



“Policy of the Investigation Weapons in Timor-Leste”

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Introduction

The problem of missing weapons in Timor-Leste has not been resolved and is still a concern in Timor-Leste. The weapons that went missing in the 2006 crisis and more that went missing since have not been found yet. There has been an investigation into the missing weapons but the public has not been made aware of the details of the process and how the investigation has been implemented.

These issues have not been resolved well and another accusation has come up against the weapons purchase process in 2012 from the Indonesian company PT. PINDAD (Persero) to the PNTL. Fundasaun Mahein has been alerted previously that the purchasing process for the weapons showed irregularities and the National Parliament Committee B considered that the weapons purchase process was illegal because it was not based on legal procedure.

Therefore, this report will analyze the investigation report into the weapons purchase which was conducted by the Investigation Commission Arms of F-FDTL and PNTL into the 2006 crisis. This report was published by the end of 2011 and includes recommendations and had been presented to the Ministry of Defense and Security.

Fundasaun Mahein has also looked into the investigation report from the weapons agreement between the PNTL and the Indonesian company PT.PINDAD (Persero) based on the terms set by the office of the government resolution No. 13/2013 of 26 June. The commission published a report on 3rd February 2014 with its recommendations and the report has been presented to the Ministry of Defense and Security as well as the Republic President.

The aim of this report is to examine the recommendation implementation process implementation of the investigative report for the PNTL regarding the missing weapons from the 2006 crisis, as well as the recommendation from the investigative report regarding the weapon purchase process between the Indonesian company PT. PINDAD and the PNTL. Despite the fact that these two reports from the commission have been presented to the government, to date there have not been steps taken to implement the recommendations.

Methodology

The methodology used for this report was discussion between the research team of Fundasaun Mahein (called the Security Sector Discussions-SSD). This report is the result of monitoring between the period of 2011 to 2013. Researchers also gathered

information and made descriptive analysis of the previous FM on the problem of weapons in Timor-Leste.

The end of this report provides recommendations to the government of Timor-Leste to find solutions for the weapons that went missing in the 2006 crisis, such as the PM2-V1's from Indonesian company PT. PINDAD.

2011 Investigation Commission of Arms Report on the F-FDTL and PNTL

The Ministry of Defense and Security established the Investigation Commission Arms of F-FDTL and PNTL in 2011 with five commissaries, two from F-FDTL, two from PNTL and one from the National Intelligence Service. The terms of office for this investigation commission were as follows:

- a. *Report the inspection results and the conjoint auditing of arms of the F-FDTL and PNTL in 2010*
- b. *Dispatch of his Excellency, the Minister of Defense and Security No. 07/GABMDS/VII/2011, 27th of July 2011 regarding "The establishment of workers and the nomination of commissaries that integrate the referred group workers".*
- c. *Joint discussions between the nominated commissaries with S.E General-Director of SNI overseeing the preparation of technical administration related with the implementation of the investigation process.¹*

Regarding the terms of office, the Ministry of Defense and Security nominated officially five commissaries to assume responsibilities for the investigation over arms in the PNTL and F-FDTL that have not been registered yet. **To obey and responsible order of the Excellency the Minister of Defense and Security above, the five commissaries with nine officers assistance start their duties by investigating members of PNTL, F-FDTL, International's, MPs, veterans and some civilians who have relation over arms that have not been registered yet.²**

It has been identified that around 26 members of the PNTL for pistol and gun HK-33 of PNTL, a member of PNTL referred to pistol of F-FDTL, 3 former members of PNTL to pistol of PNTL, 5 former members of F-FDTL referred to pistol of F-FDTL and a civilian referred to a gun HK-33 of PNTL. This report recommends that officers and sergeants

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

² Final Report of the Investigation Arms Commission Service of F-FDTL and PNTL, from the Ministry of Defense and Security in 2011.

as well as agents of PNTL who have mentioned on the recommendation of the investigation report forbade not using guns in the duty hours.³ Those PNTL members that recommended or forbade not using gun in duty hours are 26 involved the officers' superior of PNTL including inspector, sergeant and some agents.⁴ According to report that the investigation commission recommended that should make the investigation process to members of PNTL, former members of PNTL, former members of F-FDTL and some civilians referred to pistol and weapons that they have made disappeared, which is shown on the below table.

