



## The Ban on Martial Arts Groups and its Application to F-FDTL and PNTL Personnel

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*Photo: Fundasaun Mahein, 2015*

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## Introduction

Government Resolution N.º 16/2013 banned all activities belonging to three Martial Arts Groups (MAGs): PSHT, Kera Sakti, and KORK.<sup>1</sup> But these groups' violent activities continued, sometimes involving members of the FALINTIL-Defence Force of Timor-Leste (F-FDTL) and the National Police of Timor-Leste (PNTL).

In order to address cases of security personnel involved in MAGs, on January 13<sup>th</sup>, 2015 the Ministry of Defence and Security instituted an oath aimed at separating F-FDTL and PNTL members from the three banned MAGs. At that time 288 members from the F-FDTL and PNTL renounced their MAG membership (145 from PSHT, 88 from Kera Sakti, and 55 from KORK). This oath binds F-FDTL and PNTL members to completely fulfil the two institution's missions, to only obey the Constitution and laws, and to renounce all MAG activities.<sup>2</sup>

Nevertheless, PSHT, Kera Sakti, and KORK continued conducting training exercises and causing violence in areas of Dili and the districts. Finally, all the activities of these banned groups were criminalized by Law N.º 5/2017 from April 19<sup>th</sup>, the "Juridical Regime Related to the Practice of Martial Arts, Ritual Arts, Melee Weapons, *Rama Ambon* and the Fifth Alteration to the Penal Code."

The above-mentioned Resolution and Law prohibited F-FDTL and PNTL members from becoming involved in MAGs. Therefore cases in which F-FDTL and PNTL personnel are involved in MAGs warrant disciplinary sanctions, including dismissal according to the relevant disciplinary statute.

This report describes the involvement of F-FDTL and PNTL members in MAG practices banned by Government Resolution N.º 16/2013 "the Extinction of Martial Arts Groups" and by Law N.º 5/2017. Furthermore, this report will outline disciplinary and criminal measures applicable to PNTL and F-FDTL members who are involved in MAGs.

## Methodology

This report's analysis is based on Government Resolution N.º 16/2013 "the Extinction of Martial Arts Groups" and Law N.º 5/2017 "the Juridical Regime Related to the Practice of Martial Arts, Ritual Arts, Melee Weapons, *Rama Ambon* and the Fifth Alteration to the Penal Code." To conclude this report, FM employed its method of *Security Sector Discussion* (SSD). SSD involves FM researchers analysing relevant materials and producing recommendations.

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<sup>1</sup> Government Resolution N.º 16/2013 "the Extinction of Martial Arts Groups."

<sup>2</sup> Fundasaun Mahein (FM). *An Oath for Members of the F-FDTL and PNTL: End or Calm the Martial Arts Groups*. Dili, January 30<sup>th</sup>, 2015



## **Ban on F-FDTL and PNTL personnel's involvement in MAGs**

Government Resolution N.º 16/2013 “the Extinction of Martial Arts Groups” instituted a total ban on the activities of the MAGs PSHT, Kera Sakti, and KORK.

“a) Determine the extinction of the Martial Arts Groups designated as PSHT, KORK, and Kera Sakti, with the total prohibition of the continuation of any kind of martial arts activity by their members.”

This ban inaugurated a “zero tolerance” policy for PNTL and F-FDTL members involved in MAG activities. Therefore, when security personnel are involved in these groups, they will suffer disciplinary sanctions, including dismissal according to the terms of their disciplinary statute.

“b) Determine the policy of “zero tolerance” for all the members of the PNTL and F-FDTL that participate in activities of the Martial Arts Groups, subjecting such members to the application of disciplinary sanctions, including the dismissal from the two institutions, in the terms of their respective disciplinary statutes.”

It also specified that PNTL and F-FDTL commanders must fully implement this resolution.

“c) Determine that the respective commanders of the PNTL and F-FDTL ensure the complete fulfilment of the present Resolution”.

Nevertheless, it still proved difficult to control MAG activities in the country. Public and security authorities expressed strong concerns because this resolution did not criminalize participation in MAGs. Consequently, the banned MAGs continued organizing themselves and training their members, with some individuals crossing the border into Indonesia to test their martial arts skills. Some of these cases involved PNTL and F-FDTL personnel.

Finally the Government and the National Parliament produced Law N.º 5/2017 of April 19<sup>th</sup>, “the Juridical Regime Related to the Practice of Martial Arts, Ritual Arts, Melee Weapons, *Rama Ambon* and the Fifth Alteration to the Penal Code.” This law criminalized the activities of the banned MAGs as well as the practice of rituals in martial arts contests.

In the case of martial arts that violate the official legislation, whoever teaches, learns, or practices these activities in any way can be punished with up to 3 years in prison. If practiced with the intention to cause social disorder, they will be punished with 3 to 8 years in prison.<sup>3</sup>

Furthermore, the illegal exercise of martial arts or maintaining a facility for training or

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<sup>3</sup> Law N.º 5/2017 from April 19, “Juridical Regime Related to the Practice of Martial Arts, Ritual Arts, Melee Weapons, *Rama Ambon* and the Fifth Alteration to the Penal Code, Article 24.”



teaching such activities is punishable by 3 to 6 years in prison. If these acts are practiced by members of the F-FDTL, members of the security forces, judges, justice officials, state functionaries, or employees of public agencies charged with the prevention and repression of the illegal activities specified in this law, the penalty is 6 to 10 years in prison.<sup>4</sup>

Article 25:

1) Whoever, without being authorized, outside the legal conditions or in violation of the prescriptions of the relevant authorities, conducts leads or, in any form, maintains installations meant for the practice of martial arts or in which to teach these activities, will be punished with the penalty of 3 to 6 years in prison.

