



MONITORING RESULTS

Parliamentary Resolution No. 5/2014 Against CRM & CPD-RDTL

18 March 2014

Operations being conducted through the Ministry of Defence and Security are in accordance with Parliamentary Resolution No. 15/2014, released on 3 March 2014 (www.parlamento.tl). This resolution stipulates that the groups Conselhu Revolusaun Maubere (CRM), Conselhu Popular Demokratiku – Republika Demokratiku de Timor-Leste (CPD-RDTL) and others are in contravention of the following laws and their existence is therefore illegal:

- National Constitution: Article 43 (sub-article 3) and Article 146
- Penal Code: Article 188, 194, 195 and 202
- Decree Law No. 7/2004

See Annex 1 for further details of the above listed laws.



MONITORING

2013

13 March 2013

Government provides a mandate for PNTL to transport all CPD-RDTL members in the sub-district of Fatuberlihu (Manufahi) back to their own respective districts.

October 2013

CRM mobilises in Laga (Baucau).

11 November 2013

Prime Minister Gusmão invites Sr. Paulino Gama, (alias Mauk Moruk), leader of the CRM group, to participate in a live televised dialogue at Dili Convention Centre. Sr. Mauk Moruk declines, on the basis that he does not feel the dialogue would be facilitated neutrally.

26 November 2013

Sr. Mauk Moruk announces to media that CRM will be conducting a peaceful demonstration in Dili on 28 November in commemoration of Independence Day. The demonstration does not go ahead.

4 December 2013

Government orders PNTL to capture Commander 'Labarik' and members of his group *Bua Malus*, who had established a cantonment in Buruma (Baucau). *EWER* monitoring verified that in addition to the group surrendering military uniforms, PNTL detained 74 people from within the cantonment who were taken to the Baucau District Police Station; all 74 people captured were later released.

20 December 2013

Belun staff conduct interview with Sr. Mauk Moruk, asking him the objectives of CRM. Sr. Mauk Moruk states that the group was established based on concerns that the State does not follow the principles of the liberation struggle and has compromised on the desires and needs of veterans. Sr. Mauk Moruk also claimed that the uniforms worn by those captured in Laga (4 December) were those of ex-FALINTIL members who were from the FALINTIL Cantonment in Aileu in 1999.

2014

15 February 2014

Sr. Mauk Moruk calls a press conference opposing the RDTL Constitution and calling for the dissolution of the National Parliament and Government. CRM expresses their desire to hold office for 6-12 months.

21 February 2014

Belun staff conduct an interview with Commander 'Cowboy Tiru-Lakan' the leader of the Laga (Baucau) cantonment of the CRM. Commander 'Cowboy Tiru-Lakan' requests the Government approach them with an offer of peaceful dialogue.

3 March 2014

In response to Sr. Mauk Moruk's demands and CRM's desire to take office, Parliamentary Resolution No. 5/2014 is passed, outlawing CPD-RDTL, CRM and other 'illegal' groups based on their contravention of the laws as listed in Annex 1.

4 March 2014

Sr. Mauk Moruk informs media *“Now the Resolution has been issued and they consider us a great enemy. They will search for us with guns and we are ready to respond to them.....We want Xanana to command forces to meet us. We have no guns or weapons like he has, but we will meet him and his forces with our bare hands (telephone interview, Diáriu, 4 March 2014).*

Sr. António Aitahan-Matak rejects all accusations that CPD-RDTL is illegal on the grounds that members are all former resistance fighters. *“If we are illegal, then the 20 May 2002 Restoration of Independence, the 24-year struggle and the 28 November 1975 unilateral Proclamation of Independence is also illegal. Therefore, CPD-RDTL defends its principles in order to give value to the State and the government so that the Constitution may be readjusted” (Interview with Diáriu, 4 March 2014).* Aitahan-Matak also claims that CPD-RDTL have never misused military uniforms.

5 March 2014

PNTL close down CPD-RDTL head office in Balide, Dili. During the operation, PNTL detain 19 CPD-RDTL members. It is reported that this operation was conducted peacefully.

PNTL authorized to monitor airport, main roads and border roads to prevent Sr. Mauk Moruk, Sr. Aitahan Matak or their group members from leaving the country.

10 March 2014

PNTL enter the cantonment of CRM in Lalulai (Laga, Baucau) and lower the flags. A police officer is injured in the process. Road blockages are set up by members of the groups. Police detain two people; an investigation is underway. Other occupants of the cantonment fled into the jungle.

13 March 2014

Police capture Sr. Mauk Moruk at 2.37pm at the headquarters of the CRM in Fatuhada. He was escorted to the Dili district police station where he was detained to await trial. The main road between Fatuhada and Aimutin was closed by police between 14:00 and 17:45.

14 March 2014

Sr. Mauk Moruk (CRM), Sr. L-7 (Sagrada Familia) and Commander Labarik (Bua Malus) appear before Dili District Tribunal for their pre-trial sentencing.

