



**‘FROM KINDERGARTEN
TO HIGH SCHOOL’:
PERCEPTIONS OF
TIMOR-LESTE’S MILITARY
AND POLICE TEN YEARS
AFTER THE 2006 CRISIS**

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ABOUT BELUN

Grounded in the vision of a society that has the ability, creativity and critical thinking to strengthen peace for development, Belun has worked since its establishment in 2004 to prevent conflict and facilitate community development in Timor-Leste. Today, Belun is one of the largest national non-government organizations in Timor-Leste and runs the most extensive community outreach program in the country. Belun currently operates projects in the fields of community conflict prevention, alternative dispute resolution, security sector development and food security, and conducts training and research on a range of social issues. For more information, please visit belun.tl.

‘FROM KINDERGARTEN TO HIGH SCHOOL’: PERCEPTIONS OF TIMOR-LESTE’S MILITARY AND POLICE TEN YEARS AFTER THE 2006 CRISIS*

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LIST OF ACRONYMS

CAVR	Commission for Reception, Truth and Reconciliation in East Timor
CICR	Centre for International Conflict Resolution
CPD-RDTL	<i>Conselho Popular pela Defesa da República Democrática de Timor-Leste</i>
CPRN	Conflict Prevention and Response Network
EWER	Early Warning, Early Response
FALINTIL	<i>Forças Armadas de Libertação Nacional de Timor-Leste</i>
F-FDTL	FALINTIL - <i>Forsa Defeza Timor-Leste</i>
FGD	Focus Group Discussion
FRETILIN	<i>Frente Revolucionária de Timor-Leste Independente</i>
GNR	<i>Guarda Nacional Republicana</i>
KRM	<i>Konsellu Revolusaun Maubere</i>
MAG	Martial Arts Group
NGO	Non-Governmental Organization
PNTL	<i>Polísia Nasionál Timor-Leste</i>
POLRI	<i>Kepolisian Negara Republik Indonesia</i> (Indonesian Police)
SIWPS	Saltzman Institute for War and Peace Studies
TNI	<i>Tentara Nasional Indonesia</i> (Indonesian Military)
UN	United Nations
VIP	Visibility, Involvement, Professionalism

1. INTRODUCTION



1.1 CONTEXT AND SIGNIFICANCE

This report aims to understand popular perceptions of Timor-Leste’s military – the *FALINTIL-Forsa Defeza Timor-Leste* (F-FDTL) – and police – the *Polísia Nasionál Timor-Leste* (PNTL) – ten years after both institutions were central actors in a violent crisis that rocked Timor-Leste shortly after the country’s restoration of independence. Field research for this report took place over a seven-month period between February and August 2016. The same seven-month period ten years earlier in 2006 began with the desertion of over 500 F-FDTL personnel from their barracks and ended with the establishment of a United Nations mission to help consolidate stability after months of violence that left dozens dead, 150,000 displaced and a security sector in disarray.

Over the past decade, much has been written about the success or lack thereof of the initiatives taken by national and international actors to reform the F-FDTL and PNTL after the 2006 crisis, and especially leading up to the departure of the United Nations mission in 2012. This report will not replicate those efforts, and does not aim to evaluate the F-FDTL and PNTL from an objective point of view. Instead, the aim of this research is to understand the population’s perceptions of the legitimacy of the F-FDTL and PNTL as a means to provide recommendations to the government as a whole and the institutions themselves about how to improve public perceptions going forward.

Military and police institutions that are perceived to be legitimate will benefit from an increase in confidence and a corresponding increase in voluntary compliance from the populations that they serve. Therefore, understanding popular perceptions of the F-FDTL and PNTL can provide useful insights about whether or not the institutions will be resilient in the face of potential future institutional challenges. Furthermore, given that these institutions are tasked with ensuring the internal and external security of the state and its citizens, this report’s findings may provide further insights into whether the population expects Timor-Leste’s current period of stability to endure, and their views about the legitimacy of the state overall.

Legitimacy as an analytical framework

Legitimacy can be understood in different ways. Eamon Aloyo defines two main sub-concepts of legitimacy – normative and empirical.¹ To measure normative legitimacy – a concept of political philosophy – one judges a governing regime, law or institution against an objective set of legal, moral or ethical standards. Empirical legitimacy, on the other hand, is an individual’s or collective’s perception, judgment or belief that a governing regime (or institution or law) is normatively legitimate, though judged against a context-based or individual set of norms. For example, “[i]f 90% of a country’s population believes that its government institutions are legitimate, then it has a high degree of empirical legitimacy”.²

This research aims to understand 1) the empirical legitimacy of the F-FDTL and PNTL, as perceived by the East Timorese population, and 2) the factors that affect the empirical legitimacy of both institutions. To that end, this research adopts Derick Brinkerhoff’s definition that legitimacy is the “acceptance of a governing regime as correct, appropriate or right”³, but refocuses the scope from ‘governing regimes’ to the defense and policing institutions. The key ingredient of Brinkerhoff’s definition is a psychological alignment that comes with the meeting of expectations about

1 Eamon Aloyo, “Fostering a sense of legitimacy”, *Beyond Intractability*. <http://www.beyondintractability.org/userguide/legitimacy-educators> (accessed 28 July 2017).

2 Ibid.

3 Derick Brinkerhoff, “Introduction,” in *Governance in Post-Conflict Societies: Rebuilding Fragile States*, ed. Derick Brinkerhoff (New York: Routledge, 2007). p. 7.

how a governing regime – or, in our case, defense and policing institutions – should be. This report further expands on the definition by organizing the characteristics of the institutions into four components:

1. **institutional form**, or what the institution is and how it is organized (e.g. its institutional structure);
2. **function**, or what the institution is doing (i.e. its role);
3. **performance**, or whether the institution is carrying out its function effectively and successfully (e.g. by quickly and effectively calming situations of public disorder); and
4. **conduct**, or how the institution carries out its function (e.g. in a disciplined manner or not).

This report considers a defense or policing institution to have a high degree of empirical legitimacy when people’s expectations about how the institution should be – its institutional form, function, performance and conduct – correspond with their observations about how the institution is in reality.

1.2 RESEARCH ORIGIN AND OBJECTIVES

Belun has worked at the intersection of community development and conflict prevention in Timor-Leste since its inception in 2004, and began systematically monitoring the Timor-Leste security sector in 2009, when its flagship conflict Early Warning, Early Response (EWER) system started operating in partnership with Columbia University’s Center for International Conflict Resolution (CICR). The EWER system uses a volunteer monitoring network to gather information about violent incidents and changes to the security situation in all 12 municipalities of Timor-Leste and the Oekusi Special Autonomous Region.

Since 2010, Belun has used the quantitative data and analysis produced by the EWER system, in combination with community-focused qualitative field research, to publish 10 thematic policy reports on various conflict drivers that replicate at the local-level across the country – including on the conflict implications of alcohol abuse and the veterans’ pensions, among others.⁴ Each report offers policy recommendations to Timor-Leste’s state institutions, civil society organizations and international development partners aimed at preventing violent conflict or improving responses to negative trends in conflict dynamics. A recent review of Belun’s past policy briefs found that nearly half of Belun’s 265 policy recommendations made since 2009 had been partially or fully implemented by relevant stakeholders.

This report builds on Belun’s past mixed-methods research to focus on the factors that affect the legitimacy of the F-FDTL and PNTL, two state institutions that regularly come into contact with the EWER system as 1) interveners in violent incidents, 2) occasional perpetrators of violent incidents, and 3) key actors in local Conflict Prevention and Response Networks, which were established by Belun across the country. More specifically, this report aims to:

1. understand the factors that currently affect perceptions of the legitimacy of the F-FDTL and PNTL among a diverse group of East Timorese citizens – including *inter alia* women, veter-

4 Find all of Belun’s Early Warning, Early Response (EWER) publications at: <http://www.belun.tl/en/publications>.

ans⁵, members of disaffected groups, current and former government officials, representatives of the military and police, and the general population;

2. provide the F-FDTL, PNTL and other relevant state institutions with a comprehensive new source of information and analysis about the East Timorese population's expectations for its military and police, including through recommendations for reforms aimed at further improving the population's perceptions of the legitimacy of both institutions;
3. build on existing local security sector monitoring efforts of local NGO Fundasaun Mahein and Belun's Early Warning, Early Response system and contribute East Timorese-led, mixed-methods research to the existing state-building literature on Timor-Leste.

