

## Timor-Leste: Time for the UN to Step Back

### I. OVERVIEW

The policing contingent of the UN Integrated Mission in Timor-Leste (UNMIT) should be sharply reduced in size to reflect improvements in security since the 2006 crisis and to support future stability. Since 2008 the Timorese have shown themselves determined to handle internal threats without the support of the UN's third-largest policing mission. The local force has answered to its own command rather than UN police. The government has for years ignored UN advice on undertaking difficult reforms in the security sector or pursuing formal justice for crimes committed. A mostly stable coalition government elected in 2007 seems to be able to survive its own weaknesses. Real risks to the country's stability do remain – many the result of the government's failure to tackle impunity for the events of 2006. These will be best addressed by the country's political leaders rather than a continued international police presence. When UNMIT's mandate is renewed in February 2011, the UN should acknowledge the futility of its security sector reform efforts in the face of government disinterest.

While they made an important contribution to the immediate post-crisis stabilisation, UN police were never equipped to conduct the highly political task of police reform. More than four years into the mission, there is still no agreed plan for how to support reform of Timor-Leste's police. The government has embarked on its own efforts with limited capacity. A comprehensive overhaul of the rank structure undertaken in 2010 was a real step towards the professionalisation and independence of the police. The government has shown little interest in UN recommendations to punish police linked to turmoil in 2006 and has taken over a joint vetting process that will likely end with very limited results. More recent disciplinary cases have reinforced the image of a force unwilling or unable to punish wrongdoing from within its own ranks. The district-by-district process of handing back responsibility from the UN to the Timorese police has nevertheless progressed steadily, with some pressure for a full handover by March 2011.

Key recommendations on justice and security sector reforms made by international bodies after the crisis have been systematically ignored. The work of the UN Independent Commission of Inquiry has been undermined as the most prominent prosecutions it proposed have been shelved; others have either been thrown out for lack of

evidence, have ended in presidential pardons or are still under investigation four years later. The effect has been to deny justice and corrode the rule of law, leaving the country without a strong disincentive for political violence. This is dangerous, but more international police will not solve it.

The UN mission has poorly handled its mandate to assist in broader security sector reform and its efforts have been consistently rebuffed by the government. The review of the security sector intended to guide policy development remains unpublished four years later and at this stage its release would be irrelevant. The UN's stated goal of delineating the roles of the police and the army has been rejected by Timorese leaders in favour of bringing the two forces closer together to avoid rivalry. The security sector support unit of the mission should be closed.

As talk of "right-sizing" the peacekeeping mission begins with an eye towards its withdrawal by December 2012, it is clear that such a large mission is currently not tailored to the country's needs. As its executive policing role looks likely to end in early 2011 with the completion of the handover, the police contingent should be reduced by at least half. Current plans for only a limited reduction will leave an oversized police contingent that will mask the continued operational and logistical deficiencies in Timor-Leste's police. The government and the Timorese police command should engage those UN police who do remain on how best to address these deficiencies between now and the mission's full withdrawal.

In addition, immediate priorities for discussions underway between the government and the UN mission on the future of UNMIT should include:

- ❑ A binding agreement with the government on a limited set of priorities for training and support to core functions of the Timorese police by those UN police that remain, including investigations and disciplinary mechanisms.
- ❑ Clarification of the likely terms of any handover of assets of the UN mission.
- ❑ Support for an independent assessment of the needs and capacity of Timor-Leste's police, as requested by the government, which could serve as a tool for planning future domestic and bilateral training.

- ❑ Discussion with the Australia/New Zealand International Stability Force regarding the timing of the departure of the international security presence in Timor-Leste (ISF and UNPOL).
- ❑ Discussion of an ongoing political role for the UN in supporting the 2012 elections as well as in political and human rights monitoring after the full withdrawal of UNMIT.

The UN will leave behind much unfinished work in building the capacity of Timor-Leste's police, but the violence of 2006 was caused more by a failure to address political issues than it was by technical weakness in the country's security services. The best way to maintain stability through the 2012 elections would be a strong commitment to peaceful political competition by Timor-Leste's leaders.

## II. POLICING: THE HANDOVER CONTINUED

This briefing updates earlier Crisis Group reporting on police reform in Timor-Leste since the 2006 crisis and the subsequent deployment of the UN's third-largest policing mission.<sup>1</sup> Subject to the renewal of its mandate in February 2011, UNMIT's 1,500-strong police contingent is due to complete a handover of policing responsibilities to the national police, bringing an end to its executive policing role.<sup>2</sup> The exact timing of this is unclear, but the government has recently mooted a date of March 2011 and negotiations for the future role of the UN police have begun.<sup>3</sup> There is agreement from all parties that more training is needed but no plan for how it will be provided.

### A. UNDER THEIR OWN COMMAND

In May 2009, the UN and the government agreed to a phased handover of policing responsibility based on district-by-district assessment of police "readiness". Crisis Group has already explored the flawed logic of this arrangement, which is not geared to produce institutional change and ignores the reality that in almost all areas,

<sup>1</sup> See Crisis Group Asia Report N°180, *Handing Back Responsibility to Timor-Leste's Police*, 3 December 2009. Only UNAMID (in the Darfur region of Sudan) and MINUSTAH (in Haiti) have larger police contingents. See [www.un.org/en/peacekeeping/sites/police/index.shtml](http://www.un.org/en/peacekeeping/sites/police/index.shtml).

<sup>2</sup> The United Nations Integrated Mission in Timor-Leste (UNMIT) was first authorised under UN Security Council Resolution 1704, S/RES/1704, 25 August 2006.

<sup>3</sup> There is hope that the handover can be completed by the eleventh anniversary of the Polícia Nacional de Timor-Leste (PNTL)'s formation on 27 March. That day will also mark the end of Commander General Longuinhos Monteiro's first two-year term.

Timorese police have been operating outside of UN command and control.<sup>4</sup>

Several of the units said to have been returned to Timorese management during 2010 have had only limited UNPOL presence.<sup>5</sup> While the UN as early as 2006 identified the border police unit as weak and in need of further attention, UN police were only present at a few posts and training seems to have been non-existent.<sup>6</sup> After a formal handover to Timorese control in September 2010, the unit's new commander came forward and pointed out there had never been any UN supervision or training for his subordinates.<sup>7</sup> Similarly, the maritime unit commander said his unit also received limited support from the UN police, with the exception of two officers whose efforts were undertaken personally and "never supported by UNPOL command".<sup>8</sup> Concrete, targeted and sustained support for building police capacity in these specialised units appears to be beyond the ability of the UN mission.<sup>9</sup>

Even in those districts where responsibilities have not yet been formally handed over, the bulk of the policing is being done by Timorese police. Two incidents this year have simultaneously highlighted the operational divide between the UN police and their Timorese counterparts as well as exposed worrisome trends in local police operations that the UN has had no ability to either control or influence.

The first occurred in Dili, after Timorese police shot dead a young musician in late December 2009.<sup>10</sup> After complaints about the aggressive behaviour of local officers,

<sup>4</sup> See Crisis Group Report, *Handing Back Responsibility to Timor-Leste's Police*, op. cit., Section IV.

<sup>5</sup> For another review of the handover process in Timor-Leste, see Bu V.E. Wilson and Nelson De Sousa C. Belo, "The UNPOL to PNTL 'handover' 2009: what exactly is being handed over?", Conflict Prevention and Peace Forum paper, 2 October 2009.

<sup>6</sup> For example, see "Report of the Secretary-General on the United Nations Office in Timor-Leste", 20 April 2006, S/2006/251, para 5, issued only months before the arrival of UNMIT. "PNTL resumes primary policing responsibilities over three units", UNMIT press release, 28 September 2010.

