expectations are not met.

FRETILIN leaders will probably understand if their party does not gain more seats in the upcoming election, but FRETILIN supporters may find it harder to accept. Something similar occurred in 2012 when the CNRT held its national conference about forming a coalition government. FRETILIN supporters became angry because they expected the CNRT would form a coalition with FRETILIN.

Politicization of Electoral Bodies

Regarding politics and the controversy between national leaders, the number of political parties has increased compared to previous elections. According to data from the National Elections Commission¹⁵ (CNE) 32 parties are registered. Most of these are old parties that have competed in past elections, although some have never won seats at the National Parliament. During the interviews for this report, one participant expressed concern about whether old parties and some new parties needed supervision from the CNE regarding their supporter recruiting mechanisms, as some parties have links with Martial Arts Groups (MAGs). According to Government Resolution N^o.16/2013, MAGs that support political parties are totally banned. Another participant said that some political parties use MAGs to recruit supporters via oaths, meaning that in the 2017 general election they will vote for the party to which they have sworn allegiance.

Despite the complex situation and the above-mentioned political process, the National Parliament reduced the number of commissaries of the CNE from 15 to 7. Concerns therefore arose about the impact of this change on the CNE's capacity to oversee the upcoming elections.¹⁶ The president of the CNE, Jose Belo¹⁷, stressed the potential for electoral fraud in the 2017 General Election due to politicians' interference in the electoral body, showing anti-democratic intentions.¹⁸

¹⁵ See Government Resolution N^o.16/2013.

¹⁶ Interview with Belun Director, Luis Ximenes. 31 August 2016

¹⁷ Current CNE President as well as ordinary CNE members. Therefore the current CNE president is Alcino Barris.

¹⁸ Timor Post, 3 June 2016.

The CNE particularly focuses on the practice of vote-buying. FM highlighted this issue in the past 2012 elections, where both political parties and candidates for the Presidency of the Republic used money to get votes in the elections. However, there were no actions taken against such practices.¹⁹

The situation is currently reappearing with regards to the 2017 Election, since some political parties conduct private activities in their bases, during which they distribute money to their supporters. Even though there are no investigations in to these practices, public discussions continue and politicians consider this tactic merely another form of vote-buying. On July 2016, the PD General Secretary Virgilio Hornai stated that 'money politics is against the principal of democracy, because democracy is about respecting the right to vote freely, not providing money for supporters.'²⁰

The upcoming 2017 General Election requires strong cooperation from the entities working on the election such as CNE. Although the CNE faces a big challenge, particularly due to the reduced number of commissaries, it is key that it adopts rigorous supervision mechanisms during the electoral campaigns and activities, urging political parties and candidates to declare their budgets and funding sources.

FM believes that such mechanisms can help prevent vote-buying by political parties and candidates. Ironically, there are some cases of production and circulation of false money in Timor-Leste, which is suspected to come from some members of political parties.²¹ The practice of buying votes will degrade the ongoing process of democratization, since sovereignty will reside not with the majority of the people but with those who have money, whether Timorese or foreigners.

Election of Local (*suku*) Leaders

Election of *suku* (village) leaders previously lacked certainty due to changes in the legislation regarding these leaders. Finally the election of *suku* leaders was conducted on 30th September 2016.²² According to Law No.9/2016, *suku* leadership positions are composed of the village council, the village chief, the *aldeia* (hamlet) assembly, and the *aldeia* chief.²³ The law specifies that these *suku* elections must be carried out in a manner that is universal, free, direct, secret, and simultaneous throughout all villages.

In the election for local leaders, *suku* organs such as the *aldeia* assembly or the *suku* council are very important to the quality of the election process. The *aldeia* assembly is a deliberative organ from the *aldeia*²⁴, and among its responsibilities is the selection of the *aldeia* chief and the representative delegates (a woman and a man)²⁵ for the village council²⁶. The village council is

¹⁹ Fundasaun Mahein Report, 06 July 2012.

