



Dismissal of Members of the F-FDTL and PNTL: Part of a Reformation in Discipline?

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Introduction

The first dismissal of F-FDTL members marks a very critical moment in Timor-Leste's history.¹ The F-FDTL command decided to dismiss 591 of the military members who abandoned the general quarter of Metinaro in order to participate in peace actions in Dili.² Resulting from the actions of these members was a military and political crisis that severely damaged the security sector in efficacy and function.³

The 2006 crisis conveyed dangerous shortcomings within the institutions of the F-FDTL and PNTL, and it has proven difficult for these institutions to regain the trust of the Timorese people. The government should produce internal legislation and regulations for the F-FDTL and PNTL as well as institute reforms that allow dismissals of the military and police members in similar cases.⁴

As discussed by the National Development Strategic Plan (NDSP) and the fifth (V) Constitutional Government, there is a need to reform the military and police institutions. The government should implement disciplinary laws and rules in order to respond to military and police members who do not abide by the internal laws and rules of their institutions. In the beginning of 2014, the institutions of the F-FDTL and PNTL made rigorous dismissals of undisciplined members.⁵

This report will thoroughly analyze the decision of the F-FDTL and PNTL to dismiss members then examine the requirements for such a dismissal. Considerations include recruitment, dismissal procedure, and the overall causes and effects of dismissal. This analysis concludes with recommendations for the the national government, which should consider these issues in order to strengthen discipline within the F-FDTL and PNTL in the future.

¹ Crisis Group. (06 October 2006). Meneyelesaikan Krisis Di Timor-Leste. Report of the Crisis Group.pdf.

² Dede. (27 June 2007). STL - PM Estanislau: Door of the F-FDTL closes to Petitioners. Media STL. <https://groups.yahoo.com/neo/groups/east-timor-studies/conversations/topics/10312>

³ CIGI. (2009). Monitoring Security Sector Reform. pdf.p1. <http://www.ssrresourcecentre.org/wp-content/uploads/2010/06/SSRM-East-Timor-v.1-Tetum.pdf>

⁴ Sequera, Jacinta & Ximenes, Luciana. (05 May 2014). 6 of PNTL Members Rightfully Receive Dismissal. Media STL. <http://suara-timor-lorosae.com/membru-pntl-6-pozetivu-hetan-demisaun/>

⁵ May. (24 February 2014). 7 police members and 4 from F-FDTL's will be dismissed. Media Diariu Nasional. <http://www.jndiario.com/2014/02/24/polisia-nain-7-no-f-ftdl-nain-4-sei-demite/>



Methodology

The sources consulted for this analysis were a security sector discussion (SSD) by the FM research team, data from national media publications relating to this dismissal issue, legislative and disciplinary rules within the security institutions, and interviews with some important sources who have informed perspectives regarding the dismissal issue.

This study does not aim to challenge the dismissal policy by the superior command of the institutions (F-FDTL-PNTL) that dismissed the members, but intends to appear a public discussion related with the applying dismissal process that is going on thus far, as a phase to reform both institutions members' mentality to obey the law and order to serve the state and people of this nation.

Establishment, Recruitment, and Reformation of Discipline

a. The F-FDTL Institution

The F-FDTL institution was established under the United Nation's (UN) transitory government from a former military group, and the majority of F-FDTL personnel are veterans and former clandestine activists. This military group is not on good terms with the society of Timor-Leste at the moment, and this presents obstacles in the aim to modernize the F-FDTL as advised by *The Centre for International Governance Innovation (CIGI)*, the international organization that has performed analysis in the past.⁶

In a historical context, FALINTIL was the guerilla force during the resistance period, and the government of Timor-Leste continues its dream of modernizing this force. Since the first independent government, Timor-Leste has invested resources into the improvement of infrastructure, modernization of military equipment, drafting of legislation, and the fortification of human resources,⁷ which are now administrated and managed directly by the cabinet of the Secretary State of Defense (SSD).⁸

With the aim of quality human resources, a recruitment process was established with strict criteria, starting from the selection and continuing through the training process. The legal basis for this process comes from a resolution of the Council Minister.⁹

⁶ CIGI. (2009). Monitoring Security Sector Reform. pdf.p1.