<sup>7</sup> "UNPOL karak ten matenek ba ami" ["UNPOL are stingy with their wisdom"], CJITL, 30 September 2010. For more on weaknesses in the border patrol unit (UPF), see Crisis Group Briefing N°104, *Timor-Leste: Oecusse and the Indonesian Border*, 20 May 2010.

<sup>8</sup> Crisis Group interview, Lino Saldanha, maritime unit commander, Dili, 25 November 2010.

<sup>9</sup> The quality of UNPOL staffing, which has made it difficult to recruit and assign UN officers with specialist experience to relevant departments, has been a consistent frustration for the Timorese government, and one the mission leadership now say they are seeking to address. See section II.D below.

<sup>10</sup> "PNTL Shooting", *Tempo Semanal* (online), 4 January 2010.

the Timorese police commander issued an order that UN police would resume the lead in the capital and the Timorese police would act only in a supporting role.<sup>11</sup> This “new operational concept” simply described the executive policing role the UN claimed to have been playing since their 2006 arrival. It was more proof that the Timorese police had always seen themselves in the lead.<sup>12</sup> It was not well received by the Dili district commander, who soon ordered his police off the streets altogether and accused UN police of running from serious confrontations.<sup>13</sup> A perceived rise in street fighting in the city’s western Comoro district around this time led to calls for the immediate return of the Timorese police, who were soon re-deployed. Criticism of the police shooting all but ceased.<sup>14</sup>

This incident appeared to strengthen the hand of the politically well-connected Dili district chief, Pedro Belo, while seriously damaging the cause of “democratic policing” that the UN police were there to promote. In the following weeks, they were constantly criticised in the local press. Many of these attacks accused UN police of running away from crime, or, as Belo put it, they “wear their firearms just for show”. Their behaviour was contrasted with the patrol units known as Task Force, which Belo is credited with having introduced while in charge of the eastern district of Baucau in 2007. They routinely fire warning shots to control crowds in violation of regulations<sup>15</sup> and beat up youths caught fighting. The failure

of UN police to respond in a way Timorese perceive as effective *and* consistent with “democratic principles” has opened the way for more “robust” policing by local officers. The January standoff, stemming from the December shooting, was unfortunately timed as it came just as a very rare public debate on what might be wrong with the emerging policing model was beginning. The discussion ended suddenly after public attention was distracted by Belo’s stunt.

The second incident involved the launching of a special six-month “Ninja Operation” in the border districts of Bobonaro and Covalima by Commander General Monteiro. At its peak, it involved some 150 special operations police and members of Task Force units from several adjoining districts as well as a 200-strong military contingent that was deployed for a limited time.<sup>16</sup> The operation was announced as a response to fears that “ninjas”<sup>17</sup> were terrorising the local population, although the only recently recorded crimes were two apparently unrelated gruesome murders. Despite daily press reports citing government officials explaining that locals were unable to sleep with worry about the threat posed by the ninjas, many villagers seemed more concerned about a drought the region was facing rather than security threats from unknown assailants.<sup>18</sup>

While supported by the president and the prime minister, the operation was a questionable use of resources as it diverted many police and proved expensive due to travel costs and per diems. Watchdog organisations questioned the true motives of the operation. The state ombudsman (Provedor) and a Timorese human rights group argued the police were being used for political ends and alleged the operation was an effort to scare members of the dissident group CPD-RDTL into joining a mainstream political party.<sup>19</sup> Allegations of a political motive were reinforced

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<sup>11</sup> In the commander’s words: “UNPOL in front, PNTL behind”. This was apparently pursuant to an order given by the Minister of Defence and Security Xanana Gusmão that UNPOL provide the sole policing response in Dili. “PM Xanana Husu UNPol Asegura Seguransa” [“PM Xanana asks UNPOL to maintain security”], *Suara Timor Lorosae*, 22 January 2010.

<sup>12</sup> The Supplemental Arrangement, along with an annex signed in May 2009 to clarify the process for district-by-district resumption of responsibilities, remains the core agreement on the policing relationship. Several parts of it have never been implemented. A chapter on reform of the ministry of the interior appears to have been ignored altogether. See Crisis Group Report, *Handing Back Responsibility to Timor-Leste’s Police*, op. cit.

<sup>13</sup> “UNPOL halai lakon, uza kilat hodi halo gaya deit” [“UNPOL run off, use guns only for show”], *Suara Timor Lorosae*, 26 January 2010.

<sup>14</sup> “Xefi suku ejiji reativa PNTL” [“Suco chiefs urge reactivation of PNTL”], *Suara Timor Lorosae*, 27 January 2010. “Lider komunitaria husu tau fiar nafatin ba PNTL, UNPol hanesan ‘bibi malae’” [“Community leaders ask to restore faith in PNTL, UNPOL are like ‘sheep’”], *Suara Timor Lorosae*, 27 January 2010. “Povu ladun fiar UNPol bele atua situasaun seguransa” [“People do not believe UNPOL can handle security situation”], editorial, *Suara Timor Lorosae*, 25 January 2010.

<sup>15</sup> PNTL ROP Number 21 on “Use of force”, dated March 1 2004. Amendments to this policy to justify the use of warning shots are apparently forthcoming. The death of the musician in December 2009 was often alleged to be the result of such a

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warning shot fired into the air that fell and killed him. A ballistics report ordered by the police has not been published.

<sup>16</sup> “Longinhos Xefia Operasaun Ninja” [“Longinhos heads ninja operation”], *Suara Timor Lorosae*, 23 January 2010.

<sup>17</sup> In Timor-Leste the term “ninja” emerged under Indonesian occupation as occasional rumours spread through Dili that masked operatives with presumed links to the military were operating at night to intimidate pro-independence supporters. See Douglas Kammen, “The trouble with normal: The Indonesian military, paramilitaries, and the final solution in East Timor” in *Violence and the State in Suharto’s Indonesia*, Benedict R. O’G. Anderson (ed.), (Ithaca, 2001), pp. 156-188. Monteiro also referred to his own “ninja operation” as “Operasaun Psycho Social” in a speech given in March 2010.

<sup>18</sup> Even if they explained there was no specific security threat, many locals were happy to have the extra attention from the security forces and the central government. Crisis Group interview, villagers, Lour, Maliana district, 29 January 2010.

<sup>19</sup> “Kondisaun direitu humanus iha Covalima no Bobonaro” [“Human rights conditions in Covalima and Bobonaro”], As-

by a personal visit to the operation area made by the president of parliament (who also heads the Democratic Party, PD). There were also reports of mass arrests and ill-treatment of suspects and intimidation.<sup>20</sup> Despite legally having responsibility for policing in the two districts, UNPOL were simply not involved.<sup>21</sup>

## B. PROMOTIONS

The most notable step towards professionalisation of the police in 2010 was the implementation of a new rank structure by the government. The new structure expanded the number of ranks within the police from four to twelve in an effort to rationalise how command posts are assigned and provide a clear path toward advancement.<sup>22</sup> Once fully implemented, this will be a key step towards improving the independence of the police and towards the new structure set out in the 2009 organic law, as many senior-level posts within the police were reserved for holders of the new ranks.<sup>23</sup>

The process of awarding the new ranks has proven controversial, despite efforts at transparency. In January 2010, all officers sat an exam testing knowledge of the law and basic procedures. Performance was poorer than expected: only some 10 per cent reached the target score for advancement of 60 per cent, revealing the low skill level of the police after ten years of international assistance. By lowering it to 50 per cent, some 60 per cent of the officers became eligible for promotion.<sup>24</sup> They underwent psychological testing and an interview with a board comprised

chiefly of foreign police officers.<sup>25</sup> Political interference in the promotions process was said to be limited.<sup>26</sup>

Many police who fared poorer than expected complained the exam had been delayed so many times they had not studied. Others said it was not transparent because marked copies of the tests were never returned. Some lamented the process did not put sufficient emphasis on length of service and experience and as a result young, relatively recent recruits have sometimes been promoted above their long-serving elders.<sup>27</sup> They rejected the involvement of the Secretariat of State for Security in the process, claiming promotions should be an internal police matter.<sup>28</sup>

Resolving the discontent within the force will be challenging. The more visible signs appear to have diminished, in large part because many have been reassured by Monteiro's promise of a "second round".<sup>29</sup> This places Monteiro, whose term as commander is up for renewal by the government in March 2011, under great pressure as there appears to be no legal means for undertaking a second transitional round of promotions.<sup>30</sup> A "regular" promotions system will come into effect once a statute has been developed on retirement age and other terms of service. His decision to keep several influential officers in top command posts above their nominal rank will at some point have to be synchronised with the law to give the rank reform true meaning.<sup>31</sup>

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soiasaun HAK, 15 February 2010; "Relatorio resultado monitorizasaun operasaun issu Ninja 2010" ["Report on the results of monitoring into 2010 operation on Ninja rumors"], Provedoria de Direitos Humanos e Justiça, Ref. 259/PDHJ/VII/2010, 2 July 2010.