2) If the acts described in the previous number are practiced by members of the F-FDTL, members of the security forces, judges, justice officials, state functionaries, or employees of public agencies charged with the prevention and repression of the illegal activities specified in this law, the penalty is 1 to 5 years in prison.

The practice of illegal rituals in martial arts contests that provoke social disorder, or endanger other people is punished with up to 3 years in prison. If these crimes are committed by F-FDTL personnel, the security forces, judges, justice officials, state functionaries and employees of public agencies responsible for the prevention and repression of the illegal activities mentioned by the law, these crimes can be punished by 6 to 10 years in prison.<sup>5</sup>

Article 26:

1) Who, in the context of martial arts, practices rituals that provoke social disorder or the disruption of public order and tranquillity, or endangers the life or physical integrity of another person is punished with up to 3 years in prison.

2) If the acts described in the previous number are practiced by members of the F-FDTL, members of the security forces, judges, justice officials, state functionaries, or employees of public agencies charged with the prevention and repression of the illegal activities specified in this law, the penalty is 1 to 5 years in prison.

### **Dismissal of the F-FDTL soldier involved in MAGs**

On December 11<sup>th</sup>, 2017 the F-FDTL subjected one of its members from the Service Support Component (CAS) to disciplinary proceedings due to involvement in the Martial Arts group PSHT.

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<sup>4</sup> Ibid. Article 25

<sup>5</sup> Ibid. Article 26 n.º 1 and 2



### ***F-FDTL expels Soldier Domingos Bulo de Araújo due to involvement in the PSHT MAG***

The F-FDTL expelled soldier Domingos Bulo Araújo due to his involvement in the MAG Persaudaraan Setia Hati Terate (PSHT). This soldier was dismissed after undergoing a MAG initiation ceremony in Surabaya, Indonesia. Soldier Domingos Bulo Araújo was a member of the F-FDTL Service Support Component (CAS). On September 18<sup>th</sup>-20<sup>th</sup>, 2017 he requested permission to accompany his wife who was about to give birth. But in reality this soldier went to attend a MAG initiation ceremony in Surabaya, Indonesia. According to official information, this soldier went to Indonesia on September 18<sup>th</sup> and returned to Timor-Leste on September 27<sup>th</sup>. This soldier was captured by the Military Police (PM), detained in a cell, and subsequently underwent an investigation process on October 6<sup>th</sup>. On November 21<sup>st</sup>, F-FDTL General Chief of Staff Major General Lere Anan Timur dismissed this soldier by granting him Separation from Service. Accordingly, on December 11<sup>th</sup> CAS Commander Lieutenant Colonel Funu Panu summoned this member to remove his beret and expel him from the military.

Lieutenant Colonel Funu Panu stated that he would convene a general meeting of the Component Commanders in order to institute a military education that can train officials, sergeants, and other F-FDTL members to implement the anti-MAG resolution and law.

**Sources:** GMN TV, December 11<sup>th</sup>, 2017.

Separation from Service—a term meaning dismissal used by the Military Discipline Regulations (F-FDTL)—involves removal from the military due to violations of regulations and laws. Decree Law N.º 17/2006 from November 8<sup>th</sup> “the Regulation of Military Discipline” Article 27 states:

“Separation from service consists in the definitive separation of a soldier from the exercise of his functions, entailing the loss of his status as a soldier and the permanent deprivation of the use of his uniform, military badges or insignias, along with his retirement pension.”

Resolution N.º 16/2013 affirms “zero tolerance” for F-FDTL and PNTL members involved in MAGs. Hence when F-FDTL and PNTL personnel become involved in the MAGs mentioned by the resolution, disciplinary sanctions will be applied, including dismissal from the institution.

Separation from service means that the F-FDTL member involved in PSHT has lost his status as a soldier and is thus dismissed. However, no information has been made public about the ongoing process against the F-FDTL ex-member. Law N.º 5/2017 criminalizes the practice and exercise of the illegal martial arts, meaning that this individual should be subject to criminal prosecution in addition to disciplinary sanctions from the F-FDTL.



Therefore, FM recommends that the judicial and security authorities should conduct a trial according to Law N.º 5/2017. Article 25 states that, when practiced by F-FDTL personnel, the security forces, judges, justice officials, state functionaries, and employees of public agencies responsible for the prevention of the illegal activities mentioned by the law, the illegal exercise of martial arts can be punished by 6 to 10 years in prison.

### **Conclusion**

Government Resolution N.º 16/2013 announced a total ban on all activity by the MAGs PSHT, Kera Sakti and KORK. This ban inaugurated a “zero tolerance” policy for PNTL and F-FDTL members involved in MAG activities. Therefore, when security personnel are involved, they will suffer sanctions, including dismissal according to the terms of the disciplinary statute.

Furthermore Law N.º 5/2017 criminalizes the practices of the three banned MAGs as well as participation in martial arts contests. When practiced by F-FDTL personnel, the security forces, judges, justice officials, state functionaries and employees of public agencies responsible for the prevention and repression of the illegal activities mentioned by the law, these crimes can be punished by 6 to 10 years in prison.

### **Recommendations**

1. FM recommends that the F-FDTL and PNTL continue strengthening their members' discipline in order to fully fulfil their institution missions, the law, and the Constitution.
2. FM recommends that F-FDTL and PNTL personnel ensure the full implementation of regulations and laws that prohibit involvement in MAGs.



## Bibliography

Decree Law N° 17/2006 from November 8<sup>th</sup> Regulation of Military Discipline.

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