<http://www.ssresourcecentre.org/wp-content/uploads/2010/06/SSRM-East-Timor-v.1-Tetum.pdf>

⁷ Fundasaun Mahein. (27 September 2013). Progress and Defiance: Cooperative Defense of Timor Timor-Leste. Mahein Nia Thought. 02.pdf.

⁸ Sanches, Tomas. (30 August 2013). The Council Minister Approves the Recruitment Resolution of the F-FDTL. Media STL. <http://suara-timor-lorosae.com/konselho-ministru-aprova-rejolusaun-rekrutamentu-f-ftl/>

⁹ Ixo. (06 January 2014). Recruitment of F-FDTL for this year is very rigorous.



Meanwhile, the legal structure of the military service grants the government the capacity to manage recruitment in order to fortify human resources for the F-FDTL.¹⁰

The government's effort thus far in strengthening the professionalism of the F-FDTL institution is worthy of praise and recognition. The government has issued laws and disciplinary rules in order to control the attitudes of F-FDTL members. However, the discipline, maturity, nationalism, and patriotism of some soldiers continue to present obstacles to the development of the F-FDTL.¹¹ This has become a concern for every entity of this nation, particularly the superior command of the F-FDTL as well as the President of the Republic, Taur Matan Ruak.¹²

During this disciplinary reform, the superior command has made rigid decisions against some F-FDTL members who have disobeyed the laws and rules of the military. A prominent example occurred in 2014, when the F-FDTL institution dismissed 591 undisciplined members who had abandoned their posts and committed crime.¹³

The dismissals initiated by the superior command in response to undisciplined shows the commitment of military hierarchy in order to professionalize the institution and reform the mentality of F-FDTL soldiers. Fundasaun Mahein urges the F-FDTL command to continue its commitment, in order to ensure the domestic and international prestige of the institution.

b. The PNTL Institution

The vision of the PNTL institution was drafted in the peace document that was published and used as a campaign instrument by the Conselho Nacional do Resistência de Timor-Leste (CNRT) in the independent period. This document stated that it would not establish a regular army force but would, instead, transform the former guerrilla force to function as a national police.¹⁴ Finally,

Media Diariu Nasional. <http://www.jndiario.com/2014/01/06/rekrutamentu-f-fdtl-ba-tinan-ida-nee-rigoro-zu-tebes/>

¹⁰ RDTL. (2007). Definition and Operation of the Military Recruitment. Article 8. Decree Law of the Military Service.pdf. p3.

¹¹ Flo. (05 February 2014). F-FDTL is from FALINTIL.

Media Timor Post. <http://www.diariutimorpost.tl/berita-946-ffdtl-diferente-ho-falintil.html>

¹² May. (03 February 2014). Taur urges the F-FDTL to maintain discipline. Media Diariu Nasional.

<http://www.jndiario.com/2014/02/03/taur-apela-ba-f-fdtl-mantein-disiplina/>

¹³ May. (30 May 2014). F-FDTL Commander dismissed 19 Members.

Media Diariu Nasional. <http://www.jndiario.com/2014/05/30/komando-f-fdtl-demite-membru-19/>

¹⁴ Nire, Sarah. (2000). *To Resist is to Win: The Autobiography of Xanana Gusmão*. Aurora Book.p139.



the police institution was formally established under the the United Nation's (UN) transitory period, on 27 March 2000.¹⁵ As a new institution in the independence period, the PNTL was led by the United Nation Police (UNPoI) but some dissatisfaction emerged inside the PNTL, surrounding recruitment practices. The international criteria used by the UN did not take into account whether recruit candidates were pro-autonomy or anti-autonomy. Records proved that a majority of the PNTL members were originally involved in secret organizations, martial arts groups, and other suspect groups.¹⁶

Stemming from recruitment failures in the past, factionalism emerged inside of the PNTL institution. This grievance was at the heart of the 2006 military and political crisis,¹⁷ because the public had expressed concern about the professionalism of the PNTL and had criticized the institution in international media. These events convinced the government that it should draft a strategic plan to improve the prestige of the institution.¹⁸

One concrete measure taken by the government has been the fortification of discipline within the PNTL institution. This entails, in particular, the application of penalties to members who do not respect the law and order of the PNTL. This includes those who have violated internal rules and procedures. As part of this disciplinary reform, PNTL authorities have discharged members from the police since 2009.¹⁹