<sup>20</sup> Ibid. See also "Periodic Report on Human Rights Developments in Timor-Leste: 1 July 2009-30 June 2010", UNMIT, August 2010.

<sup>21</sup> Crisis Group interviews, PNTL district commander, Maliana; PNTL officers, Bobonaro; PNTL officers, Zumalai, 28-29 January 2010.

<sup>22</sup> The new career regime is set forth in law in Decree-Law 16/2009 of 18 March 2009, entitled "Regime de promoção da Polícia Nacional de Timor-Leste" ("Promotions regime of the PNTL").

<sup>23</sup> This is one reason the police's primary internal decision-making body, the Superior Police Council, was not able to meet until October 2010. Posts such as the police inspector general (an auditing role) had to sit on the council and had to be filled by someone with chief superintendent rank, which did not exist before new ranks were assigned in March 2010.

<sup>24</sup> Crisis Group interview, Isabel Ferreira, legal adviser to Secretary of State for Security and chair of the promotions commission, Dili, 26 November 2010.

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<sup>25</sup> The board was comprised of one high-ranking officer from Australia, New Zealand, Portugal and Singapore.

<sup>26</sup> Crisis Group interview, promotions board member, October 2010.

<sup>27</sup> Crisis Group interviews, PNTL officers, Baucau, Ermera, Dili, Maliana, June-July 2010.

<sup>28</sup> Ibid.

<sup>29</sup> "Discurso Comandante-Geral da Polícia Nacional de Timor-Leste, 10º aniversário da PNTL, 27 de Março 2010" ["Speech of the PNTL General Commander on the 10th anniversary of the PNTL, 27 March 2010"], published in *Suara Timor Loro-sae*, 30 March 2010.

<sup>30</sup> One key adviser was quite clear that "there will be no second round". Crisis Group interview, Isabel Ferreira, legal adviser to the Secretary of State for Security, Dili, 26 November 2010.

<sup>31</sup> For example, the interim chief of the administration command, a post intended to be held by an officer of chief superintendent rank, is currently held by assistant superintendent, Basílio de Jesus. The current operations commander Eugenio Pereira holds his post in spite of a pending promotion, in contravention of the law.

## C. POLICE ACCOUNTABILITY

A vetting and certification process jointly launched with the UN in 2006 has been taken over by the government after chronic delays.<sup>32</sup> All of the estimated 250 officers or 8 per cent of the force awaiting final certification will likely be cleared. Those with serious disciplinary issues may be given a warning through placement on a “black list”, while sanctions for those with pending criminal cases will be left to the courts.<sup>33</sup> Despite absorbing a great deal of time and resources, the vetting process will likely produce no results separate from the criminal convictions process: no one has been dismissed for disciplinary reasons.<sup>34</sup>

There was always ambivalence within the police and among Timorese leaders about whether a vetting process was the appropriate response to the crisis. In retrospect, resources might have been better used on supporting thorough implementation of the 2004 Disciplinary Law and efforts towards its eventual reform for future violations. The vetting and certification arrangements were never designed with the constraints of this existing disciplinary law in mind and enabling legislation that might have supported the new process was never passed.<sup>35</sup> One area for future support by the UN mission in the next two years could be in continued strengthening of the police’s disciplinary function.<sup>36</sup> Recent efforts by the UN and Timorese police appear to have led to an increased disciplinary caseload being taken up by the police but many problems remain.<sup>37</sup> Future efforts should include revision of the Disciplinary Law, seen by many as impossible to imple-

ment, as well as developing simple regulations and practices for use at national and district levels.<sup>38</sup>

Despite considerable public pressure for police accountability in the weeks following the December 2009 shooting, nearly a year later there are no public results from the multiple investigations launched into the incident.<sup>39</sup> Rather than channel the case through the police’s justice department or his own office of general inspection, the Secretary of State announced the creation of a new “Oversight Commission”. It included members of civil society and the church and was tasked with follow-up into the shooting case as well as generally to improve oversight. The police commander refused to engage with the body and it only ever met twice.<sup>40</sup> More work must be done to strengthen the existing oversight mechanisms in the future rather than create new ones.

In other cases, the need to end what even the prime minister criticises as “cowboy policing” has not been followed by vigorous disciplinary action.<sup>41</sup> A separate (non-fatal) police shooting in November 2009 in Maliana saw the perpetrator suspended for just fifteen days and the status of a criminal investigation is unknown.<sup>42</sup> Another non-fatal shooting in Dili from the same month had resulted in no indictment more than a year later.<sup>43</sup> The Task Force squads are regularly criticised for disproportionate responses to public disorder, as noted earlier. The chief of Dili’s largest *suco* (village) noted that while use of force might sometimes be necessary, when deployed unthinkingly, it often escalated tense situations.<sup>44</sup>

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<sup>32</sup> For more on the creation of the vetting process, see Crisis Group Report, *Handing Back Responsibility to Timor-Leste’s Police*, op. cit., Section III.A.

<sup>33</sup> Crisis Group interview, Isabel Ferreira, legal adviser to the Secretary of State for Security, Dili, 26 November 2010.

<sup>34</sup> Six officers were expelled from the force in December 2009 for previous criminal convictions upon the recommendation of the Evaluation Panel. There are concerns that the dismissals will not hold up in court: two of those six have challenged the legality of the decisions. See “Periodic Report on Human Rights”, op. cit., para. 43-45.

<sup>35</sup> Among the key provisions of the 2004 Disciplinary Law is a limitation on the time period in which disciplinary actions must be initiated. A proceeding must be opened within three months and no action may be taken more than three years after the offence. See Article 52, Decree-Law 13/2004.

<sup>36</sup> The government’s initial plan for UNPOL support to 2012 has not been made public but includes a request for help in drafting legislation and internal regulations to implement the 2009 Organic Law. Crisis Group interview, government adviser, Dili, 3 December 2010.

<sup>37</sup> “Periodic Report on Human Rights Developments in Timor-Leste”, op. cit., pp. 13-14.

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<sup>38</sup> The 2004 disciplinary law has been heavily criticised in the past. One former adviser to the then interior minister explained it “has a formula to determine discipline that is virtually unusable and cannot be understood by the vast majority of the PNTL including trainers and advisers”. See “Tortured Beginnings: Police Violence and the Beginnings of Impunity in East Timor”, Human Rights Watch, April 2006, p. 47. Some parts of the law have never been implemented. Drafts of a revised law have been under discussion for several years.

<sup>39</sup> An international prosecutor has been driving the criminal investigation but has had difficulties finding witnesses to come forward. Crisis Group interview, UN human rights official, Dili, 23 November 2010.

<sup>40</sup> Crisis Group interview, UN human rights official, Dili, 23 November 2010.