²⁰ News Suara Timor Lorosa'e (STL), 01 July 2016

²¹ News Timor Post, 23 August 2016

²² Election Calendar for *suku* electoral bodies. Available here: <http://timor-leste.gov.tl/?p=16083>

²³ Lei N° 9/2016, 8 July, Suku law, article 8, n° 2

²⁴ Lei N° 9/2016, 8 July, Suku law, article 24, n° 24

²⁵ Lei N° 9/2016, 8 July, Suku law, article 26 line a and b

²⁶ Lei N° 9/2016, 8 July, Suku law, article 9

the deliberative organ from the village and its responsibilities include selecting a representative for the young women and men in the village.²⁷

The election of local leaders that was scheduled for September 30th, 2016 was postponed to October 29th, 2016. The President of the Republic promulgated the *suku* law two months before the election,²⁸ without good socialization among the public. FM was surprised about the mechanism for celebrating the elections, particularly the preparations, where despite the very short time elections were celebrated in 2225 hamlets and 442 villages. With such short notice, voters sometimes struggled to understand the mechanisms of voting, creating confusion and raising concerns from communities. Furthermore, the electoral staff that worked on the elections lacked sufficient training to understand the election procedure. Furthermore, on the ballots, only the candidates' names were written, without any photographic reference. This led to confusion among illiterate voters who could not select the preferred candidates.²⁹

Besides the election mechanisms, challenges appeared for PNTL when trying to provide security at election celebrated simultaneously in 442 villages and 2225 hamlets. Though PNTL has stationed *suku* police officers (OPS) in 442 *sukus*, posting officers at all the *aldeias* demanded extraordinary resources from the PNTL at such short notice.³⁰

The Council of Ministers finally decided to conduct the election on October 29th, 2016 instead of on September 30th, 2016³¹. This change enabled, according to the Secretary Technic of Electoral Administration (STAE), the proper conditions for the holding of the elections, particularly in educating the *suku* councils on the processes of presenting candidates, voting and, counting ballots, so that the local authorities had the necessary knowledge to manage the *suku* election process. Moreover, the Council of Ministers approved rules allowing the ballots to be printed with photos of the candidates, so as to facilitate the identification of candidates before voting.³²

In summary, there were many problems with the preparation for *suku* elections. The government therefore postponed the election day in response to public concerns.

The UNTAS Issue

In 2011, before the 2012 election, UNTAS (Uni Timor Asuwa'in) became a topic of public discussion in Timor-Leste.³³ This year, as the 2017 election approaches, the UNTAS issue has

²⁷ Lei N° 9/2016, 8 July, Suku law, article 12, n° 1 and 2

²⁸ President of the Republic promulgated it on 5 July 2016 and the election for *suku* leadership was held on 30 September 2016.

²⁹ Law N° 9/2016, 8 July, Suku law, article 46 and 67

³⁰ Interview with PNTL Second General Commander Police Commissioner Faustino da Costa and PNTL Operational Commander Superintendent Chief of Police Henrique da Costa. In PNTL General Headquarters, 2 September 2016

³¹ The change of the election day can be accessed here: <http://timor-leste.gov.tl/?p=16083&lang=pt>

³² News from News Agency Timor-Leste (ANTIL), 15 September 2015. Available here: <http://antil.tl/adia-eleisaun-suku-fo-biban-ba-stae-atu-prepara-kondisaun/>

³³ See Fundasaun Mahein report, 28 April 2011

returned to public attention. Why does UNTAS figure so prominently in Timor-Leste's political conversation?

According to one point of view, UNTAS does not pose a threat to Timor-Leste but it should nonetheless not be ignored. During its first congress in 2000, UNTAS' agenda was to integrate Timor-Leste to Indonesia.³⁴ This agenda was understood as born of pure frustration, since Indonesia currently promotes peace and harmony in the region and advocates for Timor-Leste's best interest (particularly around joining ASEAN). However, this frustration can possibly express itself in ways that destabilize Timor-Leste.

UNTAS continues to organize and advocate for the interest of former Timorese refugees in West Timor, particularly regarding their rights to become Indonesian citizens. This year (2016) former refugees presented a proposal to the government of Timor-Leste, on behalf of current refugees who wish to return to Timor-Leste.³⁵

Some people have expressed the belief that former refugees will form and register the UNTAS party in Timor-Leste. With regards to this option, UNTAS leader Eurico Guterres stated that 'Many roads lead to Rome'. He also alleged that UNTAS has a core organization in Dili and plans to expand into all 13 districts.³⁶

Regarding former refugees who intend to return to Timor-Leste, according to Eurico Guterres, they are ready to face justice and if found guilty, they are ready to suffer the consequences. He stated, "We cannot be afraid to return to Timor because we might be arrested. Some of these politicians will be punished, some will die, and some will still be alive, and so on. If we live in fear of death and punishment, we cannot do politics. Politics is for the good of Timor-Leste as a whole, and not for us or private groups."³⁷