Belun expects this report to be significant for national and international actors interested in Timor-Leste's future stability and actors in other countries who would like to learn from Timor-Leste's experience. In the Timor-Leste context, this report represents the findings of the most comprehensive mixed methods research aimed at understanding popular perceptions of both the F-FDTL and PNTL undertaken since the United Nations (UN) Mission's departure from the country at the end of 2012. As such, the report offers East Timorese policy makers, and in particular the incoming 7th Constitutional Government, a reference point to ensure that the continued development of both the F-FDTL and PNTL meets the expectations of the population. Internationally, this research aims to be relevant to policy makers in the states of the g7+ and other fragile and conflict-affected states – and to the international actors that engage with them – by sharing insights about what factors might most influence perceptions of the legitimacy of defense and security forces after internal violence.

1.3 HISTORICAL CONTEXT

On November 28, 1975 the *Frente Revolucionária de Timor-Leste Independente* (FRETILIN) unilaterally declared independence from Portugal, the colonial power, following an abortive decolonization process and a brief but bloody civil war. Less than two weeks later, Indonesia invaded, forcing the *de facto* FRETILIN government to retreat to the interior. Over the next three years FRETILIN maintained administrative control of most of the territory and population, while its armed wing, FALINTIL, engaged in mostly conventional combat against the occupation forces. By 1979, Indonesia had gained control over most of the territory, using draconian anti-insurgency measures which resulted in the deaths of approximately one quarter of the population. Under the leadership of Xanana Gusmão, the resistance re-grouped in 1981 as a guerilla armed movement supported by a clandestine base that operated among civilians living in the occupied villages and towns. Over the course of the next 17 years, Gusmão transformed the resistance into a broad nationalist coalition, including by severing the ties between FALINTIL and FRETILIN in the late 1980s, which rendered FALINTIL the non-political armed wing of the entire resistance. The end of the Cold War coincided with the growth in clandestine support and urban youth activism in Timor-Leste, which resulted in more international attention and increasing international pressure on Indonesia, most prominently following the Santa Cruz massacre in 1991. Following the fall of long-time dictator Suharto and suffering the effects of the Asian currency crisis, the Indonesian government unexpectedly announced a UN-managed referendum on the future of the territory in 1999.

5 As in Belun's past reports on veterans' issues, this report uses the term 'veteran' generally to refer to those who participated in the armed or clandestine fronts of the East Timorese resistance movements. This report does not refer directly to the legal definition of 'veteran' as established in Article 8 of Law No. 9/2009. This report uses a broad, inclusive definition of veteran, because many respondents self-identified as veterans or used the word veteran without reference to which type of veteran they were referring.

On August 30, 1999, 78% of voters rejected the offer of special autonomy within Indonesia, leading to separation and independence. This outcome led to massive economic losses, partially as a result of the destruction of much of the country's infrastructure in a period of intense post-referendum violence that led to intervention by a multinational armed force, and eventually a United Nations mission. Over the next two years, the country was administered by a United Nations Transitional Administration Mission, UNTAET, which oversaw the stabilization of the country, the holding of initial elections, the writing of a constitution, and building of institutions, including a new police institution, the PNTL, and a new military, the F-FDTL, which partially bore the name – and included within it many members of – FALINTIL. The establishment of both institutions was influenced by various ideas about what the institutions should be and who should be in them. With regard to the F-FDTL, the demobilization of FALINTIL and recruitment of some veterans over others created resentment among those not selected. For the PNTL, the recruitment of 350 ex-Indonesian police officers caused an immediate challenge to the institution's legitimacy among a population that had just overwhelmingly voted against Indonesian rule. Timor-Leste celebrated its restoration of independence on May 20th, 2002.

In April 2006, after a mostly peaceful post-independence period that was nonetheless characterized by factionalization, politicization and rivalry within and between the F-FDTL and PNTL, violence erupted during protests about discrimination within the military against soldiers from the western districts of the country. The result was a two month-long period of violence; characterized by clashes between the F-FDTL and PNTL (including the massacre of eight unarmed police officers by F-FDTL personnel) and various factions within them, and complex patterns of violence between and among youth gangs, Martial Arts Groups (MAGs), and disaffected veterans groups⁶, some of which were linked to competing political elites and various units within the F-FDTL and PNTL.⁷ As a result of the April-May crisis, 38 people were killed, 69 were injured, 150,000 were displaced, and the Minister of Defense, the Minister of Interior and the Prime Minister resigned.⁸ An Australian-led International Stabilization force intervened to calm the situation and a new multinational UN mission shortly followed (and remained until 2012), with a mandate to help rebuild and reform the security sector institutions, which were severely damaged as part of the crisis. The PNTL chain of command partially broke down in Dili, half of the military was dismissed, and the Commander of the military police led a small group of personnel to abandon their posts with their weapons.⁹ This rogue Military Police led-group remained a source of instability into 2008, and was the target of the first joint F-FDTL and PNTL operation. The leader of the group was eventually killed in February 2008, during botched attempts to assassinate the Prime Minister and President.

The period that followed the crisis was characterized by various (at times conflicting) efforts undertaken by national and international actors to reform the F-FDTL and PNTL to prevent similar outbreaks of violence in the future. As a result of the 2007 national elections, political power was concentrated in the hands of Xanana Gusmão, the former President and resistance leader, who became Prime Minister and joint Minister of Defense and Security, with personal responsibility for suppressing post-crisis rivalries between the F-FDTL and PNTL. Policing authority was handed to UN police, who were also tasked with re-training newly screened PNTL officers. Few leaders or personnel within the government, the PNTL or F-FDTL were prosecuted or served jail-time for their roles in the violence during the crisis, as reconciliation was prioritized over prosecution.

6 James Scambray, "Anatomy of a conflict: the 2006-2007 communal violence in East Timor," *Conflict, Security & Development* 9, no. 2. (2009): p. 275-277.

7 Cillian Nolan, "After Xanana: Challenges for stability," in *A New Era: Timor-Leste after the UN*, ed. Sue Ingram, Lia Kent and Andrew McWilliam (Canberra: ANU Press, 2015), p. 159.

8 United Nations, "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste," (Geneva: UN, 2006), p. 7, 43.

9 United Nations, "Commission of Inquiry," p. 21, 29, 59; International Crisis Group, "Timor-Leste: Security sector reform," Asia Report no. 143 (Dili/Brussels: ICG, 2008), p 16.

New organic (or foundational) laws for the F-FDTL and PNTL were passed, which aimed to address some of the deficiencies that contributed to institutional breakdown during the crisis, including by strengthening the chain of command and improving the promotion regime, among other changes. One-time payments to the aggrieved F-FDTL personnel whose protest sparked the crisis and to displaced persons to facilitate their return home were distributed to end the grievances that led to or resulted from the crisis. These payments, as well as cash transfers to veterans of the resistance struggle and the use of increasing government revenues (from oil fields coming online) to award state contracts to potential spoilers, have been part of a wider state-led effort to establish a social safety net which did not exist following the restoration of independence. Some commentators have described efforts by the state to use its revenue as a means of consolidating support for post-crisis nation building as a means to ‘buy peace’.¹⁰

Between 2009 and the UN Mission’s departure at the end of 2012, the UN police gradually handed policing power back to PNTL. Political power remained firmly in the hands of Xanana Gusmão after the 2012 national elections and the departure of the UN mission, until the just-held 2017 Parliamentary election. However, this period was also characterized by a rapprochement between Gusmão and his former fierce political rivals in FRETILIN, as Gusmão stepped down from his role of Prime Minister and formed a government of national unity with FRETILIN in February 2015, which also left the country without an effective opposition.