<sup>41</sup> “Governu redus polisia ‘cowboy’, hadia mentalidade” [“Government to reduce ‘cowboy’ policing, fix police mentality”], *Suara Timor Lorosae*, 7 January 2010.

<sup>42</sup> Crisis Group interview, Holsa *suco* chief, Maliana, 24 June 2010. Also “Periodic Report on Human Rights Developments in Timor-Leste”, op. cit., p. 9.

<sup>43</sup> Ibid.

<sup>44</sup> Crisis Group interview, Eurico da Costa de Jesus, Comoro *suco* chief, 2 December 2010.

## D. COMPLETING THE HANDOVER

The last district to be handed over will likely be Dili.<sup>45</sup> The capital is home to the largest command with some 450 officers or 15 per cent of the force. While statistics are unreliable, it is also acknowledged to have the greatest share of crime. The handover has been delayed as initial assessments uncovered a significant logistical shortfall that was just as bad, if not worse, than in more remote areas. The concentration of UN police and equipment in the district had covered up years of neglected procurement by the government of vehicles, office furniture and communication equipment.<sup>46</sup> For example, the Dili investigations department has no camera for photographing crime scenes and collecting evidence. Harder to rectify is the fact that the district's command is highly politicised. Its commander Pedro Belo is believed to be a leading member of one of the largest martial arts groups and seen as close to the prime minister.<sup>47</sup>

Discussions have begun regarding the role of the UN police following the handover of the last district. The current plan, subject to discussions with the government, is a reduction of some 270 police by mid-2011.<sup>48</sup> In Dili and elsewhere, all agree that the Timorese police require more training. One internal UN document noted in January 2010 that "the PNTL require training in virtually all facets of policing".<sup>49</sup> Despite this, there is no plan on what is required or how it will be implemented. The Timorese have long claimed the UN police sent to their country do not have the proper skills to provide the training their officers need. Traditionally, national contingents and not the UN determine who is sent to serve in an international police deployment. The mission responds that the UN police division is working hard to reform this process to ensure qualified police and those with the right skills are recruited.<sup>50</sup> It is hoped that the nineteen civilian adviser posts recommended in February 2010 will improve training ef-

forts though their recruitment has not been completed.<sup>51</sup> It is difficult to tell whether this effort is working, will be enough or is just too little too late for a mission winding down.

At this point, after four years, the *withdrawal* rather than the retention of UN police may prompt movement on lingering problems. Their continued presence is masking rather than solving the logistical and operational challenges the Timorese police will face in the future. A full, rapid withdrawal now, however, would risk exposing gaps without providing the government and its partners the opportunity to identify solutions and, given the recent history of a UN withdrawal followed by violence, could dent confidence in the current stability. But a dramatic reduction in numbers would force the government to address the gaps exposed. It might also be enough to encourage some movement towards a "reinvigorated partnership" that even the Secretary-General's October 2010 report noted must be established between the UN and Timor-Leste's police.<sup>52</sup>

Meanwhile, the government has pursued a series of bilateral agreements with other police forces for future training. Most notable among these partners are Portugal, Australia and Indonesia, but more modest agreements have been signed with other countries. It is not clear that these agreements are part of a coordinated plan to address the Timorese police's needs. Signing memorandums of understanding with bilateral partners is not always followed up with concrete requests for specific types of cooperation.<sup>53</sup> While an independent assessment of the needs of Timor-Leste's police is too late to guide the UN's training efforts, it would help give substance to future bilateral efforts. The government has asked for the UN mission to support this assessment and it is apparently open to the idea.

Two economic questions deserve greater attention as the drawdown proceeds. Planning decisions by the government suggest an assumption that the peacekeeping mission will hand over its remaining assets such as vehicles and computers upon departure. The 2011 state budget has set aside more money for acquiring vehicles and other assets, although still far fewer than will be required for normal operations.<sup>54</sup> The mission's leadership is looking for ways to support an asset handover, as well as to use the remaining time to train Timorese police in their main-

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<sup>45</sup> The two border districts of Covalima and Bobonaro are expected to be handed over shortly.

<sup>46</sup> Crisis Group interview, Dili assessment team member, Dili, June 2010.

<sup>47</sup> Crisis Group interview, former UN police official, Dili, 23 November 2010.

<sup>48</sup> This would involve a reduction in regular police officers from 1,023 to 800 and the withdrawal of one platoon of 35 officers from two of the four former police units (FPUs). See "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste", 13 October 2010, S/2010/522, para. 60.

<sup>49</sup> "Final Report of the Pre-TAM Mission", UNMIT, 31 December 2009.

<sup>50</sup> Crisis Group interview, UNMIT SRSG Ameerah Haq, Dili, 22 November 2010.

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<sup>51</sup> These were recommended by the Secretary-General in his February 2010 report. See "Report of the Secretary-General", February 2010, op. cit., para. 179.

<sup>52</sup> Ibid, para. 59.

<sup>53</sup> Crisis Group interview, foreign diplomat, Dili, 20 January 2010.

<sup>54</sup> "Orçamento Geral do Estado 2011" ["General State Budget 2011"], Book 2, Timor-Leste Ministry of Finance.

tenance, but complex rules guide UN asset disposal.<sup>55</sup> The mission should clarify the likely treatment of UN assets as soon as possible. The issue should not play a role in governing how many police remain.

Similarly, while often cited, the negative economic impact from downsizing the police presence is not an excuse for perpetuating it. While less money will be spent if international staff members go home, this unnatural dependency should be ended sooner rather than later.<sup>56</sup>

One additional justification often mooted for retaining a large number of UN police is the belief that their mere presence promotes calm and order. Episodes such as the unease in Dili after Timorese police were pulled off the streets in January call this premise into question. The premise also downplays the role Timorese play in securing their own neighbourhoods and villages, often turning to community leaders to resolve problems rather than the police.<sup>57</sup> One Timorese researcher summed up the country's "love-hate relationship" with the foreign security presence by explaining that many are keen to see the international police leave but have not yet thought about what will be left after their departure.<sup>58</sup> This is one reason a civilian monitoring presence after UNMIT's eventual departure might provide reassurance.

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<sup>55</sup> After consideration by the mission of whether the assets can be used by other peacekeeping operations, UN agencies, or disposed of through sale, a proposal to hand them over must be approved by means of a UN General Assembly resolution. Crisis Group interview, Deputy SRSR Shigeru Mochida, Dili, 7 December 2010.

<sup>56</sup> In February 2010, the Secretary-General's report noted roughly \$20 million paid annually in salaries to national staff and local procurement in addition to the impact in spending on rent and local services by the mission's international staff (roughly 2,000 at 31 July 2010, see "Facts and figures" at [www.unmit.org](http://www.unmit.org)).

<sup>57</sup> Asked about the difference between UN and Timorese police responses to crime, the Comoro *sucu* chief responded that the community, through consistent dialogue is primarily responsible for security. Crisis Group interview, Eurico da Costa de Jesus, Comoro *sucu* chief, 2 December 2010. Throughout Timor-Leste, many crimes, including those which according to the penal code must be prosecuted by law, are referred first to traditional community leaders. See Crisis Group Report, *Handing Back Responsibility to Timor-Leste's Police*, op. cit.; and Liam Chinn and Silas Everett, "A Survey of Community-Police Perceptions: Timor-Leste 2008", The Asia Foundation, December 2008. Another study notes that in Dili, "police were often the least preferred option for promoting security and safety" but that the results of local-level conflict mediation are mixed. Oliver Jutersonke, Ryan Murray, Edward Rees and James Scambary, "Urban Violence in an Urban Village, A Case Study of Dili, Timor-Leste", (ed. Robert Muggah), Geneva Declaration working paper, 2010.

<sup>58</sup> Crisis Group interview, Nelson Belo, director of Fundasaun Mahein, Dili, 22 November 2010.