Fundasaun Mahein's assessment of the dismissals ordered by the PNTL shows that these dismissals were done in the effort to improve and professionalize the institution. Such measures strengthen the discipline of PNTL members, and this discipline is an important part of serving in a police capacity. However, these dismissals must be

¹⁵ Fundasaun Mahein. (14 December 2010). Recruitment for PNTL: Long Way to Professionalism. Mahein's Voice No. 05.pdf. <http://www.fundasaunmahein.org/wp-content/uploads/2010/12/mahein-nia-lian-no-15-141210-tet.pdf>

¹⁶ Fundasaun Mahein. (14 December 2010). Recruitment for PNTL: Long Way to Professionalism. Mahein's Voice No. 05.pdf. <http://www.fundasaunmahein.org/wp-content/uploads/2010/12/mahein-nia-lian-no-15-141210-tet.pdf>

¹⁷ Fundasaun Mahein. (22 October 2012). UNPOL was started active between 2006 – 2012. Mahein's Voice No. 40.pdf. http://www.fundasaunmahein.org/wp-content/uploads/2012/10/MNL_Nu.-40_22102012_UNPOL.pdf

¹⁸ Fundasaun Mahein. (21 July 2011). Development of the National Police of Timor-Leste (PNTL). Mahein's Voice. 21.pdf. http://www.fundasaunmahein.org/wp-content/uploads/2011/08/fm-nia-lian-21_21jullu-20111.pdf

¹⁹ Jeronimo, Carlos. (07 August 2014) Chief of the PNTL Justice Department. Private Interview.



justified legally so that they are fully accepted and create a long-term, positive impact for the institution.

Factors that Contribute to the Dismissal of Members from the F-FDTL and PNTL

The F-FDTL and PNTL institutions possess disciplinary rules and organic laws that regulate members' behaviours. Such decree laws exist to encourage the members of the F-FDTL and PNTL to obey institutional law, order, and basic human rights, in order to serve the nation. However, in reality, some members of the F-FDTL and PNTL have disobeyed institutional laws and failed to exercise discipline. This breakdown of discipline poses negative consequences for the prestige of the institution.

1. F-FDTL Members

1.1. Disciplinary Violation

Disciplinary violations present a big challenge to the professionalism and prestige of the F-FDTL institution thus far. Despite efforts by the government to develop the laws and rules of the institution, a majority of F-FDTL members still violate the laws and regulations of the institution. This has even drawn the concern of the President of the Republic, Taur Matan Ruak, who has urged these military members to practice discipline and obey the laws of their institution.²⁰

Disciplinary violations of military members can potentially impact to their military careers, as some members have been dismissed from the institution. In March 2014, the superior command of the F-FDTL held two separate dismissal ceremonies, during which a total of 19 soldiers were discharged from their posts because of disobedience and negligence. In some cases, the individuals had left their posts for extended periods of time (up to three months).²¹ These members have violated the F-FDTL disciplinary code, Article 4, No. 2, which mandates that F-FDTL obey military policy.²²

The dismissals implemented by the F-FDTL authorities demonstrate their commitment to improve and develop the F-FDTL, particularly in the areas of discipline and professionalis. However, reformation discipline should not be based on dismissal and

²⁰ RDTL. (2014). Taur Matan Ruak: F-FDTL is the Symbol for the Stability and Development of Timor-Leste. *Jornal Defeza Nasional*.p10

²¹ May. (30 May 2014). F-FDTL Commander dismissed 19 Members.

Media Diariu Nasional. <http://www.indiarior.com/2014/05/30/komando-f-ftdl-demite-membru-19/>

²² MD. (July 2007) Military Duty's Article 4, No.2. *Military Discipline Rules MDR*). p7



penalty processes, but the government needs to pay attention for the condition to those members so they have spirit to serve the people and nation.²³

1.2. Criminal Activity

F-FDTL members may also be dismissed for committing crime. In the constitution of the RDTL, it is stated that the F-FDTL is an organ of the state, created by the constitution with the purpose of saving the people and the nation from external threats.²⁴ Furthermore, the disciplinary rules of the military forbid members from becoming involve in immoral actions and those that would damage the prestige of the F-FDTL as an institution.²⁵