With reference to this issue, Member of Parliament Antoninho Bianco claimed that former refugees should not be considered citizens of Timor-Leste, since despite their Timorese origins they have become Indonesian citizens. Therefore, if they want to return they have to go through the legal process of being naturalized as Timorese citizens.³⁸ On the subject of establishing UNTAS party in Timor-Leste, the former Division Coordinator of CAVR, Hugo Fernandes, declared that in the event they wanted to create a party in Timor-Leste they must follow the legal process in place. This process which would require them to face justice, since some of former refugees is accused of having committed serious crimes in 1999. Furthermore, UNTAS is registered in Indonesia and the Timorese Constitution does not allow any foreigners to form a party in Timor-Leste.³⁹

FM believes that UNTAS does not pose a threat for Timor-Leste, but it should still not be ignored because it can potentially infiltrate the country and cause problems. Furthermore, because the UNTAS leader said there is already an organizational core in Dili, UNTAS members might take action to prove their existence. Although these statements are partly

³⁴See Fundasaun Mahein report, 28 April 2011

³⁵See Timor Post, 13 July 2016.

³⁶News Matadalan Semanal online, 16 July 2016

³⁷NewsMatadalanSemanal online, 16 July 2016

³⁸News Jornal Nacional Diario online, 3 August 2016

³⁹News Matadalan Semanal online, July 2016

political propaganda, rumors have spread in the last few years that some members of UNTAS are in Timor-Leste. This became a controversy in 2011.⁴⁰

Investigating the UNTAS presence in Timor-Leste should be a major responsibility for the security forces. Everyone should be asking why UNTAS has become a controversial topic in the 2012 and 2017 elections. Timor-Leste must also address the internal security situation in which violence from Martial Arts Groups, ninjas, and unknown perpetrators repeatedly arises during election periods.

The Shadow of Conflict within the Country

a. Rumors about “ninja”

Rumors about “ninjas” are spreading fear and panic. Families in the rural areas worry a lot about this topic.⁴¹ FM received reports from community members that “ninjas” enter their village every night. The community members claimed they complained to the police but did not receive an adequate response.

Residents from Ossu, in the Viqueque municipality, informed FM about “in our village Ninja do their activity every night and we defend the village”. Community captured a man who was suspected to be a ninja, but it was later identified as mentally ill. Even though people informed PNTL about the situation, there is still no police presence, making people quite afraid.

Another incident occurred in Baucau, Quelicai, where the community captured a man suspected of being a ninja, allegedly carrying a samurai sword, wearing black clothes, and using a mask. Eventually, the police determined that this person was also mentally ill, and therefore not a ninja.

PNTL recognized that the “ninja issue” in Quelicai was very complicated. While the author is genuinely mentally ill, his actions made people believe he was a ninja. A PNTL official informed that the case is currently under investigation.

The rumors have spread rapidly through the western districts such as Dili, Ermera and Bobonaro, yet no real ninjas have been identified. PNTL Operational Commander Superintendent Natercia Martins stressed that the PNTL had not identified any ninja suspects. However, the rumors continue to percolate, making people afraid to leave their houses at night.⁴²

b. *Rama ambon* attacks against MAG members

Attacks involving ‘*rama ambon*’ (a deadly weapon similar to a bow-and-arrow) are making people afraid to go out at night in Dili. FM has determined that such incidents mostly happen in

⁴⁰See Fundasaun Mahein report, 28 April 2011

⁴¹Interview with JSMP Director Luis de Oliveira Sampaio, 25 August 2016

⁴² PNTL Interim Operational Commander PNTL Superintendent Natercia Martins made this statement in an interactive debate on the program of Radio Timor-Leste (RTL). June 2016.

western part of the country, with victims predominantly being young men who are outside at night. For example, one man was attacked while returning from Catholic Mass in Aimutin-Dili.

FM also found that the victims and suspects in these incidents are involved in Martial Arts Groups (MAGs), including PSHT (Persaudaraan Setia Hati Terate), Kera Sakti, and KORK (Kmanek Oan Rai Klaran).⁴³ In 2016 the PNTL arrested some people suspected of being involved in *rama ambon* attacks. While the number of attacks briefly decreased, they resurged the following month.