Another factor is the continued presence of a reduced joint Australia-New Zealand International Stabilisation Force (ISF). Its presence has been less visible in 2010 due to a reduction in numbers, an end to foot patrols and a focus on training activities, the results of a government commission's request.<sup>59</sup> The likelihood of a future intervention if ever requested by the government nonetheless reduces its reliance upon any security guarantee from the UN. Their continued presence, however, remains a politically contested issue: parliamentarians recently raised questions regarding the legality of the presence, given that parliament never ratified a Status of Forces Agreement.<sup>60</sup> As 2012 approaches, the ISF, the government and the UN mission should begin discussions regarding the planned sequencing of withdrawal and what kind of security guarantee Timor-Leste will need.

### III. LACK OF ACCOUNTABILITY AND REFORM

Beyond police reform, the government has accepted limited UN support and advice in addressing the causes of the 2006 crisis that led to its deployment. The government is not committed to following up on the UN Independent Commission of Inquiry by prosecuting those responsible or engaging it on broad reform of the security sector.<sup>61</sup> The president has instead pursued a risky commitment to pardoning or commuting the sentences of all those convicted for their role in the 2006 violence.<sup>62</sup> Timor-Leste's government will have to assume responsibility for these risks.

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<sup>59</sup> A government committee announced this policy in late 2009, which led to a reduction in the number of ISF troops deployed in Timor-Leste. A final decision on future withdrawal has not yet been made.

<sup>60</sup> "UNMIT Weekly Summary of Developments 26 November-3 December 2010", UNMIT, 9 December 2010. The deputy chief of the armed forces, Brigadier General Lere Anan Timor has recently made negative comments, calling on the ISF to be sent home. "Lere Husu Haruka Fila FSI" ["Lere asks for ISF to be sent back"], *Suara Timor Lorosae*, 25 November 2010.

<sup>61</sup> "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", 2 October 2006.

<sup>62</sup> There have also been limited efforts to prosecute crimes related to the grave violence in Timor-Leste between 1974 and 1999. Not one person has been prosecuted for crimes committed prior to 1999, while the majority of those indicted for serious crimes in 1999 are in Indonesia and evading prosecution. Two trials have been conducted in Timor-Leste since the closure of the Special Panels for Serious Crimes in 2005. See "Periodic Report", op. cit., paras. 80, 82.

## A. PARDONS AND STALLED PROSECUTIONS

The Commission's report recommended prosecution of individuals "reasonably suspected of participation in serious criminal activity" during the crisis, including the former prime minister and interior minister, the former police commander, and the serving chief and deputy chief of the armed forces.<sup>63</sup> Progress on these cases has been frustratingly slow. This is in part a result of systemic weaknesses within the country's judiciary that will require many years to fix.<sup>64</sup> It is also due to the political implications of prosecuting the country's elite. In comments to the press, the current prosecutor general, Ana Pessoa, characterised the commission's recommendations as "romantic", emphasising that the hard work lies in following them up.<sup>65</sup> In her January 2010 annual address to parliament she catalogued the many obstacles to the administration of justice but took responsibility for none.<sup>66</sup> At that time, thirteen of the 24 cases remained under investigation.<sup>67</sup>

Cases that have been brought to trial have ended inconclusively. The former interior minister Rogério Lobato, sentenced to seven and a half years in prison in 2007 for his role in the crisis, was permitted to depart the country for "medical leave" soon after his conviction. He returned to Dili in May 2010 a free man.<sup>68</sup> Abílio Maussoko, accused of involvement in the attack on the home of the defence forces chief, was tried three times before being acquitted.<sup>69</sup>

Four military officers convicted for their role in the 25 May 2006 shooting of eight police officers never entered a civilian jail, serving time instead under ad hoc military supervision, and were ultimately all released.<sup>70</sup> Among other key figures named by the inquiry, the former Prime Minister Mari Alkatiri still leads the major opposition party Fretilin and ex-police chief Paulo Martins represents the lead coalition partner CNRT in parliament.<sup>71</sup> The armed forces chief Major-General Taur Matan Ruak and his deputy Brigadier-General Lere Anan Timor each received rank promotions in December 2009. No one is currently in jail for any offence related to the 2006 crisis.

The president has a constitutional prerogative to pardon or remit criminal sentences.<sup>72</sup> He has also spoken of the need to "close" the 2006 crisis.<sup>73</sup> He has used this power for those tried for the February 2008 attacks on him and the prime minister. In March 2010, a Dili court sentenced 24 men to between eight and sixteen years in prison after they were convicted of conspiring to take part in a coup with the late Alfredo Reinado, a mutinous soldier who once headed the military police. Three other men and the dead rebel leader's lover, Angelita Pires, were acquitted.<sup>74</sup> While there was some international interest in the trial, the verdicts elicited little reaction in Dili – perhaps in part because the president had publicly assured the group that they would be pardoned, even before the court's decision was handed down.<sup>75</sup> All have since been released from prison.<sup>76</sup>

<sup>63</sup> See summary of the "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", op. cit., p. 2.

<sup>64</sup> See "Independent Comprehensive Needs Assessment of the Justice Sector", June 2009. Available from <http://unmit.unmissions.org>.

<sup>65</sup> "Evidensia la forti, PJR arkiva kazu F-FDTL fahe kilat ba sivil" ["Due to insufficient evidence, prosecutor general archives case into F-FDTL arms distribution to civilians"], *Suara Timor Lorosae*, 10 March 2010.

<sup>66</sup> Among the obstacles highlighted by the prosecutor general were: contract interruptions among international investigators, need for R&R, complaints about per diems not available for investigations outside Dili, and the difficulty in finding witnesses for alleged crimes implicating the security forces and for crimes so long ago. "Informasaun tinak (Anuál), Dili, Janeiru, tinan-2010" ["Annual report, Dili, January 2010"], Office of the prosecutor general of the Republic, transcript in Tetum of remarks to parliament.

<sup>67</sup> This number remained under investigation in June 2010. See "Periodic Report on Human Rights", op. cit., para. 64. In November 2010 a group of suspects were indicted in relation to the burning of the da Silva family home on 25 May 2006. See Commission of Inquiry report, paras. 86, 127-8. Crisis Group interview, UN human rights officials, Dili, 23 November 2010.

<sup>68</sup> A commuted sentence had expired in March 2010. See "Rogerio Lobato returns to Timor-Leste", *Tempo Semanal* (online), 26 May 2010.

<sup>69</sup> "Periodic Report on Human Rights", op. cit.

<sup>70</sup> See *ibid*, para. 73. One soldier was pardoned on humanitarian grounds in December 2009, while the other three were finally released in August 2010.

<sup>71</sup> The full party name is the Conselho Nacional de Reconstrução do Timor (National Council for the Reconstruction of Timor).

<sup>72</sup> In Timor-Leste's legal system, an *indulto* issued by the president can include either a full pardon or a commutation of sentence, which often renders the individual eligible for early release. See article 85, h) of the constitution.

<sup>73</sup> "Horta Ejiji PGR Prosesa Kazu Pendenti" ["Horta urges Prosecutor General to process pending cases"], *Suara Timor Lorosae*, 31 December 2009; "PR Horta Hakarak Taka Krize 2006" ["President Horta wants to close 2006 crisis"], *Suara Timor Lorosae*, 18 May 2010.

<sup>74</sup> "Salsinha Cs, Hetan Kastigu Tinan 10 too 16, Angelita Livre Total, Marcelo Laos Autor Tiru PR Horta" ["Salsinha's group given 10 to 16 years, Angelita freed, Marcelo not the one who shot President Horta"], *Suara Timor Lorosae*, 4 March 2010.

<sup>75</sup> "PR Horta promete fo indultu ba Salsinha Cs" ["President Horta promises to pardon Salsinha's group"], *Suara Timor Lorosae*, 30 December 2009. Gastão Salsinha says he was summoned as early as June 2008 by the president and told he would be forgiven his crimes. Crisis Group interview, Gastão Salsinha, Gleno, 24 November 2010.