Missing weapons in 2006 crisis based on the investigative commission's report

No.	Arms	Serial Number	Institution
1.	Pistol	EEH-690	PNTL
2.	Pistol	ENU-249	PNTL
3.	Pistol	FHX-370	PNTL
4.	Pistol	EFP-140	PNTL
5.	Pistol	EFP-141	PNTL
6.	Pistol	FHX-267	PNTL
7.	Pistol	EFP-153	PNTL
8.	Pistol	EFP-926	PNTL
9.	Pistol	EFP-738	PNTL
10.	Pistol	FHX-364	PNTL
11.	Pistol	FHX-332	PNTL
12.	Pistol	EFP-203	PNTL
13.	Pistol	FHX-262	PNTL
14.	Pistol	EFP-088	PNTL
15.	Pistol	FGT-559	PNTL
16.	Pistol	EEH-781	PNTL
17.	Gun HK-33	ATM.010027	PNTL
18.	Gun HK-33	ATM.000790	PNTL
19.	Gun HK-33	ATM.014779	PNTL
20.	Gun HK-33	ATM.020163	PNTL
21.	Pistol	280 3763	F-FDTL
22.	Pistol	280 3900	F-FDTL
23.	Revolver	142456	F-FDTL
24.	Pistol	38 Special CTC	F-FDTL
25.	Pistol Glock 19	EFP-806	F-FDTL

³ Final Report of the Investigation Arms Commission Service of F-FDTL and PNTL, from the Ministry of Defense and Security in 2011.

⁴ This report does not give details list of those members who involved and made disappeared of those weapons because of the justice secret. But how is the process of the implementation report where the investigation commission had presented to the Ministry of Defense and Security and other relevant organs.

Source:Final report of arms investigation of F-FDTL and PNTL 2011

The table above shows information related to the missing weapons according to the investigative commission report from 2011. Information accessed by FundasaunMaheins shows that some weapons have been recollected while others are still missing. FundasaunMahein's point of view is that even though some weapons have been found, the legal procedures that apply to members of the PNTL, F-FDTL, and civilians should not end. This legal process should apply to anybody who committed illegal acts based on the recommendations in the report from the investigation.

The Investigation Commission Arms of F-FDTL and PNTL recommend that there should be an investigation process conducted on current and former members of the PNTL as well as some civilians. The recommendation of this commission (the investigation arms commission of F-FDTL and PNTL) is as follows:

*“hold criminal and disciplinary processes to investigate current and former members of the PNTL who are believed to be responsible for the loss of arms which they are responsible for, and who have shown their irresponsibility during the investigation process to locate those weapons”.*⁵

Investigative Report of the Commission for the Weapon Purchase Process with PT. PINDAD

The commission report regarding the PNTL purchase of weapons from PT.PINDAD (Persero), indicates that the purchase of PM2-V1 was confirmed on 3rd February 2014 based on the terms of office from the government resolution No.13/2013, 26 June. The members of the commission are from the National Parliament committee B, Military house of the Republic President, F-FDTL, National Investigation Service and the Secretary of State for Security.

After analyzing relevant documents and information from relevant institutions, the commission made a final conclusion that there was some irregularity in the purchasing process.⁶

The commission's report identified irregular acts occurring in various types, start from the beginning of the procurement process until the arrival of the weapons. There was poor coordination inside the institution and between institutions, as indicated by abuses

⁵ Final Report of the Investigation Arms Commission Service of F-FDTL and PNTL, from the Ministry of Defense and Security in 2011.