According to public perceptions, such incidents inevitably accompany elections and their destabilizing effects.⁴⁴ This report cannot prove clear links, but experience has shown that these attacks always occur in the run-up to elections. Because of this correlation, people assume that elections and *rama ambon* attacks are related.

c. Fighting between MAG members

Government resolution 16/2013 banned all activities of the MAGs associated with violence, specifically PSHT, Kera Sakti and KORK. However, incidents involving those groups have continued happening in the last few years. During interviews, participants stated that while these MAGs are officially outlawed, their activities continue, including the recruiting of recruiting new members and training exercises at night.

Other participants declared that MAG members provoke each other on behalf of groups such as PSHT, Kera Sakti, and KORK. Numerous incidents involving MAG members were registered 2014, 2015 and 2016 in Dili and other districts. *Rama ambon* attacks involving MAG members also occurred in the suburbs of Dili.⁴⁵

A participant during the discussion process declared that “incidents linked to MAG members happened frequently before the government ban in 2013. It is not a secret anymore, and we can see that sometimes MAG members want to provoke each other and publicize it on social media.”⁴⁶ The author mentioned that some of the perpetrators of the violence come from PSHT, Kera Sakti, and KORK.

This report cannot predict whether former members of MAGs will provoke or create violence during the electoral campaign and after the publication of election results. There has been a tendency for such incidents to occur during elections, particularly because some political parties recruit supporters through MAG oaths. Potentially, MAGs ostensibly banned by the 2013 government resolution are continuing to conduct such political recruitment.

⁴³See also Belun report, August 2016

⁴⁴Discussion with journalists in Dili about the security situation linked to the election. Nevertheless, this did not indicate that these problems derive from the upcoming general election. Instead, this situation began to appear before the approach of the elections.

⁴⁵See also Belun report, May 2015.

⁴⁶ Videos were published showing fighting between MAG ex-members on Facebook. It was impossible to identify the author of the publication because he used a false ID.

Independence of Security Institutions

MAGs such as PSHT, Kera Sakti and KORK have stopped their activities according to the government resolution issued in 2013. Members of the F-FDTL and PNTL also took an oath in 2014 to not become involved in MAGs. Nonetheless, the fact is that F-FDTL and PNTL personnel are still participating in MAGs, sometimes even assuming leadership roles. While the ban has forced these groups underground, they have continued their activities. Members of the security forces—and particularly the PNTL—still participate in MAGs despite their oath. Some PNTL officers in civilian clothes have also worked as security guards for party events in the last few years.

Apart from involvement in MAGs, another FGD participant in Dili mentioned confrontations between members of PNTL and F-FDTL that recently occurred. This participant believed that this incident occurred because the two sides systematically provoked each other, despite their leadership frequently warning them about this issue. These confrontations began in Balibar-Dili, and in Ainaro a F-FDTL soldier physically attacked a PNTL officer. This immediately followed an incident in Bobonaro where PNTL (BOP) attacked an F-FDTL member. The Ainaro incident culminated with a PNTL shooting and injuring one of the F-FDTL members in Ainaro.⁴⁷

PNTL brutality was reported in high numbers, not only against ordinary community members but also against students, doctors and journalists. One incident occurred in Covalima, where a man was shot dead.⁴⁸

Regarding these incidents, FM has stated many times that commanders, departments, and sections must pay serious attention to the discipline of their personnel.⁴⁹ The public's perception is generalized, meaning that these incidents tarnish the entire institution in which the participants are involved. Nevertheless, the security institutions do not train their personnel sufficiently to eliminate the possibility of such occurrences.

Another question about the security forces' discipline and independence in the election concerns whether members of the defense and security forces can vote legally.⁵⁰ FM is concerned about their independence in election if members of these two institutions exercise their right to vote. This question has prompted arguments for both sides of the issue. Some argue that "the F-FDTL and PNTL cannot vote because it is prohibited by the Constitution".⁵¹ Others claim that "participating in elections is every citizen's right."⁵²

Regarding the above controversy, in 2012 the Secretary of State for Defense Julio Tomas Pinto stated that, as citizens, F-FDTL personnel have the right to participate in election and vote. The law only prohibits them from wearing uniforms while voting. "I am talking about voting not about

⁴⁷ See Fundasaun Mahein report, August 2016

⁴⁸ See Fundasaun Mahein report, July and August 2016.

⁴⁹ See reports from Fundasaun Mahein about disciplinary infractions by F-FDTL and PNTL personnel. Available at: www.fundasaunmahein.org

⁵⁰ Fundasaun Mahein (FM) Report, 2012. Should soldiers and police follow the election? Available here: <http://www.fundasaunmahein.org/wp-content/uploads/2012/01/MNL-no-29-31012012-F-FDTL-PNTL.pdf>.