The period was also characterized by security issues related to MAGs, three of which were banned in 2013; the *Conselho Popular Democrático da República Democrática de Timor-Leste* (CPD-RDTL), a quasi-political movement aimed at restoring the state to its 1975 pre-Indonesia incarnation; and the *Konsellu Revolusaun Maubere* (KRM), a group led by a FALINTIL veteran who left Timor-Leste in the 1980s. The government used a precedent of joint F-FDTL-PNTL operations set during the post-crisis period, and national security legislation passed in 2010, to dispatch a new joint operation to dismantle the latter two groups in 2014, and then to capture (and, ultimately, kill) the leader of KRM in 2015 after two violent incidents in Baucau were attributed to his group. The PNTL’s current strategic plan, which was launched in 2013, emphasized the principles of Visibility, Involvement and Professionalism (VIP) and included within it the roll-out of national community policing programming.

1.4 ABBREVIATED RESEARCH METHODOLOGY AND KEY LIMITATIONS

This report compiles the results of a desk review and quantitative and qualitative data collection carried out between September 2014 and July 2017.¹¹ Preliminary research findings and recommendations were presented at a roundtable discussion with stakeholders in early August 2017.

10 For example: Craig Valters, Sarah Dewhurst and Juana de Catheu, “After the buffaloes clash: Moving from political violence to personal security in Timor-Leste,” (London: Overseas Development Institute, 2015). p. 25; International Crisis Group, “Timor-Leste: Stability at what cost?” Asia Report no. 246 (Dili/Brussels: ICG, 2013), p. 6.

11 See Appendix 7.1 for a complete research methodology.

Desk review

At the beginning of the research period, internal literature reviews were prepared on 1) ‘legitimacy’, both with regard to the state and military and police institutions, and 2) the history of the F-FDTL and PNTL, including the political and security developments that directly or indirectly affected them. Media monitoring for news articles about the F-FDTL and PNTL was carried out throughout the research period and selected relevant articles are referenced throughout the report.

Quantitative data

The report uses three sources of quantitative data: 1) violent incident data collected by Belun’s Early Warning, Early Response conflict monitoring system, 2) quantitative survey data about the police sourced from The Asia Foundation’s 2015 survey of community-police perceptions, which is referenced in the text¹², and 3) a national Belun-designed quantitative survey (with a final sample of 1239 adults and a margin of error of +/- 2.8%) aimed at understanding popular perceptions about the military.¹³

Qualitative data

The vast majority of the data used in this report was collected during qualitative field research conducted between February and August 2016. In total, 385 respondents (including 109 female respondents¹⁴) participated in 39 focus group discussions (FGDs) and 35 interviews across the country. Urban and rural FGDs with key citizens (including local authorities, women, youth, religious representatives, etc.) were held in every municipality and the Oekusi Special Autonomous Region.¹⁵ Other FGDs were held for veterans, female-only groups, civil society representatives, the PNTL, and members of youth, ritual arts and banned MAG’s and quasi-political groups. Interviews were conducted with elites at the national level and municipal level, and with international respondents via e-mail or Skype. Interviewees signed written consent forms wherein they agreed to being recorded and quoted in this report, while FGD respondents verbally consented to the same terms.

Who are the ‘respondents’?

In the body of the report, the word ‘respondent’ should be understood to refer to FGD participants or interviewees, and not to people who answered the quantitative perception surveys (unless otherwise noted). As much as possible, the approximate number of field research respondents who held a certain view has been noted in the text. All verbatim quotations from interviewees and FGD participants have been anonymized and disaggregated by sex, location and affiliation/employment (when known and relevant). Note that all location details refer to the respondent’s municipality and not to lower-order locations with the same name, such as administrative posts or villages. For example, ‘respondent in Bobonaru’ refers to Bobonaru Municipality, not to Bobonaru Administrative Post or Bobonaru Village.

12 The survey’s methodology can be found in Todd Wassel and Gobie Rajalingam, “A survey of community-police perceptions in Timor-Leste 2015”, (Dili: The Asia Foundation, 2015), p. 114.

13 These survey questions were generously included by The Asia Foundation in data collection for its latest public opinion poll. For a full methodology of the survey, please see: Susan Marx and Gobie Rajalingam, “Timor-Leste 2016 Tatoli! Public Opinion Poll, (Dili: The Asia Foundation, 2017), p.11.

14 Aggregated respondent data can be found in Appendix 7.2.

15 With the exception of Covalima municipality, in which only an urban FGD was held, as a rural FGD had to be canceled due to poor road conditions.

Roundtable discussion

Preliminary research results and recommendations were presented at a roundtable discussion at the beginning of August 2016 held to gather feedback from key stakeholders. Overall, 30 stakeholders attended, including representatives from the Office of the President, the National Parliament, the Office of the Prime Minister, the F-FDTL, the PNTL, the Human Rights Ombudsman, the Legal Reform Commission, the National CHEGA! Centre, the National University of Timor-Leste, veterans' associations, political parties and civil society organizations.

Key Limitations¹⁶

A number of limitations should be taken into consideration when judging the findings of this report.

- The most important limitation to be considered is that this research focuses overwhelmingly on *perceptions* about the F-FDTL and PNTL, but does not purport that these perceptions are necessarily based on accurate information. As such, please avoid treating this report as an objective evaluation of the institutions, but rather as an evaluation of how they are perceived.
- The field research and quantitative surveys conducted for the purpose of this report all took place in 2016, whereas the report is being published in August 2017. Given that F-FDTL and PNTL are still new, perceptions about them are likely constantly evolving. Therefore, current events, such as the peaceful undertaking of the 2017 national elections, have likely contributed to further evolutions in public perceptions about them since the field research ended.
- Despite repeated efforts, the research team was unable to secure any interviews or Focus Group Discussions with F-FDTL personnel or Ministry of Defense officials.
- Given the sensitivity of the topic, some respondents did not speak during the FGDs, but then spoke off-the-record to researchers after the FGDs had concluded. This may suggest that the FGD methodology, while good at capturing a range of views, may have prevented some respondents from speaking openly.

1.5 KEY FINDINGS

This report considers defense and policing institutions to have high degrees of empirical legitimacy when people's expectations about how the institutions should be – their institutional form, function, performance and conduct – correspond with their observations about how the institutions are in reality. Based on this definition, this research has found that the F-FDTL and PNTL currently enjoy a broad degree of acceptance and legitimacy. This finding suggests that many of the challenges faced by both institutions in the immediate aftermath of the 2006 crisis have been overcome. With that said, the conduct of military and police personnel was criticized by a majority of respondents, which indicates that publically addressing misconduct and abuse will improve public perceptions of the legitimacy of both institutions. Such improvements may also mitigate other challenges facing the institutions, such as concerns from a portion of the public about the coming transition in leadership from older generation to newer generation leaders within the F-FDTL and the other organs of the state more generally.

¹⁶ Further limitations can be found in Appendix 7.1.

Institutional Form

The majority of research respondents directly or indirectly conveyed that their expectations about the institutional forms of their military and police were being met and that they saw both institutions as indispensable elements of the state. They believed in the need for a military and understood the importance of referring public crimes to the police and the formal justice system. Given that Timor-Leste is still one of the newest states in the world, these results are encouraging, as they show that the institutions are aligning with basic expectations about what defense and policing institutions should be and that the institutional roots set down over the past 16 years have taken hold.

With that said, three key issues continued to affect respondents' perceptions about the institutional forms of both institutions. First, while most respondents recognized the authority of the police when public crimes¹⁷ were committed, a group of mostly rural respondents cited a clear preference for local justice actors or processes over police interventions even in the event of public crimes, such as domestic violence. The familiarity of local justice mechanisms resonated with this sub-set of respondents more so than the police and formal justice system.

Second, a significant minority of respondents from across the country directly or indirectly told researchers that their views about the institutions in general were determined in large part by the type of personnel within each institution. This included negative sentiments from a small minority of respondents targeted at personnel who they associated with the Indonesian regime, such as former Indonesian police or the children of people who voted for continued integration with Indonesia in the 1999 popular consultation. More significantly, many respondents suggested that their determination about the legitimacy of the F-FDTL was based on the presence of FALINTIL veterans within the command structure, and that they did not yet have confidence in the future younger generation leaders within the institution. This may have negative implications for the legitimacy of the F-FDTL among a segment of the population after the veterans retire.