⁶ Report of the Eventual Commission over the Accusation Weapon Process of PNTL at PT. PINDAD (Persero). This Report has published on 03 February 2014.

of power the falsification of documents uncovered by the commission. The decision to purchase weapons from PT.PINDAD was made after very little research. The government did not look into the company's integrity and the political and security aspects were not taken into account.⁷

GunPM2 – V1 Product PT. PINDAD (Persero)



Source: PT. PINDAD (Persero)

Regarding the irregularity, the commission makes some recommendations to the government. The commission's report recommended to improve protocol to deal with missing weapons in the future. Another recommendation was to the government to look for and prosecute illegal actions according to the legal process.⁸ The commission also urged the general command of the PNTL and the Secretary of State for Security to identify criminals who were involved in the missing weapons case.⁹

⁷ Report of the Eventual Commission over the Accusation Weapon Process of PNTL at PT. PINDAD (Persero). This Report has published on 03 February 2014.

⁸ Report of the Eventual Commission over the Accusation Weapon Process of PNTL at PT. PINDAD (Persero). This Report has published on 03 February 2014.

⁹ Ximenes Florencio. (17 March 2014). The Eventual Commission Urges Public Ministry to investigate Long and SES. *Independente Newspaper*.

Implementation of Report Recommendations?

Regarding the weapons that went missing in the 2006 crisis, there are two main recommendations that have been made from the investigation to members of the PNTL, F-FDTL, and some civilians. Another principal recommendation from the commission's report is to forbid members of the PNTL from using guns when on duty.

FundasaunMahein has observed that the recommendations put forth have not yet been implemented by the Ministry of Defense and Security even though the recommendations are really important and would improve the legal procedure and aid in the search for the missing weapons. The public deserves to know why these recommendations have not been implemented yet.

FundasaunMahein's agree with the recommendation to members of PNTL investigate the missing weapons and forbid the use of guns on off-duty hours. It is troubling that some members of the PNTL whose names are included on the investigation list received promotions to superior posts. This signifies that the PNTL is willing to promote suspected officers, allowing them to commit acts with impunity instead of putting them through a the appropriate investigation and disciplinary process.

Former and current members of PNTL and F-FDTL and some civilians indicate there has been no effort to increase the investigation into the missing weapons. This means that the missing weapons still have not been found, as declared by National parliament member César Valente "Piloto" who lamented for the PNTL to search and investigate the missing weapons which are suspected to be in the possession of some former military members,¹⁰ because the missing weapons from the 2006 crisis are marked.¹¹

The other investigation looks into the sale of PM2-V1 weapons from Indonesian company PT.PINDAD to the PNTL. This report was published on 3rd February 2014, and identified an irregularity in the purchase of weapons, leading the national parliament committee B to consider the weapons to be illegal.

The commission also recommended the enactment of disciplinary and criminal processes against the principal perpetrators inside the PNTL and the Secretary of State for Security to investigate their involvement in the missing weapons

¹⁰ Ximenes Florencio. (24 March 2013). Committee B NP demands PNTL - F-FDTL to search for weapons missed in 2006 crisis. Journal Independente.

¹¹ Ximenes Florencio. (24 March 2013). Committee B NP demands PNTL - F-FDTL to search weapons missed in 2006 crisis. Journal Independente.

case.¹² Fundasaun Mahein would like to know what the Ministry of Defense and Security has done to implement these recommendations.

Fundasaun Mahein urges the Ministry of Defense and Security to implement its investigation in accordance with the recommendations it has been given. This should be done to professionalize security institution and promote good-governance within security sector organizations such as the PNTL.