<sup>76</sup> They were given commuted sentences on 20 August 2010 (commemorated as FALINTIL day). See presidential decree 31/2010, signed 20 August 2010.



Another court decision handed down around the same time illustrates the risk of impunity at the top levels. “Oan Kiak” was an ex-guerrilla fighter never incorporated into the F-FDTL upon its formation in 2001, who was called up with others in May 2006 as part of a “reserve force” and armed by the military command to help secure Dili. The trial focused on allegations that he and an associate shot dead one man and wounded two others at a road-block they set up in central Dili on 25 May to find and detain armed PNTL officers.<sup>77</sup> They were found guilty in February 2010 and sentenced to eight and six and a half years in prison, respectively.<sup>78</sup>

The question quickly raised by their lawyers and others, including Cornélio da Gama (known as “L-7”), a parliamentarian and prominent veteran, was why they were being punished when those who had given them arms were not.<sup>79</sup> Lita Rambo, a gang leader from eastern Dili’s Fatuahi area, threatened to mobilise supporters in support of those being tried. The threat of violence for a while seemed real, as ex-FALINTIL fighters gathered in Dili.<sup>80</sup> This put pressure on the prosecutor general to clarify that the investigation into the chief of the defence forces Taur Matan Ruak and several others had indeed been archived, for lack of sufficient evidence.<sup>81</sup> On state television, Ruak was asked about the alleged crimes, but switched the subject to why Portuguese advisers and language were still in use by the Timorese legal system.<sup>82</sup>

The issue quickly disappeared from media coverage, as a number of leaders and local NGOs took up the politically charged question of language policy. The appeals court soon after threw out the charges against Oan Kiak for several reasons, including lack of evidence.<sup>83</sup>

Both courts, when considering the question of whether Oan Kiak was acting as a member of the armed forces, found that he was. They argued that as an ex-guerrilla fighter called up by the F-FDTL command, Oan Kiak was acting as a reservist under military command, despite there being no explicit basis for this in law. This is a powerful testament to how even the courts still appear to take a non-legal approach to the country’s revered military, inheritor of the legacy of the FALINTIL guerrilla army.<sup>84</sup> In another interesting turn in the case with worrisome implications, the appeals court found that the district court had erred in not applying a provision from the Indonesian criminal code that exempts those undertaking a lawful order issued by an official from punishment for crimes committed in the course of duty.<sup>85</sup>

The Secretary-General’s Special Representative Ameerah Haq raised concerns over the pardons in an address to the Security Council in October 2010, and noted the need to improve confidence in “a system that ensures accountability for criminal acts”.<sup>86</sup> The president rejected the concerns.<sup>87</sup>

Collectively, these acquittals, dismissals, remissions, pardons and shelved cases all set a dangerous precedent that perpetrators of political violence will not be punished. Even those who receive pardons are not necessarily placated. Gastão Salsinha, leader of the rebellious soldiers known as the petitioners that helped trigger the 2006 violence, argues that the wounds of the crisis will not be healed until national leaders have taken some form of responsibility for what happened.<sup>88</sup> Such a pattern of undercutting formal punishment poses long-term risks for Timor-Leste, as identified by the commission:

It is vital to Timor-Leste that justice be done and seen to be done. A culture of impunity will threaten the foundations of the State. The Commission is of the view that justice, peace and democracy are mutually

<sup>77</sup> See Commission of Inquiry report, paras. 87, 95, 129-130, 134.

<sup>78</sup> Dili District Court decision in case 133/C. Ord/TDD/2009, 15 February 2010.

<sup>79</sup> “It is important not to hamper the court decision”, East Timor Law and Justice Bulletin (news summary), 27 March 2010.

<sup>80</sup> One Timorese legal researcher commented that if the appeals court had not overturned the lower court’s decision there would likely have been violence. Crisis Group interview, NGO researcher, Dili, December 2010.

<sup>81</sup> “Evidensia La Forti, PJR Arkiva Kazu F-FDTL Fahe Kilat Ba Sivil” [“Due to insufficient evidence, prosecutor general archives case into F-FDTL arms distribution to civilians”], *Suara Timor Lorosae*, 10 March 2010. Ana Pessoa has also noted the commission of inquiry did not hand over any of the evidence it generated to the prosecutor’s office. See “Informasaun tinak (Anuál), Dili, Janeiro, tinan-2010”, op. cit.

<sup>82</sup> Other political leaders quickly indicated their agreement. “Lasama konkorda ho steitmentu Taur atu hasai lingua Portugues” [“Lasama agrees with Taur’s statement to remove Portuguese language”], CJITL, 13 March 2010.

<sup>83</sup> Court of Appeal decision in case 20/C.Ord/2010/TR, signed 6 May 2010.

<sup>84</sup> The appeals court judgment found the calling up of ex-FALINTIL elements to be constitutional as FALINTIL “represent the very foundation” [“encarna a raiz da FALINTIL”] of the F-FDTL as an institution, reflected in their full name, FALINTIL-Forças de Defesa de Timor-Leste. See *ibid*.

<sup>85</sup> The relevant provision is Article 51 of the Indonesian penal code.

<sup>86</sup> “UN raises worries over Timor police”, AFP, 20 October 2010.

<sup>87</sup> In an audio statement posted on his website, the president seemed to tie the issue back to UN efforts to push for justice for crimes in 1999, explaining that in “lecturing” the country on justice issues, the UN seemed to forget its failure to push for international tribunal during the UN’s administration. See [www.presidencia.tl/eng/pr/audio/kimoon.html](http://www.presidencia.tl/eng/pr/audio/kimoon.html).

<sup>88</sup> Crisis Group interview, Gastão Salsinha, Gleno, 24 November 2010.

reinforcing imperatives. If peace and democracy are to be advanced, justice must be effective and visible.<sup>89</sup>

## B. BROADER SECURITY SECTOR REFORM

UNMIT's mandate includes assisting the government in a review of the security sector.<sup>90</sup> After four years, the mission has made no significant progress with this part of its mandate. It took a year to even begin to staff the Security Sector Support Unit, which has since had trouble engaging the government.<sup>91</sup> The somewhat unorthodox merger of the interior and defence ministries which placed them under control of the prime minister made clear the strength of Timorese "ownership" of this issue. Ideally the mandated "comprehensive review of the future role and needs of the security sector" would have informed the elaboration of a national security policy, which would in turn inform the writing of legislation to clarify the roles of the security forces.<sup>92</sup> More than four years later there is neither a final review document nor a national security policy.<sup>93</sup>

The government has consistently rebuffed UN involvement in this area. Without UN support it has written its own plans<sup>94</sup> and drafted security laws,<sup>95</sup> as well as repeatedly criticised the peacekeeping mission for its contributions. In a recent interview with *Tempo Semanal* newspaper, the Secretary of State for Defence argued that UN advisers hinder rather than promote his role as civilian oversight to the military and argued that it is time for the government to end the use of UN advisers.<sup>96</sup>

Regarding the security sector review, the mission head acknowledges that "the train has left the station", it is no longer relevant, and the UN must look for other ways to support the government's agenda.<sup>97</sup> With no common ground, the mandate renewal in February 2011 should acknowledge the futility of the UN's security sector reform efforts in the face of government disinterest. It is time to end the review, close the unit and leave the government to seek policy support through bilateral partnerships.