However, in their daily duties, some members of the F-FDTL have violated constitutional orders and the rules of the military. Some members of the F-FDTL physically harm civilians, and others commit crime. As a result, the F-FDTL authorities should dismiss the perpetrators, as seen in January 2014, when the F-FDTL dismissed 24 members accused of committing crimes.²⁶

Some F-FDTL members do not effectively fulfill their duties as the defense and the protector of the people in this nation, and some even ostentatiously display their power to civilians by committing crime within the communities.²⁷ The undisciplined and criminal acts committed by some F-FDTL personnel have become a serious issue, one that has captured the attention of the Head of State. The State Major of the F-FDTL also urges soldiers of the F-FDTL to practice discipline, loyalty, honesty, and the spirit of nationalism, in order to ensure the institution's prestige in this nation.²⁸

Fundasaun Mahein believes that the criminal acts committed by F-FDTL members pose a threat to the prestige of the F-FDTL that was achieved through sacrifice in the past. The superior command of the F-FDTL continues to issue dismissals, both as punishment for lack of discipline and as an example for other, who will hopefully respond by showing discipline and obeying the law.

²³ Da, Costa, Paulo. (27 July 2014). Former Leader of Clandestine Group and Veteran. Private Interview

²⁴ RDTL. (22 March 2002). Army Forces. Article 146, Part 2. Constitution of RDTL.p115.

²⁵ MD. (July 2007) Military Duty's Article 4, No.2. Military Discipline Rules MDR). p7

²⁶ May. (30 May 2014). F-FDTL Commander dismissed 19 Members. Media Diariu Nasional. <http://www.jndiario.com/2014/05/30/komando-f-fdtl-demite-membru-19/>

²⁷ Da, Costa, Paulo. (27 July 2014). Former Leader of Clandestine Group and Veteran. Private Interview

²⁸ May. (03 February 2014). Taur urges the F-FDTL to maintain discipline. Media Diariu Nasional. <http://www.jndiario.com/2014/02/03/taur-apela-ba-f-fdtl-mantein-disiplina/>



2. PNTL Members

2.1. Disciplinary Violation

Dismissals have also taken place in the PNTL institution as a result of disciplinary infringement and criminal activity. Many PNTL members lack discipline. Many have abandoned their duties and reported to work late. These represent violations of disciplinary rules and the purpose of the institution as a whole. PNTL members should, rather, work for public interest and should obey the rules and regulations of their institution.²⁹

Due to member misconduct, the PNTL command has dismissed some members from 2009 to the present. In an interview with Fundasaun Mahein, the Chief of the Justice Department of the PNTL said that, since 2009 to 2014, the institution has dismissed 28 members, the majority of which had violated the disciplinary code and abandoned their duties.³⁰

The dismissal statistics of the PNT show that the professionalism does seriously exist inside the PNTL institution, because the dismissals are issued based on the collective decisions of the the PNTL Superiod Council, composed of all of the district police commanders. In May of this year, this council dismissed 14 members of the PNTL for lack of discipline.³¹

Fundasaun Mahein agrees with the dismissal decisions of the PNTL commander. FM feels that it is necessarily to apply strict punishment to any member who does not obey the disciplinary rules. However, the institution needs to make improvements of the institution internally, particularly in the job descriptions of members and overall administration. Furthermore, FM sees the importance in upholding nationalism within the institution.

Fundasaun Mahein's monitoring that found that some police members were undisciplined because their job descriptions were unclear. Others view the PNTL promotion process as discriminatory and, thus, have become less motivated to work.

²⁹ RDTL. (2004). RULES CONCERNING DISCIPLINE INSIDE THE NATIONAL POLICE OF TIMOR-LESTE, Articles 12-13. Decree Law.pdf.p7

³⁰ Jeronimo, Carlos. (07 August 2014) Chief of the PNTL Justice Department. Private Interview.

³¹ May. (06 May 2014). The Superior Council of PNTL Dismissed 8 Members 8. Media Diariu Nasional. <http://www.jndiario.com/2014/05/06/konsellu-superior-pntl-demite-membrus-nain-8/>



Even though these complaints appear to be minor issues, FM urges PNTL authorities to pay attention to them, because they may present challenges to police discipline.