Increase of Weapons is Problematic

The public continues to show concern over the missing weapons from the 2006 crisis that have not been found yet. National Parliament Member Cesar Valente “Piloto” explained to national media sources that the missing weapons from the PNTL are HK-33 (2), 10 pistols and a big gun from the F-FDTL.¹³ However, the exact number of missing weapons has not been confirmed; government officials and police officials are citing different numbers, which is confusing and frustrating for the public. The director of the Justice Department of the PNTL, superintendent Chief Carlos Jeronimo, acknowledged that the search for the missing weapons from the 2006 crisis has not shown any results thus far, and that the PNTL is still searching.¹⁴

Cesar Valente “Piloto” lamented with the institution of PNTL act so asked to search and investigating whereabouts of the missing weapons which is suspiciously kept by some former militaries.¹⁵ Because the weapons that went missing in 2006 crisis are marked,¹⁶ they sometimes were seen circulating on social media sites like facebook as gifts given from government officers to young women and family members of the police and military members (including kids).¹⁷

Although the missing weapons were searched for by numerous organizations, the general commander of PNTL, Longuinos Monteiro stated on national media that “a missing gun will not be a cause for concern for the state”. Even worse is that the

¹² Ximenes Florencio. (17 March 2014). The Eventual Commission Urges Public Ministry to investigate Long and SES. *Independente Newspaper*

¹³ Ximenes Florencio. (24 March 2013). Committee B NP demands PNTL - F-FDTL to search weapons missed in 2006 crisis. *Journal Independente*.

¹⁴ Flo. (Fevereiru. 2014). 23 Weapons still missing. <http://www.diariutimorpost.tl/berita-925-kilat-lolon-23-sei-lakon.html>

¹⁵ Ximenes Florencio. (24 March 2013). Committee B NP demands PNTL - F-FDTL to search weapons missed in 2006 crisis. *Journal Independente*.

¹⁶ Ximenes Florencio. (24 March 2013). Committee B NP demands PNTL - F-FDTL to search weapons missed in 2006 crisis. *Journal Independente*.

¹⁷ Fundasaun Mahein. (24 April 2014). How is the Arms Safety in Timor-Leste. Mahein’s blog <http://www.fundasaunmahein.org/2014/04/24/oinsa-siguransa-kilat-ih-timor-leste/>

general command of the PNTL and the Secretary of State for Security do not take responsibility for the shortcomings of the search operations.¹⁸

While the search continues, the government continues to move forward with plans to purchase weapons for the PNTL and F-FDTL to replace the old and broken weapons. In 2014 the PNTL proposes to purchase more new weapon for the PNTL and F-FDTL, despite the fact that the missing weapons have not been found yet and that the control and management system is a liability.

Despite the fact that National Parliament committee B member David Dias Ximenes declared on national media that the government should cancel the proposal to purchase new weapon for the PNTL,¹⁹ the political forces in the national parliament could not stop the proposal and it was passed in voting, leading to the purchase of the weapons.

Fundasaun Mahein believes that the government lacks the resolve to solve the weapons problem. Weapons continue to increase while the missing weapons are still missing and there is a lack of control over the management of weapons. Fundasaun Mahein notes that Timor-Leste is inviting a threat to national stability and puts the public at danger if weapons continue to be misused by security sector actors.

Summary of Recommendations

1. Recommend to the Ministry of Defense and Security to implement the recommendations made in the report of the weapon's investigation into the F-FDTL and PNTL which was published in 2011. Particularly, the Ministry of Defense and Security should hold criminal and disciplinary processes to investigate members of the PNTL and former members of the PNTL who were irresponsible in caring for their weapons.
2. Recommend to the Ministry of Defense and Security to implement the recommendations made by the investigative report from the 2014 commission, urge it to hold disciplinary and criminal processes.

¹⁸ Fundasaun Mahein. (23 April 2013). Whereabouts of the Missing Weapons is unclear and the Polemic of Weapon in Timor-Leste. Mahein's Voice No. 49.

¹⁹ Ferreira Sonia. (20 January 2014). Committee B Stop SSS Proposal over Purchasing Weapon to PNTL. <http://suara-timor-lorosae.com/komisaun-b-trava-proposta-ses-kona-ba-sosa-kilat-ba-pntl/>

3. Recommend to the Ministry of Defense and Security to conduct these processes seriously in order to professionalize the security institution.
4. Recommend to the National Parliament Committee B to improve its fiscal policies and to look into the Ministry of Defense and Security to see how it is conducting the search for the missing weapons.

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