Accessed on August 2016

⁵¹ See also Constitution articles 146 and 147.

⁵² See also Constitution articles 46 and 47.

participation in politics. As civilians they can participate, but as military they should not because the law forbids it”.⁵³ Finally, members of both institutions voted in the 2012 election.

This controversy is once again relevant in the upcoming 2017 election, and so it returns to FM’s attention. It is a pertinent issue that must be clarified according to law. Where some Constitution articles forbid direct or indirect participation by the security forces in politics, other articles state that all citizens can vote.

Legislation about the armed forces states that “F-FDTL members cannot have political parties and must obey the sovereign authorities according to the Constitution and laws, and cannot conduct any intervention in politics.”⁵⁴ Similarly, the law for the PNTL and the security forces states that ‘the police defend democratic legality and ensure citizens’ internal security, and should not have political parties’.⁵⁵ The same is specified by their respective Organic Laws.

The F-FDTL organic law itself states that ‘F-FDTL is an organization for the country. F-FDTL personnel in any rank or category cannot participate directly or indirectly in political activity.’⁵⁶ The using of uniforms while voting is expressly forbidden.⁵⁷

In the research process, those participants expressed different opinions about the F-FDTL and PNTL personnel voting in elections. One participant declared that members of the F-FDTL and PNTL should not vote because if they vote it means they are not neutral and want to support their candidate. Other participant from FGD in Manufahi district compared an election in Timor-Leste to “a cockfight,” in which the only possible results are victory and defeat. When members of the security forces vote they identify with a political party, so when it loses they feel like they have also failed. Elections in Timor-Leste are emotional, meaning that people have emotional links with political parties and leaders due to Timor-Leste’s history.

Another participant said that “members of the F-FDTL and PNTL can vote because they are citizens and have the right to vote. Direct voting does not entail involvement in political parties’ activities. If they do not vote, they lose their right as citizens.”

Manuel Tilman is a Timorese lawyer as well as apolitical party leader. He said that:

“Members of the F-FDTL and PNTL can vote because they are Timorese citizens and have the right to vote. It is guaranteed by the Constitution that sovereignty is in the people’s hands. For these rights are guaranteed by Constitution article 6, which states that the state defends and ensures the nation’s sovereignty, ensures and promotes the fundamental rights of people, and ensures political democracy, including people’s participation in solutions to national challenges. And article 7 of the Constitution guarantees people’s political power and universal, free, equal, rights, secret and periodic

⁵³News Jornal Suara Timor Lorosa’e (STL), Edition 6 October 2011. See also Fundasaun Mahein (FM) report, 2012. Should soldiers and police follow the election? Available here: <http://www.fundasaunmahein.org/wp-content/uploads/2012/01/MNL-no-29-31012012-F-FDTL-PNTL.pdf>. Accessed on 02 August 2016.

⁵⁴Constitution RDTL article 146

⁵⁵Constitution RDTL article 147

⁵⁶Decree Law No. 15/2006. FALINTIL-FDTL Organic Statute. Article 1, N^o 2 no 3.

⁵⁷Government Decree N^o 7/2012 from 1 August. Regulation of the Uniforms of the FALINTIL-Defense Force of Timor-Leste (RU/F-FDTL).Article 3 N^o 5.

suffrage, as well as other mechanisms included in the constitution, reinforced by articles 46 and 47.”⁵⁸

The similar argument was stated as well by the Assistant Ombudsman of Human Rights and Justice (PDHJ) Horacio de Almeida:

‘Members of F-FDTL and PNTL can vote because it is a citizen’s right and ensured by the Constitution. If members of F-FDTL and PNTL do not vote, it means they lose their rights as citizens. However, Constitution articles 146 and 147 as well as the organic law of the F-FDTL and PNTL forbid them from participating in political activities. Yet, the law itself does not clearly prohibit voting’.⁵⁹

To ensure the independence of F-FDTL and PNTL members in the election, their performance and discipline must be improved. Experience has shown that in the past election, some members of PNTL were involved in political parties. In one example from the 2007 election, a PNTL member shot and killed a CNRT party supporter in Viqueque. This PNTL member was thus suspected of supporting a political party. Additional problems arose in Manufahi and Manatuto, where some PNTL members became involved in activities for some political parties.⁶⁰