Meanwhile, military reforms have continued apace with the involvement of bilateral partners, notably Portugal and Australia. A new contingent of 572 recruits was formally accepted into the army in December 2009 and there are plans to recruit another 600 in early 2011 as part of an annual recruitment effort.<sup>98</sup> A new operations concept was approved, and a new organic law is being drafted. Putting the military to work remains a challenge in a small country with no obvious external threats. Efforts to expand the navy accelerated greatly with the arrival of two Shanghai-class patrol boats from China in June 2010.<sup>99</sup>

Concerns over police-army tensions persist and are fuelled by isolated incidents such as a drunken dispute in September 2010 in which a soldier shot up a PNTL Task Force vehicle in Liquica.<sup>100</sup> Broadly speaking, relations seem good at higher levels, credited by some to the role the prime minister plays in heading the Ministry of Defence and Security. Among commanders, improved relations seem in part based on personalities. The new head of the police maritime unit, which engages increasingly in joint operations with the military, says relations are strong because he married into the same family as the naval commander and can call him anytime.<sup>101</sup>

Following passage of national security and defence legislation in January 2010, there has been a marked trend towards further alignment of the roles of the police and army. Rather than delineate their roles, the government has emphasised increasing the frequency of joint opera-

<sup>89</sup> "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", op. cit., p. 3.

<sup>90</sup> This was always to be a politically charged task and it was conceived modestly as a police development exercise rather than actual reform. United Nations Security Council Resolution 1704, op. cit., para. 4 (b).

<sup>91</sup> There were signs of trouble from the outset. An October 2006 planning document noted "[t]he Government and the Transition Team were not able to develop a firm basis for future collaboration in carrying out a comprehensive review". "Mandate Implementation Plan", UNMIT Transition Team, October 2006.

<sup>92</sup> Ibid.

<sup>93</sup> A draft of the review, written by the UN peacekeeping mission, is apparently stalled awaiting approval from the government. Crisis Group interview, UN official, Dili, 29 November 2010.

<sup>94</sup> See "IV Constitutional Government Program 2007-2012", AMP (Parliamentary Majority Alliance) Government, 13 September 2007.

<sup>95</sup> See the 2009 audit of the UNMIT Security Sector Support Unit (SSSU) conducted by the UN Office of Internal Oversight Services, linked from *Tempo Semanal* (online) at <http://temposemanaltimor.blogspot.com/2010/12/security-support-and-unmit-ssr-failure.html>.

<sup>96</sup> See "Relatoriu OIOS dun SED, Julio Tomas Pinto nega, se loos maka bosok se?", *Tempo Semanal* (online), 4 December 2010.

<sup>97</sup> Crisis Group interview, UNMIT SRSR Ameerah Haq, 22 November 2010.

<sup>98</sup> "Membru F-FDTL 572 hetan graduasaun" ["572 F-FDTL soldiers graduate"], *Suara Timor Lorosae*, 18 December 2010.

<sup>99</sup> The purchase of the two boats from China, at a cost of \$28 million, was portrayed domestically as an important step towards proving the nation's sovereignty. See "Roo patrolia naval inaugural, Tasi Timor iha ona na'in", ["With the inauguration of two naval patrol boats, the Timor Sea now has an owner"], *Suara Timor Lorosae*, 12 June 2010.

<sup>100</sup> "F-FDTL soldier fires on government car: Liquica", *Tempo Semanal* (online), 5 September 2010.

<sup>101</sup> Crisis Group interview, Lino Saldanha, police maritime unit commander, Dili, 25 November 2010.

tions and improving interoperability.<sup>102</sup> Towards that end, the F-FDTL action plan contained in the draft 2011 budget prioritises development of the army's role in internal security, including through continued joint operations with the police.<sup>103</sup> This may be one way of avoiding inter-force rivalry as long as relations between individuals remain strong, however the risk is that, when actually faced with a crisis situation, the chain of command will be unclear.

#### IV. ELECTIONS AND BEYOND

The parliament and the president are serving five-year terms and will be up for re-election in 2012. Six sets of polls have been held in Timor-Leste since the 1999 referendum on independence and have involved varying degrees of violence. The 2007 parliamentary election proved to be the most violent with 7,000 families displaced, more than 100 people injured and two killed.<sup>104</sup> This violence was roughly divided between the campaign period before election day and afterwards when opposition party Fretilin rejected the formation of a governing coalition by other parties when it had won the largest number of seats.<sup>105</sup> Elections for local *suco* councils held in 2009 were mostly peaceful, but did not involve party politics as candidates stood for office without declaring any affiliation. With 2010 municipal elections delayed indefinitely, the true health of the country's political culture has been untested since 2007.

##### A. LOOKING TOWARDS THE NEXT ELECTIONS

Domestic politics has been messy but nonetheless largely stable since the 2008 attacks. There has been no recourse to politically driven violence such as the burning of then Prime Minister Alkatiri's home in 2002.

Despite repeated threats to mobilise a "march to peace" following its loss at the 2007 election, Fretilin is now committed to being a peaceful opposition.<sup>106</sup> There was some tension when Fretilin introduced a no-confidence measure in October 2009, but in a mark of the strength of the democratic system, it was followed by a peaceful full-day parliamentary debate. The prime minister defended his actions and after the motion failed to pass, business returned to usual the next day.<sup>107</sup> Since a national congress in December 2009, Fretilin has refocused its efforts on organising from the grassroots up as a credible alternative to the government at the 2012 elections and made efforts to improve relations with the prime minister.<sup>108</sup>

This political stability is notable given the weakness of the disparate coalition government, which has been hit by a series of corruption allegations and attacks regarding its poor record on improving basic welfare and infrastructure after three years in office.<sup>109</sup> One of the two vice prime minister posts is vacant following the angry resignation of Mario Carrascalão (state administration and management) and the second looks likely to be made vacant if an appeals court confirms charges of corruption against José Luis Guterres (social affairs). While there have been rumblings from some of the smaller parties about leaving the coalition before the next election, the charismatic former resistance leader Xanana Gusmão has held it together. There is no credible challenger to him from within the coalition. After the prime minister set the goal of leading his CNRT party to a majority government in 2012, rumours of defections to his party from other parties in the coalition have followed.<sup>110</sup>

Maintaining stability through the campaign period and after the elections will be key. A well-prepared police will be one component of election security, but the way polls are managed, coordination between all sides and the be-

<sup>102</sup> The "ninja operation" launched in January 2010 was one example of this, as the military was deployed after an initial phase, ostensibly to provide logistical support, though possibly also to keep an eye on police activities in the area. "F-FDTL hatun personil 200 apoiu operasaun" ["F-FDTL send 200 troops to support operation"], *Suara Timor Lorosae*, 11 February 2010.

<sup>103</sup> "Orçamento Geral do Estado 2011 – Livro 2", Ministry of Finance, draft presented to parliament 15 November 2010, p. 72ff.

<sup>104</sup> "Electoral Violence in Timor-Leste: Mapping Incidents and Responses", Timor-Leste Armed Violence Assessment Issue Brief 3, June 2009.

<sup>105</sup> Ibid.

<sup>106</sup> The march was renamed the "march to victory" and supporters drove through Dili in trucks rather than walk the streets.

<sup>107</sup> The measure was rejected along party lines.

<sup>108</sup> Crisis Group interview, José Teixeira, Fretilin spokesperson and MP, Dili, 2 December 2010. Fighting did, however, break out between two members of parliament in February 2010 over accusations by Fretilin that PD supporters had been involved in some of the crimes ascribed to "ninjas". "Deputadu Fretilin atake deputadu PD" ["Fretilin MP attacks PD MP"], CJITL, 18 February 2010.

<sup>109</sup> A failure to properly manage the distribution of rice and chronic problems with the power supply as well as the continued lack of broader infrastructure development stood out as among the most unpopular failures.