Finally, respondents had mixed feelings about the appropriateness of civilian supremacy over the military and, more specifically, whether the military should be able to give directives to – or refuse directives from – civilian organs of the state. This ambivalence may be attributed to the strong personal legitimacy of the current veteran leadership of the F-FDTL and may dissipate once the current Commanders retire. However, the 2016 public controversy surrounding disagreements about which organ of the state had the legal authority to replace the F-FDTL General Commander was interpreted by some respondents as a military commander refusing a civilian order, which could set a bad precedent for future civil-military relations.

To address these issues and others referred to in the text, this report offers recommendations aimed at raising awareness about the complementarities of local and formal justice mechanisms, improving public confidence in the future leaders of the F-FDTL, promoting the rights of all law-abiding citizens to form a part of the F-FDTL and PNTL, reducing commentary from the F-FDTL leadership about civilian affairs in the media, and educating the public about the principle of civilian supremacy. Please find these recommendations on page 68.

Function

Most respondents believed that the F-FDTL and PNTL's functions were clear and that each institution was doing what it should be doing. They said that the police's primary function was to maintain law and order within the territory and the military's primary function was to guarantee

17 Public crimes are defined by the Penal Code, and must be referred to the formal justice system.

the territorial sovereignty of the country by protecting it from external threats. Many respondents further expressed satisfaction with the current arrangement in which the F-FDTL had a secondary function in maintaining internal security, by ‘backing up’ the PNTL when the police were not able to (or were seen to not be able to) resolve a security situation on their own.

However, a smaller group of respondents suggested that their expectations about the functions of the two institutions were not being met. They said they were unhappy with the perceived mixing or overlapping of roles, saying that this caused confusion and competition between the institutions. A small minority lamented the militarization of the police and its placement on the border (which they deemed a military function). Many more respondents complained about the F-FDTL’s deployment internally, which they said led to encroachment on the police’s primary function. Respondents in Baucau and Dili also fiercely disagreed with the internal use of the military for the purpose of implementing government resolutions that banned quasi-political and MAGs. Furthermore many respondents mentioned that they were still traumatized by the terror wrought by the Indonesian military, and some said that the sight of armed, uniformed F-FDTL personnel evoked the same fear they felt during the occupation. For all of these reasons, some respondents asked for the role of the F-FDTL to be clarified and for them to be less visible in people’s day-to-day lives by being stationed far away from population centers and not carrying weapons publicly.

To address these issues and others referred to in the text, this report offers recommendations aimed at clarifying the functions of both institutions, limiting the internal use of the F-FDTL for security operations, expanding the F-FDTL’s involvement in United Nations peace operations, and improving relations between low-level personnel in the F-FDTL and PNTL. Please find these recommendations on page 69.

Performance

Respondents were mostly satisfied with the performance of the F-FDTL and PNTL. With regard to the F-FDTL, many respondents felt that they were performing well as a deterrent because no foreign armed force had breached Timor-Leste’s sovereignty, while others pointed out that because none had yet tried it was difficult to know how the F-FDTL would fare against a foreign adversary.

With regard to the PNTL, respondents almost exclusively discussed expectations about the police’s performance as it related to its ability to prevent, resolve and – to a lesser extent – investigate *violent* incidents, and very few praised or questioned the police’s performance with regard to their ability to prevent, resolve or investigate *non-violent* crimes. On the whole, most respondents expressed satisfaction with the police’s performance in maintaining public order, but perceptions were mixed about whether the PNTL arrived quickly or not when called or whether police officers were consistently present and visible enough throughout the territory as a deterrent to violence. This suggests that the police do not yet operate consistently across the territory.

In mostly rural areas, respondents said that the PNTL’s lack of transportation, poor roads and the great distances between police posts prevented the police from arriving quickly and acting as a deterrent to violence through presence and patrolling, but urban respondents suggested that the PNTL had no such excuse. Positively, when the PNTL were present most respondents said that they were able to effectively calm and resolve situations. Therefore, it is likely that the police can further improve their perceived performance simply by being more available to the population.

To address these issues and others referred to in the text, this report offers recommendations aimed at ensuring the adequate resourcing of the PNTL, increasing the availability of the PNTL to the population and encouraging the development and consistent use of new monitoring and evaluation metrics for police performance. Please find these recommendations on page 70.

Conduct

Conduct refers to the manner in which the military and police carry out their functions and encompasses the adherence of personnel to both written rules (such as the laws of the state and the internal rules of their institutions) and unwritten rules (otherwise referred to as societal norms for acceptable behavior). While most respondents were generally satisfied with the institutional form, function and performance of both the F-FDTL and PNTL, most also told researchers that the conduct of personnel from both institutions had not yet met their expectations. At least one respondent from nearly every focus group discussion conducted for this research perceived that F-FDTL and PNTL personnel acted outside the law or their own institutional policies, including by abusing their power or being disrespectful or excessively violent towards the population. This was especially true among respondents in the areas affected by the 2015 joint F-FDTL-PNTL operation and some Dili respondents, who perceived that the F-FDTL and PNTL's use of violence and harassment, including sexual harassment, escalated during the operation. Though the ability of the F-FDTL and PNTL to adequately detect, investigate and punish personnel who committed misconduct was not a major topic of discussion during field research, most (non-security sector) respondents who did speak about the issue spoke negatively.

The above criticisms from respondents about the perceived poor conduct of some personnel appeared to overshadow the various positive achievements and work being done by both institutions, and especially the national roll-out of the PNTL's Village Police Officers and community policing programming, which were widely praised as good initiatives. The placement of Village Police Officers across the territory and their integration into local governance and justice systems have no doubt made great inroads in improving perceptions about the conduct of the police overall, but, perhaps because they are still new, respondents did not seem to refer to them as 'police', but instead as a special type of police. The police who carried out rapid interventions seemed to be considered as the archetypal 'police', and their conduct was mostly perceived poorly.

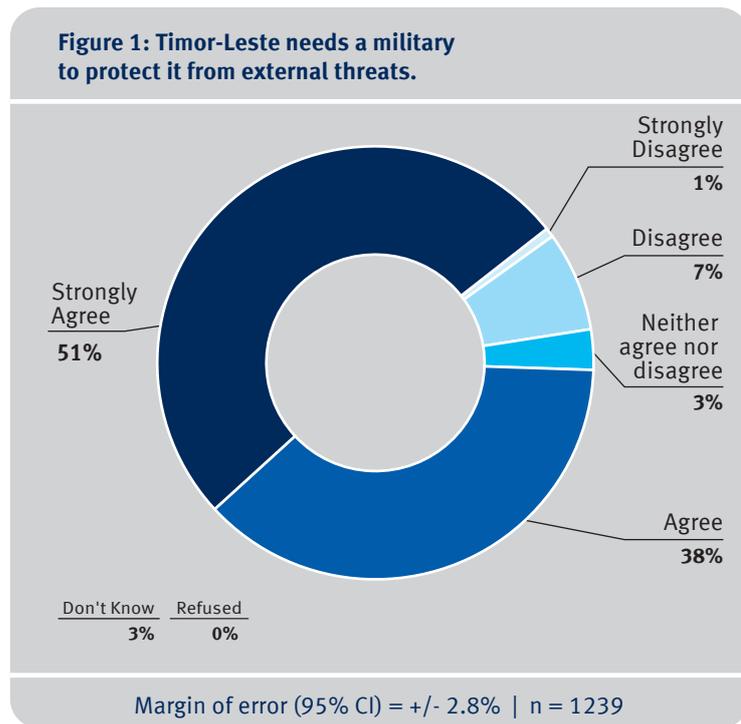
To address these issues and others referred to in the text, this report offers recommendations aimed at re-orienting the focus of the PNTL to its community policing mandate, improving the perceived proportionality and appropriateness of F-FDTL and PNTL interventions, reducing perceptions of partiality in both institutions' day-to-day operations and recruitment processes, and overhauling the oversight, complaints and internal disciplinary mechanisms for both institutions. Please find these recommendations on page 65.

2. PERCEPTIONS ABOUT THE INSTITUTIONAL FORMS OF THE F-FDTL AND PNTL

This chapter examines how East Timorese observations about the institutional forms of the F-FDTL and PNTL align with their expectations about what defense and policing institutions 'should be', including how they should be organized, who should be in them, and how they should relate to other institutions of the state.



