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## Press Release

### Policy for the Purchase and Control of Arms by PSIK

Decree-Law No. 21/2014 of 6 August and the 1<sup>st</sup> Amendment to Decree-Law No. 15/2014 of 14 May Organic Scientific and Criminal Investigation Police (PCIC/PSIK) describe PSIK as the supreme body of the criminal police, which operates under the authority of the Ministry of Justice, but with administrative, financial and executive autonomy. The Law establishing PSIK also defines the use and carrying of firearms by its members: according to Article 20, criminal police, criminal investigation personnel and auxiliary criminal investigation personnel have the right the use and carry service firearms, of a calibre and type approved through ministerial diploma of the Minister of Justice.

Based on the provisions in Article 20, the Ministry of Justice on 24 May 2017 released Ministerial Diploma No. 33/2017 (Approval of the Type of Calibre of Service Firearms of the Personnel of the Scientific and Criminal Investigation Police), defining the firearms to be used by PSIK personnel. The type and calibre of firearms permitted to be used by PSIK are 9x19mm calibre pistols.

An ongoing debate since 2017 has weighed the pros and cons of providing firearms to PSIK, including the mechanisms for their use and the accompanying risks.

*First*, PSIK's scientific nature and forensic expertise, supported by the scientific police laboratory, is the principal guarantee of the quality of evidence used in criminal investigations. However, as illustrated by the case of the nine containers of PCC (Paracetamol, Caffeine and Carisoprodol) which were seized by the authorities in January 2018, PSIK's scientific and technical capacity is still limited, as the appropriate testing and examination of the PCC materials had to be conducted in Indonesia due to the lack of capacity in Timor-Leste's laboratory.

Therefore, the main priority of PSIK should be to develop its capacity to carry out scientific investigations to assist the judicial authorities in the penal process. This will enable PSIK to fulfil its duties and mission in the investigation of serious, organised and complex crime.

*Second*, PSIK's demand for firearms sets a harmful precedent for the future, as other investigative and civil security institutions such as the Anti-Corruption Commission (KAK), Customs Authority, Forest Ranger, Municipal Guard of Dili, Prison Guards, Migration and National Directorate for Public Security (DNSPP) may demand weapons for their own use,

as all their work involves a certain degree of risk. This is especially likely to occur among those institutions which have already received arms training, such as KAK and Customs.

Third, Timor-Leste has emerged from a long conflict and has still not fully recovered from the psychological trauma of war. A consequence of this has been that multiple institutions – large and small – have embraced the use of firearms, while it is commonplace and widely acceptable amongst Timorese to respond to problems of violence with violence. An additional concern which is growing every year is the incorrect use of firearms by state agencies. Indeed, we should learn from events in the past regarding the inadequate control and incorrect use of arms, such as the incident of November 2018 in Kulu-hun, Dili, where three people were killed and five injured as a result of incorrect and uncontrolled use of firearms by police.

However, the Government has continued with firearms purchases, and in practice firearms are already in PSIK's hands. Therefore, it is imperative that the established control mechanisms must be implemented when firearms are being used during policing actions.

## **Recommendations**

1. National Parliament must continue to oversee PSIK's use of arms by carrying out an annual audit of the arms used by PSIK.
2. The Ministry of Justice and PSIK's superiors should strictly apply the applicable rules and regulations governing the distribution, use and calibre of arms in order to prevent prohibited behaviour from occurring during police work and thereby minimise risks to other institutions and populations.
3. The public and the Human Rights and Justice Ombudsman (PDHJ) should continue to monitor PSIK's use of the seventy-five (75) guns already in their hands, to ensure that their use is in line with existing laws and regulations.

For further information about this topic please contact:

### **João Almeida**

Acting Director

Email: [almeidamahein@gmail.com](mailto:almeidamahein@gmail.com)

Telemovel: (+670) 7756 1184

Website: [www.fundasaunmahein.org](http://www.fundasaunmahein.org)