<sup>110</sup> See the prime minister's speech to a CNRT "congress of party intellectuals" on 18 September. Xanana Gusmão is president of the CNRT party. Available at <http://forum-haksasuk.blogspot.com/2010/09/diskursu-presidente-cnrtcongresso-dos.html>.

behaviour of the parties themselves also play a role.<sup>111</sup> The UN's electoral expertise, good offices, logistical capacity and a reduced police contingent can each make an important contribution. Timor-Leste's leaders should also recognise the important influence their behaviour, rhetoric and respect for the law can have in determining whether the national elections will be held peacefully or not. Many of the same leaders who are active today signed a Pact of National Unity in advance of the 2001 Constituent Assembly elections that committed their parties to non-violence.<sup>112</sup> It was not perfectly adhered to but played a role in improving confidence in advance of the vote.<sup>113</sup>

Competition for the 2012 elections will not be the only source of potential conflict in the coming years. While a government policy of cash transfers and increased spending has often been cited as a means of "buying peace", it has raised a host of questions regarding the equity of this distribution.<sup>114</sup> Compensation for veterans remains unresolved, in part due to the difficulty of establishing who qualifies as a veteran. There is anger at the perceived financial successes of those who supported integration with Indonesia. These questions compound the risks of impunity discussed above as they can contribute to a broad sense of injustice with tangible effects. This may only worsen as more transfers are made under the new budget through processes which are not always transparent. High unemployment rates and the difficulty of designing durable preventive solutions to youth group violence and martial arts group fighting are further risks.

## B. AFTER UNMIT

Planning for a post-UNMIT multilateral presence should acknowledge the limited political influence the UN is likely to have. The interest among Timorese leaders in having a UN official play a good offices role, with the SRSG serving as the "honest broker" between political parties, seems limited. SRSG Haq already plays a much more limited role in this regard than her predecessor. The prime minister in particular has consistently distanced himself from international partners in 2010. At a speech

to donors in April, he reminded them of the role many played in supporting, tacitly or explicitly, Indonesia's invasion of the country and pointed to a "disconnection between us and our partners" arising from donor efforts to "impose action plans".<sup>115</sup> Instead, Gusmão has sought to engage those looking to support infrastructure development through either loans or expertise. He recently travelled to Shanghai to meet Chinese premier Wen Jiabao and to Surabaya to meet East Java governor Soekarwo.<sup>116</sup> In recent speeches regarding peacebuilding and security, he has not mentioned the United Nations.<sup>117</sup>

There will still be a need for coordination among a crowded field of donors. UNMIT does not have a great record in this: an "international compact" envisaged in the mandate was never achieved and the "national priorities" process it facilitates seems to be increasingly anaemic. Ideally, the government can step forward to do this itself by clearly identifying its needs, but this may take some time. Discussions being held now amid planning for UNMIT withdrawal should carefully identify areas that bilateral donors will have to take over after its departure.

Given the country's growing wealth and self-confidence, it is unlikely Timor-Leste needs to be placed on the agenda of the Peacebuilding Commission (PBC). The draft budget for 2011 has grown to just under a billion dollars.<sup>118</sup> It draws on hydrocarbon royalties from the Timor Sea and the government is looking to ease procedures established for tapping its petroleum fund to pay for an ambitious program of infrastructure development.<sup>119</sup> Money is not what the country needs, and providing it will not give the international community influence over reforms. Following its recent five-year review, the PBC remains an experimental tool.<sup>120</sup> Timor-Leste's government is unlikely

<sup>111</sup> For example, see Crisis Group Asia Report N°197, *Indonesia: Preventing Violence in Local Elections*, 8 December 2010.

<sup>112</sup> For text of the 2001 Pact of National Unity see <http://members.pcug.org.au/~wildwood/01augnp.htm>. Former SRSG Atul Khare helped arrange a similar Political Party Accord in advance of the 2007 elections.

<sup>113</sup> Noting the limitations of early monitoring, one report raised concerns over some violent voter intimidation efforts during the campaign period but found the end of the campaign and subsequent weeks to be "surprisingly calm". "Electoral violence in Timor-Leste", op. cit., p. 2.

<sup>114</sup> For example, see "Urban Violence in an Urban Village", op. cit., p. 64.

<sup>115</sup> "Speech by H.E. the Prime Minister Kay Rala Xanana Gusmão at the start of the Timor-Leste and Development Partners Meeting", 7 April 2010. Draft speech in English (original given in Portuguese) available at [www.laohamutuk.org/econ/10TLDPM/10TLDPMindex.htm](http://www.laohamutuk.org/econ/10TLDPM/10TLDPMindex.htm).

<sup>116</sup> "PM Timor Leste berkunjung ke Lamongan", Antara, 26 October 2010. "Chinese premier meets Timor-Leste prime minister", Xinhua, 1 November 2010.

<sup>117</sup> Including "Renewing resistance and understanding the present", speech given to pilot course on defence and security, 9 November 2010; "Democracy and promotion of peace and stability", speech given to Bali Democracy Forum, 9 December 2010.

<sup>118</sup> The draft state budget for 2011 is \$985 million, including a new \$317 million infrastructure fund.

<sup>119</sup> For more on proposed revisions to the 2005 Petroleum Fund Law, see [www.laohamutuk.org/Oil/PetFund/revision/10CompareProposedRevision.htm](http://www.laohamutuk.org/Oil/PetFund/revision/10CompareProposedRevision.htm).

<sup>120</sup> The official review of the Peacebuilding Commission's first five years of operation was published in July 2010 and is available from [www.un.org/peace/peacebuilding/review.shtml](http://www.un.org/peace/peacebuilding/review.shtml).

to show interest in engaging in the development experiments of others.

A small monitoring and coordination mission might be the best fit. It could serve as a forum for working with the government to coordinate the efforts of the UN country team while providing a limited political and human rights monitoring role.<sup>121</sup> There seems to be some openness to this but the government will have to set the terms if it is to be productive. It is encouraging that discussions have begun between the government and the leadership of the mission on the future of the UN presence; after three years of criticising the UN presence the government must be clear on what it wants.<sup>122</sup> The clearest message on any post-2012 multilateral presence should come from the prime minister in a scheduled address to the UN Security Council in February 2011 in advance of the discussion of UNMIT's mandate.

## V. CONCLUSION

There is once again talk in New York of the UN's mission in Timor-Leste being the peacekeeping "success story".<sup>123</sup> Crime rates are low, politics is mostly confined to parliament and the security situation remains largely stable as the mission begins to plan a slow exit. But despite playing a key role in stabilising the country following the 2006 crisis and helping the government restore confidence, the mission's contribution since the coalition government was elected in 2007 is less clear. It will leave behind many would-be reforms unimplemented. Those who give peacekeeping operations ambitious mandates should be wary of prescribing long-term tasks to missions that do not have local political support.

For now, UNMIT should drawdown its police contingent by at least half. The continued presence of so many police with an unclear role is not just a waste of resources; it retards the development of the local force by masking operational shortcomings and equipment deficiencies that should be rectified by the government. The needs of Timor-Leste's police should be assessed, weaknesses identified and solutions sought from among its own resources and international partners. The UN scapegoat needs to move aside so the PNTL receives the scrutiny of its own people

and the domestic political pressure to force it to improve. In the meantime, the government of Timor-Leste and the UN should seek to create a binding agreement on the limited tasks they wish to accomplish together. Without such an accord, the international community is wasting time and money with the policing mandate of this mission and should instead think seriously about bringing this role to an end as quickly as possible.

**Dili/Brussels, 15 December 2010**

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<sup>121</sup> Bu V.E. Wilson, "To 2012 and beyond: International Assistance to Police and Security Sector Development in Timor-Leste", SSRC Conflict Prevention and Peace Forum, December 2010.

<sup>122</sup> The government recently decided to establish a focal point for leading these discussions with the UN mission. "Council of Ministers meeting, 18 November 2010", press release available at [www.timor-leste.gov.tl](http://www.timor-leste.gov.tl).

<sup>123</sup> Crisis Group interviews, New York, October 2010.

## APPENDIX A

### MAP OF TIMOR-LESTE



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh,

Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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**December 2010**

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