The majority of research respondents directly or indirectly conveyed that their expectations about the institutional forms of their military and police were being met and that they saw both institutions as indispensable elements of the state. Respondents believed in the need for a military and understood the importance of referring public crimes to the police and the formal justice system. These findings are confirmed by quantitative survey data. The survey about perceptions of the F-FDTL undertaken for the purpose of this report found that only 8% of those surveyed believed that Timor-Leste did not need a military to protect it from external threats (see Figure 1).¹⁸ Regarding the police, Leach’s 2012 survey of university students likewise showed an increasing trend of contacting the police in cases of crimes against the person or property¹⁹, and The Asia Foundation’s 2015 community-police perceptions survey also found that the population was increasingly using the PNTL as a primary resource for resolving crimes.²⁰



Given that Timor-Leste is still one of the newest states in the world, these results are encouraging, as they show that the institutions are aligning with basic expectations about what defense and policing institutions should be and that the institutional roots set down over the past 16 years have taken hold.²¹ With that said, three key issues continued to affect respondents’ perceptions about the institutional forms of both institutions, namely: traditional mechanisms for regulating behavior and administering justice; personnel-based legitimacy; and the relationship of the military with other institutions of the state.

18 Question 20.1, “Timor-Leste needs a military to protect it from external threats”.

19 Michael Leach, “Longitudinal change in East Timorese tertiary student attitudes to national identity and nation building, 2002-2010,” *Journal of the Humanities and Social Sciences of Southeast Asia and Oceania* 168, no. 2-3 (2012): p. 245.

20 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 66-71.

21 These findings are also perhaps notable in a country where the legitimacy of the state and its institutions have, in the past, been challenged by groups claiming that the 1975 Constitution (which accompanied the declaration of Independence from Portugal shortly before the Indonesian invasion and occupation began) and other symbols and institutions of that era hold more legitimacy than those of the current republic. See, for example, ICG, “Stability at what cost?” p. 25, in which these groups are cited in a footnote as believing that the current security sector institutions are “sham security forces set up by the international community, and that no legitimate army has yet been established”. In this research, only one respondent suggested that he was sympathetic to this line of thinking, but his views can be considered marginal, as they were not repeated by any other respondent.

2.1 TRADITIONAL MECHANISMS FOR REGULATING BEHAVIOR AND ADMINISTERING JUSTICE

Police are a modern institution, but traditional mechanisms for regulating behavior and administering justice have existed for much longer. In Timor-Leste, local governance and justice actors and processes continue to play an important role in regulating behavior and resolving crimes and disputes, especially in rural areas. This poses both challenges and opportunities for the PNTL as it works to expand its acceptance as a primary actor in processing public crimes.²²

Similar to the Leach and Asia Foundation studies cited above, most respondents recognized the authority of the police when public crimes were committed²³, and said that personal or civil disputes could be resolved locally in the traditional way. However, a group of mostly rural respondents cited a clear preference for traditional justice actors or processes over formal police interventions and the formal justice system. This remained the case, even with public crimes such as domestic violence, because of the resonance that they felt with such mechanisms and their associated actors, and their sense that they could be trusted, were culturally appropriate or carried more weight compared to the police and formal justice system.²⁴ The police were still considered by some to be untrustworthy, and the formal justice process was considered difficult to understand, impractical or unfair. Increasing familiarity with and access to the PNTL and formal justice system, communicating their achievements, and highlighting their complementarity to traditional methods may address the concerns expressed by these respondents.

The PNTL's Community Policing efforts were viewed positively by many respondents. Having a police officer nearby to handle cases was one advantage cited, but respondents also indirectly suggested that the participation of the police in traditional justice processes was important to ensuring that desirable traditional elements from those structures (such as, for example, the importance of dialogue, consideration of family relationships, etc.) were integrated into the PNTL's manner of working.²⁵ Either way, further expanding the presence of Village Police Officers, further increasing cooperation with Village Councils, and increasing efforts to integrate PNTL personnel into traditional justice processes could go a long way towards matching the institutional form of the PNTL to the type of policing institution that these respondents seemed to desire.

Indeed, despite being new, these efforts are likely already paying dividends. The Asia Foundation's 2015 community-police perceptions survey showed that community members were increasingly utilizing the PNTL as a primary resource for resolving crimes because of its increased engagement at the community level (see Figure 2). The survey also found that increased and systematic involvement of formal justice actors within traditional dispute resolution processes may account for the increased use of the PNTL at the local level (this will be further discussed in Chapter 5).²⁶

22 According to Mazerolle et al, functional traditional societal mechanisms for controlling anti-social behavior (mechanisms that predate the police – a modern institution) can help the police appear effective at preventing crime and increase their legitimacy. Where those mechanisms are diminished or non-existent, the police will benefit in no such way. Lorraine Mazerolle et al, "Legitimacy in policing: A systematic review," Campbell Systematic Reviews (The Campbell Collaboration, 2013), p. 21.

23 Public crimes are defined by the Penal Code, and must be referred to the formal justice system.

24 Wilson also suggests that the PNTL was established before the "local ownership discourse" became common in security sector development circles, and as such broad consultation about what type of police and military the East Timorese people wanted did not factor into the design of the PNTL. Bu Wilson, "Smoke and Mirrors: The Development of the East Timorese Police, 1999-2009," (Canberra: Australian National University, 2010), p. 93.

25 Alternatively, people may desire the institutions to engage more at the local level as a means to further formalize traditional structures.

26 Wassel and Rajalingam, "Community-police perceptions 2015," p. 66-71.

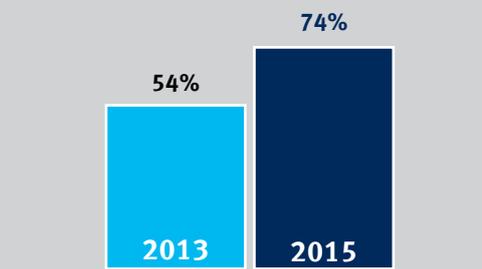
Preferences for formal or traditional justice methods

The majority of respondents who spoke about this topic said that they used the PNTL and the judicial sector to resolve crimes and incidents that involved serious physical aggression and traditional processes to resolve less serious physical violence and civil disputes.²⁷ As one male FALINTIL veteran in urban Manufahi told researchers: “We go step-by-step up the ladder [...] from cultural law to the general law, the law of the state.” Ten respondents from both rural and urban areas said that they used both types of justice actors to resolve the same case at the same time.²⁸

While most respondents expressed no overall preference for either method and said the method they used depended on the case, a number of respondents clearly expressed a preference for either traditional or formal laws and actors, and there was a significant geographic divide in preference. While almost 25 respondents, mostly from urban areas, conveyed a preference for formal justice methods and actors, over 60 respondents, the majority of which were from rural areas, preferred traditional methods and actors. This was explained by a civil society respondent in Dili, who said: “In the mountains, [...] they have more trust in the traditional structures compared to people in the city.”

An alternative explanation for differing views in urban and rural areas can be found in Belun and The Asia Foundation’s past research on *Tara Bandu*³⁰, a traditional law-making practice. The study found that in urban environments, and especially in Dili, traditional methods of conflict resolution are weakened, given the often diverse nature of traditional forms of conflict resolution practiced by the various

Figure 2: Percentage of the general public who were victims of a crime over the past year and sought help from the PNTL



Source: Wassel and Rajalingam, “Community-police perceptions 2015,” p. 62

“[...] [traditional and formal methods] always work together. Although each operates separately, they meet in one place.”

– male community member in rural Likisá

“I prefer formal law, because the law is enshrined in the Constitution. [We also have] the Penal Code, the Penal Procedure Code, the Civil Code. These [together] can properly regulate each person’s character and day-to-day behavior.”

– male respondent in urban Ermera

“Cultural law is better. Take, for example, the coconut tree. When a [taboo] is cast [on the coconut tree], people will not take coconuts even if they are hungry and a coconut falls from the tree. If we send the police to guard [the tree], when the police fall asleep, people will go and take a coconut. So, of these two, which is stronger? With a taboo people won’t take it. Culture is strongest, second is our law.”