The same morning, Sr. Aitahan Matak, Sr. Gil Fernandes and Sr. “Ivo” from CPD-RDTL hand themselves over at the Dili district police station.

15 March 2014

Pre-trial sentencing continues for members of ‘illegal groups’. Sr. Mauk Moruk and Commander Labarik were placed in pre-trial detention at Becora prison whilst awaiting their hearings. Fourteen others, including Sr. Aitahan Matak and Sr. L-7 were released on bail.¹

¹ Timor Post, 17 March 2014.

Recommendations

The President of the Republic

- Continue to initiate and engage in dialogue with the leaders and members of the groups identified as ‘illegal groups’ by the National Parliament, to distinguish their separate sets of concerns, and to explore sustainable ways to address any reasonable concerns of veterans, farmers and rural communities.
- Support civil society organizations to conduct more in-depth research on the existence and demands of ‘illegal groups’ in order to better understand their perspectives.

The National Parliament

- In order to more sustainably resolve tensions and address concerns, remain cognisant of the different histories, different needs and different demands of each of the ‘illegal groups’.
- In order to avoid the escalation of tensions, be cautious not to generalize about the groups, which may be perceived as a misrepresentation of differing groups’ positions and could further politicize the current situation.

Belun and 43 Conflict Prevention & Response Networks (sub-district level):

- Facilitate community-level meetings and dialogues across the 13 districts in order to diffuse local tensions and rumours by clarifying the government’s current position, discussing the roles of citizens and the state, and identifying pending issues of confusion or discontent arising in relation to the Government action taken in accordance with the resolution.
- Identify areas of particularly high risks of tension or conflict through the EWER monitoring, and inform relevant state and civil society actors of trends to assist the planning of their response strategies.
- Continue conducting in-depth research into the histories and differing demands of various veterans-led associations as well as the identified “illegal groups”, and explore sustainable ways to address any reasonable concerns of veterans, farmers and rural communities.

The Secretariat of State for Security, and PNTL:

- PNTL should collaborate with village leaders to provide further information regarding Parliamentary Resolution No. 5/2014.
- Provide a longer warning time to groups prior to raiding their offices in order to minimize possibilities for violent confrontation.
- Ensure that all PNTL officers abstain from using inappropriate or excessive force when carrying out all operations.
- The National Directorate for the Prevention of Community Conflicts (NDPCC) should facilitate dialogues in urban and rural areas to explain the government’s position and concerns, and to allow communities to respond with their concerns.

Ministry of Social Solidarity:

- Conflict Prevention and Response Networks to facilitate dialogues at the local level to reduce tension and confusion in relation to the Government resolution.

The Ombudsman for Human Rights and Justice (PDHJ) and Civil Society Organisations including Yayasan HAK, JSMP, Fundasaun Mahein and Belun

- Monitor all operations conducted in accordance with the Resolution, particularly PNTL conduct and the application of the principles of human rights.
- Increase coordination, cooperation and collaboration across civil society in order to strengthen advocacy quality and outcomes.

The Ministry of Commerce, Industry and Environment

- Support agricultural cooperatives that have been established across the country, to develop local incomes and products.

Media

- Disseminate only clear and evidence-based information in order to avoid inciting panic within communities.

For further information, questions or clarification, please contact:

- Sra. Marilia Oliveira da Costa, bylah.belun@gmail.com (7727 6671)
- Sr. Pedro de Araujo, pedroa.belun@gmail.com (7700 1421)
- Ms. Sarah Dewhurst, sarah.belun@gmail.com (7742 8371)

Annex 1

According to Parliamentary Resolution No. 15/2014, CPD-RDTL, CRM and “other groups” are considered illegal as they are in contravention of the following laws.

RDTL Constitution

Section 43. (Freedom of Association)

Article 3: The establishment of armed, military or paramilitary associations, including organisations of a racist or xenophobic nature or that promotes terrorism, shall be prohibited.

Section 146. (Defence Force)

Article 1. The East Timor Defence force, FALINTIL-ETDF, composed exclusively by national citizens, has the responsibility of providing military defence for the Democratic Republic of East Timor and shall have a single system of organisation for the whole national territory.

Article 2: FALINTIL-ETDF shall guarantee national independence, territorial integrity and the freedom and security of the populations against any aggression or external threat, in respect for the constitutional order

Article 3: FALINTIL-ETDF shall be non-partisan and shall owe obedience to the competent organs of sovereignty in accordance with the Constitution and the laws, and shall not intervene in political matters.