2.2. Criminal Activity

As mentioned in the constitution of the RDTL and the organic law of PNTL, the PNTL is a security force responsible for defending democracy, ensuring the security of the people, and protecting the citizens' rights as guaranteed by the constitution and state law.³² These are the responsibilities of the police, because it is listed in the PNTL philosophy that the PNTL work in a community policing capacity.³³

Even so, police members in the field have violated PNTL organic law and the police's disciplinary rules. Some members have committed crimes, exercised brutality, and misused weapons during their lines of duty. Some people have died as a result of these actions. It has been registered that at least five (5) people have died since the end of the political and military crisis in 2006.³⁴

Some PNTL members have used ostentatious displays of force toward civilians and have disobeyed the disciplinary rules, especially in cases where members were involved in crimes against the communities. They were forced to face the professional consequences of their actions, as the PNTL leadership dismissed these members from their positions. Since the beginning of 2014, the PNTL Superior Council has dismissed 8 members for their involvement in crime since the 2006 crisis. These individuals were accused and found guilty of 'disappearing' pistols and other weapons in past years.³⁵

After reviewing the decision to dismiss PNTL members who committed in crime, we can conclude that the PNTL institution has started moving forward positively, in terms of self-improvement and professionalism. Particularly, these dismissals are helping reform the mentality of PNTL agents to better serve the communities.³⁶ However, Fundasaun

³² RDTL. (18 February 2009). THE ORGANIC LAW OF THE NATIONAL POLICE OF TIMOR-LESTE (PNTL). Article 1, Line 1. Decree Law of PNTL.pdf.p1.

³³ RDTL. (18 February 2009). THE ORGANIC LAW OF THE NATIONAL POLICE OF TIMOR-LESTE (PNTL). Article 1, Line 1. Decree Law of PNTL.pdf.p2.

³⁴ Fundasaun Mahein. (30 November 2011). PNTL's Weapons: Secure or Worrying? Mahein 's Voice No. 25.pdf. <http://www.fundasaunmahein.org/wp-content/uploads/2011/11/MNL-no.25-30112011.pdf>

³⁵ May. (06 May 2014). The Superior Council of PNTL Dismissed 8 Members 8. Media Diariu Nasional. <http://www.jndiario.com/2014/05/06/konsellu-superior-pntl-demite-membrus-nain-8/>

³⁶ Jeronimo, Carlos. (07 August 2014) Chief of the PNTL Justice Department. Private Interview.



Mahein urges the PNTL leadership to promote transparency in the dismissal process, because the dismissed individuals have expressed their displeasure, and they consider that these dismissals have political motivations.³⁷

Conclusion

The F-FDTL and the PNTL are military and police institutions that have the important task of securing state sovereignty and the people of Timor-Leste. However, these institutions still face challenges in their development, in terms of professionalism and member discipline. In light of these shortcomings, the leaders of these two institutions have dismissed members who do not follow the disciplinary rules of the institutions.

The government needs to pay attention to the aforementioned issues in order to consider its options in professionalizing the F-FDTL and PNTL in the future. Some issues within human resources must be resolved. These include job descriptions, the alleged system of favoritism, and the less-than-satisfactory condition of some military and police resources. In addressing these issues, the F-FDTL and PNTL will motivate their personnel to perform their duties and remain loyal to their institutions.

The decisions made by the F-FDTL and PNTL leadership thus far to dismiss undisciplined members represent good news for Timor-Leste. These dismissals signify the government's plan to develop the military and police institutions in a professional capacity. FM hopes that the policy of dismissal will become a standard tool in both organizations for reforming the mentality of security personnel in the present and future.

³⁷ Sequera, Jacinta & Ximenes, Luciana. (05 May 2014). 6 of PNTL Member Rightfully Receive Dismissal. Media STL. <http://suara-timor-lorosae.com/membru-pntl-6-pozetivu-hetan-demisaun/>



FM's Recommendations

1. FM recommends that F-FDTL and PNTL leadership continue fortification according to the laws and regulations of their institutions. This includes the application of punishment to members who do not obey institutional rules and the hierarchy of command. Furthermore, these institutions should continue improving human resource management, in order to further professionalize both of these security institutions.
2. FM recommends that communities inform the commander of both institutions if they witness military or police personnel acting without discipline and partaking in criminal activity. This civilian oversight will help develop and improve both institutions in the future.



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