– male FALINTIL veteran in rural Baucau²⁹

27 This finding is consistent with past Belun research on *Tara Bandu*, a traditional form of law making, which found that minor interpersonal disputes were generally thought to be best handled locally, while more serious crimes were thought to be better dealt with through the formal system. Belun and The Asia Foundation, “*Tara Bandu: Its role and use in community conflict prevention in Timor-Leste*,” (Dili: Belun and TAF, 2013), p. 26.

28 Approximately 10 respondents, who were mostly from urban areas, also mentioned religious actors or methods as an alternative path to solving problems.

29 This is merely one example of one East Timorese traditional law, and does not represent traditional law or practice across the country.

30 Belun and The Asia Foundation, “*Tara Bandu*”, p. 22.

groups of people living in close proximity. It is plausible that local authorities and *lia na'in* (traditional elders) in urban environments do not command the same authority and respect as in rural areas, where the population and traditional practices are more homogenous.

‘Resonance’ with traditional justice processes and actors

Respondents gave various reasons for resolving some problems with traditional rather than formal actors and mechanisms. Some of these reasons relate to East Timorese researcher Josh Trindade’s argument that the East Timorese state was designed without traditional elements that were familiar to its citizens, which has made legitimation of the state at the local level challenging. He notes that “...the people are not able to see the state as a legitimate institution in [a] cultural, traditional and spiritual sense from their own world view. There are no cultural elements included in the creation of East Timor.”³¹

Only two respondents explicitly confirmed that the manner with which the PNTL was established and its current structure did not match people’s expectations about what ‘policing’, police institutions and/or justice actors ‘should be’.³² A member of CPD-RDTL in Dili said: “Regarding the PNTL [...] it is not an institution that defends the nation. It was formed by foreigners in 2002, with the mentality of foreigners.” However, many respondents indirectly expressed the same thought when they said that their preference for traditional law and actors came from an inherent trust, psychological proximity or familiarity with traditional actors and law compared to the formal system. One respondent even suggested that traditional processes resonate more with the police themselves. He said: “The mindset of PNTL [personnel] is not legal, it is traditional.”

Some respondents said that they were more likely to respect traditional law than formal law because of a fear of *lulik* (“referring to that which is sacred or holy including ancestral spirits”³³) and the belief that people who contravene *lulik* may incur difficulties. A civil society respondent in Dili said: “Seduction of a person’s wife has spiritual sanctions. If not complied with then death or suffering may result. [This is a] positive value of the old traditional systems.” Furthermore, some respondents considered traditional mechanisms more effective at resolving problems because they were more effective at promoting reconciliation between families and preventing resentment that could lead to future vengeance. According to a male FALINTIL veteran in rural Likisá:

[With] traditional law, there is no future impact. For example, two people fight and one is seriously wounded and goes to hospital and the other goes to prison. The feelings he has in prison will stay with him. But when we resolve conflict in the traditional way there is a mutual recognition of fault, they embrace each other, they make peace with each other [...] the matter is finished.

Other respondents’ preferences for traditional methods were more due to their perceptions about the challenges faced by the formal justice system. While 10 respondents spoke positively about the formal justice system as a whole, 40 respondents told researchers that they had

31 Josh Trindade, “An ideal state for East Timor: Reconciling the conflicting paradigms,” (Dili: 2008), p. 8.

32 The establishment of the security sector institutions in Timor-Leste after independence is often considered in literature about the country’s security sector, (for example, see ICG, “Security sector reform”, p. 4) however, very few respondents said that the establishment of the institutions affected their current opinions about them. One former international advisor to the security sector further said in a Skype interview that, “a lot of researchers [...] said that the way that the PNTL and FDTL were formed in terms of recruitment had an impact on the 2006 crisis, [which is] probably true, but 15-16 years after the establishment, I am really not sure that it does.”

33 Belun and The Asia Foundation, “Tara Bandu,” p.22.

generally negative perceptions about it³⁴ – including that it was: too costly (so favors the wealthy); located too far away; time consuming; confusing, ineffective at resolving problems; and unequal (which results in impunity for powerful people). These perceived obstacles and shortcomings may divert people from the system and its actors, and consequently may diminish their perceptions about the authority of the police.³⁵

While most respondents said that traditional justice methods and actors did not face

the same challenges mentioned above, a few contradictory minority views were discussed by respondents. For example, some expressed a belief that traditional methods were too expensive because the settlement process often required a high monetary or in-kind contribution. An alternative view that traditional processes were not expensive enough to deter suspects from re-offending was also represented in focus group discussions.

“If we take matters to the police, then it connects to the courts [...] sometimes [we] don’t understand these high-level processes. In my opinion, using [the formal justice system] is sometimes good, but, on balance, it consumes [more] time.”

– male community member in rural Dili

Avoidance of the PNTL

While most respondents said that serious crimes needed to be referred to the police, at least one respondent from every municipality said that they avoided bringing public crimes to the police if they did not consider these crimes to be serious, and especially with cases of domestic violence, despite the fact that, according to law, these crimes must be referred to the formal system.³⁶ About 30 respondents (including a high proportion of rural and female respondents) said that it was acceptable to try to resolve public crimes traditionally *before* going to the police (including in a few serious cases) and a few said it was absolutely wrong to go to the police first (whether for a civil dispute or a public crime).³⁷ One CPD-RDTL member in Dili went so far as to say that “I think that traditional law is our base [...] If conflict occurs and we telephone the police, this a failure on the part of the family.” In addition, 15 mostly rural respondents said that in some public crimes, the victim, suspect, or their family should be able to decide themselves whether to use traditional methods to re-

“[...] we have a law against domestic violence which says that community leaders do not have the power to resolve these cases [...] Often people don’t go to the police but instead they go to community leaders. They solve [the case] in a traditional way. If they go to the police, sometimes they are not satisfied with the outcome. The community has more faith in the traditional system.”

– female civil society respondent in Lautein

34 According to a joint USAID-/Asia Foundation/Stanford University paper, deep mistrust of the Indonesian justice system – which did not punish excesses by Indonesian security actors and was used by the regime to “convict pro-independence activists in sham trials,” may continue to impact perceptions about the East Timorese formal justice system post-independence. Timor-Leste Education Project, “Introduction to the laws of Timor-Leste legal history and the rule of law in Timor-Leste,” (Dili: Stanford Law School, 2013), p. 18.

35 Belun’s 2011 research into the impact of traditional marriage practices on community life also found that people continued to use traditional methods because the formal justice system was not yet able to meet the needs of the population. Belun, “Culture and its impact on social and community life: A case study of Timor-Leste,” (Dili: Belun, 2011), p. 6.

36 Two female civil society respondents in Dili said that this preference also occasionally led local authorities putting pressure on victims of domestic and sexual violence to resolve their cases traditionally, despite the victims’ desire to go to the police.

37 The General Commander of the F-FDTL appears to support this view as well. See: *Kazu Violénsia Doméstika. Lere: Rezolve Kultura Di’ak Liu ‘Ba Tribunal Soe-Malu*, Timor Post, 12 January 2017.

solve their cases or to engage the police and formal justice system. A male respondent from rural Baucau said: “[in] criminal cases or civil cases, if [the victim’s or suspect’s] families want, the matter can be resolved between the families.”

2.2 PERSONNEL-BASED LEGITIMACY

A significant minority of respondents from across the country directly or indirectly told researchers that the type of personnel within the F-FDTL and PNTL positively or negatively affected their perceptions about the institutions as a whole and, in some cases, was the factor that most affected their perceptions about the legitimacy of the institutions.

Personnel associated with the Indonesian regime

The recruitment of hundreds of former POLRI into the PNTL during the PNTL’s establishment has been cited repeatedly in the literature as a key challenge to the PNTL’s legitimacy from the outset. As Hood notes, “there is a strong argument to be made that the UN should have thought twice about recruiting former members of the previous repressive regime’s security apparatus.”³⁸ Attempting to build a new policing institution from scratch “without any recourse to former personnel...may not have been viable”³⁹ however, and no public relations campaign was undertaken to inform the public about why certain people were selected to enter the police while others were left out.⁴⁰ The presence of people associated with the Indonesian regime within the PNTL, and to a lesser extent the F-FDTL, continued to factor into some respondents’ perceptions about the institutions as a whole.