Penal Code of Timor-Leste

***Accessed via <http://www.wipo.int/wipolex/en/details.jsp?id=10928>*

Article 188 (Criminal Association)

1. Any person who promotes or establishes a group, organisation or association with the purpose or activity of which is the commission of crimes, is punishable with 2 to 8 years imprisonment.
2. Any group, organisation or association shall be considered criminal if it consists of two or more persons who, for a period of time and in a concerted manner, seek to commit or incite the commission of crimes with intent to disturb public order or directly or indirectly obtain benefit or advantage.
3. Any person who joins, supports or participates in any of the activities conducted by said criminal group, organisation or association is punishable with 2 to 6 years imprisonment.
4. The head or leader of any group, organisation or association referred to in the previous subarticles is punishment with 4 to 12 years imprisonment.
5. The penalties referred to in the preceding subarticles may be extraordinarily mitigated if the perpetrator hinders or makes serious efforts to hinder continuation of the group, organisation or association, or communicates to authorities regarding existence of such a group so as to prevent the commission of crime.

Article 194 (Abuse of public signals or uniform)

1. Any person who abusively utilizes a warning or distress signal or call, or pretends that outside assistance is needed due to a disaster, danger or situation of collective necessity, is punishable with up to 1 year imprisonment or a fine.
2. Any person who unduly or abusively uses a uniform, attire or insignia which identifies a public or international activity, authority or institution, as a means to more easily commit any unlawful act, incurs the same penalty.

Article 195 (Usurpation of office)

1. Any person who, without authorisation, holds any office or performs any acts expected to be exercised or performed solely by a public official, military commander or law enforcement officer, assuming said office to him or herself either expressly or tacitly, is punishable with up to 3 years imprisonment.
2. The same penalty shall apply to any person who exercises a profession for which law requires title or fulfillment of certain requirements, assuming to him or herself, either expressly or tacitly, the holding of such a title or fulfillment of said requirements when, in fact, they do not.
3. The same penalty shall be applied to any person who continues to exercise public duties after having been officially notified of dismissal or suspension from office.

Article 202 (Violation of the rule of law)

1. Any person who, by means of violence, threat of violence or incitement to civil war, attempts to overthrow, change or subvert constitutionally established rule of law, is punishable with 5 to 15 years imprisonment.
2. If the act described above is committed by means of armed violence, the penalty is 5 to 20 years imprisonment.
3. Public incitement or distribution of weapons to be used for committing any of the acts described above carries, respectively, the penalty that corresponds to an attempt.

Government Decree Law No. 7/2004: Organic Structure of the FALINTIL – East Timor Defense Force (FALINTIL –FDTL)²

***Accessed through <http://www.jornal.gov.tl/lawsTL/RDTL-Law/RDTL-Decree-Laws/RDTL-Decree-Laws.htm>*

Chapter 1: General Principles

Article 1 (Nature of the FDTL)

Article 2 (Allegiance to the Flag)

Article 3 (Mission of the Armed Forces)

Article 4 (Exclusivity Principle)

Article 5 (FDTL Uniforms)

While Article 5 (Sub-article 2) explicitly states that '*no other person may wear a military uniform, whether the FALINTIL-FDTL uniform, or similar uniform, for such action will constitute wilful disregard, as stipulated by law*', Decree Law No. 15/2006 that repealed this Law contains no such article.

Article 6 (Weapons and military equipment)

Article 7 (Integration of the FALINTIL-FDTL as part of the Executive Branch of Government)

Chapter 2: The FALINTIL-FDTL structure

Article 8 (Superior State Organs)

Article 9 (The Commander in Chief of the Armed Forces)

Article 10 (The National Parliament)

² Decree Law No. 7/2004 was revoked on 30 October 2006, with the exception of the articles listed below. It was revoked and replaced by Decree Law No. 15/2006 (Organic Statute of FALINTIL – FDTL).

Article 18 (Crisis Situation);

Article 19 (Catastrophe or Public Disaster Situation);

Article 20 (Crisis Cabinet);

Article 21 (Process for Declaring a Crisis Situation);

Article 22 (Declaring a Crisis Situation and Catastrophe or Public Disaster Situation)

Article 24 (Report on the Use of the Falintil – FDTL)

- Article 11 (The Government)
- Article 12 (Ministry of State for Defense)
- Article 13 (EDTF Military Command)
- Article 14 (FDTL Composition)
- Article 15 (Joint Chief of Staff of the FALINTIL-FDTL)
- Article 16 (Deputy Joint Chief of Staff of the FALINTIL-FDTL)
- Article 17 (Headquarters)

Chapter 3: Civilian Authority Support Mission

- Article 18 (Crisis Situation)
- Article 19 (Catastrophes or Public Disaster Situation)
- Article 20 (Crisis Cabinet)
- Article 21 (Process for Declaring a Crisis Situation)
- Article 22 (Declaring a Crisis Situation and Catastrophe or Public Disaster Situation)
- Article 23 (Duration)
- Article 24 (Report on the use of the FALINTIL – FDTL)

Chapter 4: Final Provisions

- Article 25 (Identification cards)
- Article 26 (Military Statues and Discipline)
- Article 27 (Entry into Force)

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