Regarding the involvement of F-FDTL and PNTL personnel in political activity, one group discussion participant stated that:

‘In the 2017 election, the F-FDTL and PNTL must have a mechanism to control their members rigorously because we have noticed members from both institutions secretly supporting party activities, particularly those parties that have martial arts bases. Despite taking an oath to not becoming involved in martial arts, F-FDTL and PNTL members do so anyway’.⁶¹

Additionally, members of the PNTL Personal Security Division protect party leaders and other prominent politicians. This calls into question their independence, since when police officers act as bodyguards for a certain political leader for a long time; they are with that leader every day and hear all of his or her speeches. Members of the private security can thus become easily attached to specific politicians. This occurs because there is no regular rotation of Personal Security personnel. Such attachment can erode their performance of their responsibility to provide security at whatever event in Timor-Leste.

Recommendations

1. Political and security issues should become primary topics of public debate. That way all of Timor-Leste’s people can give their opinions and regard the promotion of peace and security as one of their duties as citizens.

⁵⁸ Interview with Dr. Manuel Tilman, 30 August 2016

⁵⁹ Interview with Adjunct Provider for Human Rights and Justice (PDHJ) Horacio de Almeida, 26 August 2016

⁶⁰ Interview with Director of NGO Belun, Luis Ximenes. 31 August 2016

⁶¹ This participant did not authorize the use of his name regarding this specific case.

2. Political party leaders must promote political discourse that encourages a culture of democracy, instead of a culture of provocation and violence.
3. The organizations that oversee the election process must fulfill their responsibilities rigorously and function in strict accordance with the law, in order to avoid political interference.
4. The organizations that monitor the election must also insist on examining political parties' budgets and funding sources for the electoral campaign so as to prevent vote-buying.
5. The security institutions and local authorities via the District Security Councils and Community Policing Councils must assess risks and threats in the coming election in order to design an operational prevention plan.
6. The security institutions must strengthen their internal mechanisms around discipline, and periodically rotate staff in order to prevent politicization and ensure their independence during the election.

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List of Interviewees and Focus Group Discussion Participants

No.	Name	Position	Institution/ Organization	District
Personal interviews				
1.	Horacio de Almeida	Adjunct Provider	PDHJ	Dili
2.	Faustino da Costa	Second General Commander	PNTL	Dili
3.	Henrique da Costa	Operational Commander	PNTL	Dili
4.	Antonio Freitas	Teacher/Observer	UNTL	Dili
5.	Manuel Tilman	Lawyer	Manuel Tilman Associates	Dili
6.	Luis de O. Sampaio	Executive Director	JSMP	Dili
7.	Luis Ximenes	Executive Director	BELUN	Dili
8.	Manuel Monteiro	Executive Director	HAK Association	Dili
9.	Abel Amaral	Ex-UNMIT Functionary	Currently works at FM	Dili
10.	Juvelino Fernandes	Student	UNTL	Dili
Focus group discussion				
11.	Amito Araújo	Journalist	RTL	Dili
12.	Joao da Costa	Journalist	Timor Post	Dili
13.	Venidora de Oliveira	Journalist	The Dili Weekly	Dili
14.	Luciana Ximenes	Journalist	STL	Dili
15.	Artur da Luz	Journalist	Independent	Dili
16.	Floriano Soares	Journalist	Timor Roman	Dili
17.	Eusebio de Oliveira	Journalist	Diario Nacional	Dili
18.	Quintã Massa	OTD	CEPAD	Manufahi
19.	Angelito Tilman	Youth		Manufahi
20.	Manuel de Jesus	Youth		Manufahi
21.	Nicolau da Costa	Youth		Manufahi
22.	Mariana Alves	Youth		Manufahi
23.	Eufemia Seixas	Youth		Manufahi
24.	Natercia Andrade	Youth		Manufahi

25.	Jorge da Costa	Youth		Manufahi
26.	Fatima Soares	Youth		Manufahi
27.	David de Jesus	Youth		Manufahi
28.	Antonio Afonso	Suku Support Personnel		Liquiça
29.	Selcinah da Silva	Youth		Liquiça
30.	Lolita Boavida	Youth		Liquiça
31.	Luizinha M. D. Horta	Youth		Liquiça
32.	João Freitas	Youth		Liquiça
33.	Manuel dos Santos	Youth		Liquiça
34.	Domingos da Costa	Youth		Liquiça
35.	Almerio dos Santos	Youth		Liquiça