Twelve respondents expressed continued discomfort with the presence of people associated with the Indonesian regime within both security sector institutions, including former POLRI personnel in the PNTL, and perceived supporters of the Indonesian regime (‘pro-autonomy supporters’⁴¹) and their children within both institutions.⁴² Six respondents, half of whom were veterans of FALINTIL, blamed former Indonesian Police within the PNTL for affecting the organizational attitude and practices of the PNTL by bringing the mentality of the occupying POLRI with them. For example, a male CPD-RDTL member in Dili said: “...because ex-Indonesian police continue [to work in the PNTL], the mentality continues.” However, given that this sentiment was limited to only a small segment of respondents, this issue may not be as central to people’s concerns about the institutions as it was shortly after the restoration of independence. Three interview respondents agreed when they said that pro-autonomy and pro-independence supporters had already reconciled and that any East Timorese could be a part of the F-FDTL and PNTL, even if they or their families had been formerly associated with the Indonesian regime.⁴³

38 Ludovic Hood, “Security sector reform in East Timor, 1999–2004,” *International Peacekeeping*, 13, no. 1. (2006): p. 64.

39 Eva Svoboda and Eleanor Davey, “The search for common ground: Police, protection and coordination in Timor-Leste,” (London, Overseas Development Institute, 2013), p. 15.

40 Nicholas J. Armstrong, Jacqueline Chura-Beaver and Isaac Kfir, “Security sector reform in Timor-Leste: Missed opportunities and hard lessons in empowering the host-nation,” *PKSOI Papers* (US Army, 2012), p. 25.

41 ‘Pro-autonomy’ is a widely-used term to describe someone who voted against independence and for continued integration with Indonesia with special autonomy for East Timor in the 1999 popular consultation.

42 The issue continues to be a matter of public debate. For example, see: *La Fó Oportunidade Otonomista*, ANTIL, 3 December 2016, in which the F-FDTL General Commander told the media that he would not give soldiers who are the children of pro-autonomy supporters the opportunity to study abroad.

43 On the other hand, a former President and the current Commander of the F-FDTL (both former senior FALINTIL leaders) both said in the media in 2016 and 2017 that pro-autonomy supporters who fled Timor-Leste in 1999 should not yet come back. See: *Lere: Difisil Haluha Pasadu*, *Timor Post*, 17 June 2016; *PR Taur: Seidauk Tempu Lori Timor-Oan iha RI mai TL*, *Diário Nasionál*, 1 August, 2016; *Lere La Simu Autonomista Fila Mai Timor*, *Jornál independente*, 10 February 2017.

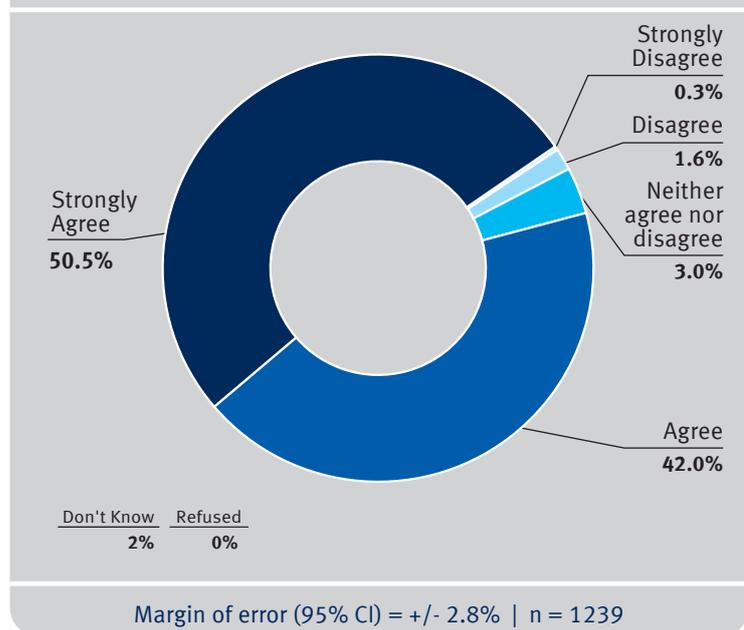
Personnel associated with FALINTIL

According to Atli’s comparative study of the Turkish and Indonesian militaries, a military will be perceived to be more legitimate if it “is either perceived to have been at the birth of the nation or that without sacrifices by the military the nation would not have been formed or survived”.⁴⁴ Belun’s FGD, interview and perception survey findings suggest that the majority of East Timorese positively associate the F-FDTL with FALINTIL and its historical role in the independence struggle. Survey respondents expressed strong agreement (see Figure 3) with the idea that the F-FDTL was a direct and appropriate successor of FALINTIL. 92.5% of survey respondents either agreed (42%) or strongly agreed (50.5%) with the idea and only 1.9% of respondents disagreed (1.6%) or strongly disagreed (0.3%).⁴⁵ Furthermore, approximately 30 interview and focus groups discussion respondents from across the country (including at least 7 veterans) said that the F-FDTL was connected to FALINTIL through the presence within the institution of FALINTIL veterans or that the F-FDTL was a direct successor of FALINTIL.

“The nation truly needs the F-FDTL because the F-FDTL has its own history [...] It is [a part of] the Timorese identity.”

– male community member in rural Vikéké

Figure 3: The F-FDTL is the rightful successor of FALINTIL, which fought for independence.



Perceptions about veterans in Timor-Leste society

Veterans play an important role in East Timorese society, but respondents had differing perceptions about that role. While most agreed that veterans should be valorized for their sacrifice, the primary mechanism that has been chosen to do so – the veteran pension – was considered problematic because of fraud, and because it created social jealousy and resentment among those who felt that their own suffering and struggle during the resistance period was not being recognized by the state.

Over 70 respondents from all municipalities agreed that veterans were sacred and/or had the right to be recognized and valorized by the state and its government because of the important role they played in the independence struggle. For example, a female respondent in Bobonaru stated that “[i]n Timor-Leste, veterans are sacred, veterans are *lulik* [...] We support our veteran fathers completely”. Many respondents considered the veteran pension as an

44 Altai Atli, “Societal legitimacy of the military: Turkey and Indonesia in comparative perspective,” *Turkish Journal of Politics* 1, no. 2. (2010): p.14. However, Atli does not think that history is sufficient for legitimacy. Militaries that then position themselves as the “ultimate guardian” of the founding values and principles of the state, which are accepted and adhered to by the majority of citizens, will be seen as more legitimate.

45 Question 20.4, “The F-FDTL is the rightful successor of FALINTIL, which fought for independence”.

appropriate way to recognize their sacrifice and suffering.⁴⁶ A male local authority from Likisá explained that “[...] the government recognizes their service to this country, and their sacrifice of flesh, blood and family”.

However, nearly 20 mostly urban respondents were less positive. Of those who spoke negatively, four respondents felt that the struggle for independence was everyone’s struggle, as a large portion of the population voted for independence and supported the veterans during the occupation.⁴⁷ For example, one respondent in Dili said: “[...] all Timorese people are veterans. But [the recognition the government gives to veterans] is political! Because the struggle for independence was everyone’s struggle.” Other respondents focused on their disappointment about veterans’ behavior after independence, with four lamenting that, since independence, the veterans put their personal interests over the population’s interests and five saying that veterans were arrogant about being veterans and abused their special position in society.⁴⁸ A community member from urban Manatutu said: “Why when the government errs do the veterans not speak out and complain? Because they’ve been incentivized [with pensions and projects] [...] I’m not satisfied.”

Although most (over 40) respondents who spoke about the topic disagreed, more than 20 respondents from both urban and rural areas (and one police officer) said or implied that the veteran pension is a policy of buying peace, and that veterans could be a threat to the stability of the country were the pension to be canceled. Forty-five mostly urban respondents, including a high proportion of female respondents also complained about so-called ‘false’ veterans who fraudulently claimed veteran status to abuse the pension system.⁴⁹ For example, a female respondent in Vikéké said: “[The pension] is a hook baited with money, which makes some people jealous because they were engaged in the fight, [but] in the end were denied [the pension]. Then others who didn’t [fight] end up getting the [pension].”

Indeed, this presence of veterans within the F-FDTL had a significant effect on some respondents’ perceptions of the F-FDTL’s legitimacy as a whole. Over ten respondents directly suggested that the presence of veterans inside the F-FDTL is a key source of its legitimacy (though five of these respondents were veterans themselves). They suggested that they would possibly perceive the F-FDTL more negatively if the veterans were not leading or at least present within the institution. A community leader from rural Lautein said in an FGD that: “[...] we give trust [to the F-FDTL] because our ‘older brothers’ are the commanders of the armed forces and because they are veterans [...] If they are removed, will we have confidence [in the F-FDTL] or not, well, we just don’t know.” A former government official explained that, in his view, the F-FDTL personnel themselves respected their commanders and the laws that govern the F-FDTL, not because of fear of the law or because they recognized the innate authority of institutional regulations, but because of their respect for their veteran commanders.

Over 35 respondents (approximately a quarter of whom were veterans themselves) also indirectly suggested that the presence of the veterans within the F-FDTL was a key determinant of their perception of the legitimacy of the institution, when they unfavorably compared the ability of the younger generation soldiers within the institution to the veterans.⁵⁰ They said that the younger

46 For more on this topic, see: Belun, “The social impact of the current administrative processes for veterans payments,” (Dili: Belun, 2014), available at: <http://www.belun.tl/en/the-social-impact-of-current-administrative-processes-for-veterans-payments>.

47 This sentiment was echoed by a political observer in: *Veteranus Sagradu, Povu Mós Luta*, Timor Post, 29 June 2016.

48 For example, see: *Veteranus Agora La Hanesan Uluk* (Suara Timor Lorosa’e, March 9 2017), in which a veteran laments the focus of his fellow veterans on political party interests over the country’s interests, and *Samba 9 ho Kasian, Exemplar ba Veteranus Seluk* (Diário Nasionál, 21 June 2016), which notes that most veterans are focused on their own economic interests, but two specific veterans are reinvesting their veteran pension back into their communities.

49 The General Commander of the F-FDTL and the former President, both senior FALINTIL veterans, were both quoted in the media saying that many veteran-related issues were related to dissatisfaction and jealousy about the pensions. For example, see: *Lere Anan Timur: Tan Osan Otonomia Mos Sai Veteranus*, Suara Timor Lorosa’e, 20 November 2013; *Lere: Veteranus Loloos La to’o 100*, Timor Post, 28 June 2016; *Pr. Taur: Veteranu Balun Hahú Sente-An Simu Osan Estadu Saugati*, Diário Nasionál, 29 June 2016; *Ha’u Pesimis Problema Veteranu Rezolve*, Suara Timor Lorosa’e, 30 January 2017; *Taur: Tan Osan Veteranu Sira Hare Malu Matan Lamos*, ANTIL, 7 February 2017.

50 This is perhaps unsurprising given that the leader of the F-FDTL and other figures regularly question the readiness of the new generation to lead the F-FDTL in the media. For example, see: *Lere Preokupa Lideransa Foun Lidera F-FDTL*, ANTIL, 15 November 2016.

generation was not ready to handle difficult situations (such as the operations against CPD-RDTL and KRM), that the new generation was not ready to lead the F-FDTL, thus veterans should still be leading, or that the new generation could only lead with veterans' assistance, or only lead if they led in the same manner as the veterans did. As one former government official said: "[...] when we remove the veterans, the F-FDTL will have a problem because the leadership will not be very strong." Others said that, despite the fact that the younger generation was more highly educated, veterans had a better emotional disposition and were more experienced than the younger generation, which enabled them to better face and resolve problems. This is likely linked to the view held by a few respondents that the new generation personnel within the police and military were responsible for institutional malpractices, not the veterans.

Future leadership transition within the F-FDTL

Some respondents expressed concern about the upcoming transition within the F-FDTL from FALINTIL veteran to new generation leadership. On the one hand, some feared that the new generation would not be able to ensure a stable security situation after the veterans left the institution.⁵¹ On the other, some feared the transition, not because they doubted the ability of non-veterans to lead the institution, but because they feared that the veterans within the institution would create instability if they were not satisfied with the manner in which the transition occurred.

However, many respondents were more positive about the future transition. Many respondents who spoke negatively about the privileged place of veterans in society in general, also expressed their confidence in and desire for the younger generation to lead the F-FDTL. Twenty mostly urban respondents (including three veterans) disagreed that the F-FDTL would be weaker without veteran leadership. They perceived that the younger generation was ready to lead both institutions (and the country more generally), with half of them stating that younger soldiers would be better at professionalizing and developing the institutions (and the country as a whole) than the veterans were. A male respondent in urban Ainaro told researchers: "The new generation will be professional [and] more innovative compared to the older generation [...]. The new generation

51 It should be noted that approximately one quarter of these respondents were veterans themselves.

"[Soldiers] respect their command not because they fear the law, but because [their commanders are] veterans. So we need to change this. However, it will take time to transform the armed forces so that they become loyal to the institution and loyal to the law. [So that they] comply with the law rather than with individuals [...]"

– former government official in Dili

"I have heard from many friends of our generation in F-FDTL that [the younger generation], who have bachelor and master's degrees, are promoted to the rank of lieutenant or captain, but they cannot resolve even small problems. They need a sergeant with 24 years of experience in the forests [during the resistance struggle] to resolve them [...]. The new generation only knows theory, but not practice."

– male FALINTIL veteran in urban Oekusi

"If a veteran is not put in a dignified place, not given good conditions, then this may be one factor that could provoke a new conflict."

– female veteran in Dili

will be much better and make [the F-FDTL] better.” An international NGO manager in Dili agreed: “I think the F-FDTL will also be seen as more professional once the new generation takes over and [will be] less political.”

“The new generation is not the problem, but rather it’s our mindset: ‘The new generation can’t, only the older generation can’ [...] We must not personalize the state as if it is just one or two people.”

– civil society representative in Dili

2.3 CIVIL-MILITARY RELATIONS

“Our FALINTIL members [who continue the FALINTIL legacy] inside the F-FDTL, as public figures, have an impact and influence on everyone [...] They have influence on the state, the government and also on the people [...] They also have influence inside the F-FDTL, and it’s very strong indeed.”

– female respondent in Dili

The relationship between the F-FDTL and its civilian counterparts was the final institutional form issue on which respondents had mixed views. Damian Kingsbury notes that in contexts of low external threat, and in which separatist military organizations have integrated themselves into the post-independence state structure – a good description of Timor-Leste’s current context – the military has a tendency to become involved politically.⁵² According to Atli’s comparison of popular perceptions about the Indonesian and Turkish militaries, militaries that are seen to try to influence policy through overt directives to civilian governments will be viewed as less legitimate, whereas those that attempt to influence policy indirectly through recommendations, will be seen as more legitimate.⁵³

While Timor-Leste’s Constitution prohibits the involvement of the military in politics and binds the military to civilian control,⁵⁴ there appeared to be limited consensus among perception survey respondents about whether it was appropriate or not for the military to give overt directives to the government – with 33% of respondents agreeing that it was appropriate and 52% disagreeing (see Figure 4). Notably, urban (63%) and Dili-based respondents (64%) were more opposed to military influence than rural (48%) and non-Dili (48%) respondents.⁵⁵

The 33% of respondents who appeared to support the military’s ability to give orders to the government, may have acquired these expectations about the power dynamic between the military and other state institutions from their observations of the Indonesian military, which was intricately involved in civil affairs while Timor-Leste was occupied by Indonesia. Another possibility is that the FALINTIL veteran Commanders of the F-FDTL, who have significant personal legitimacy, are the ones that respondents believe should be able to give orders to the government, not the military as an institution itself. This belief is perhaps reflected in the split in public opinion about the 2016 public controversy around the retirement of the F-FDTL General Commander (see the below text box). While these sentiments may change when the veterans retire, the current prec-

52 Damien Kingsbury, “Challenges of constructing postcolonial unity: Timor-Leste as a case study,” *Asian Politics & Policy* 4, no. 1. (2012): p. 29.

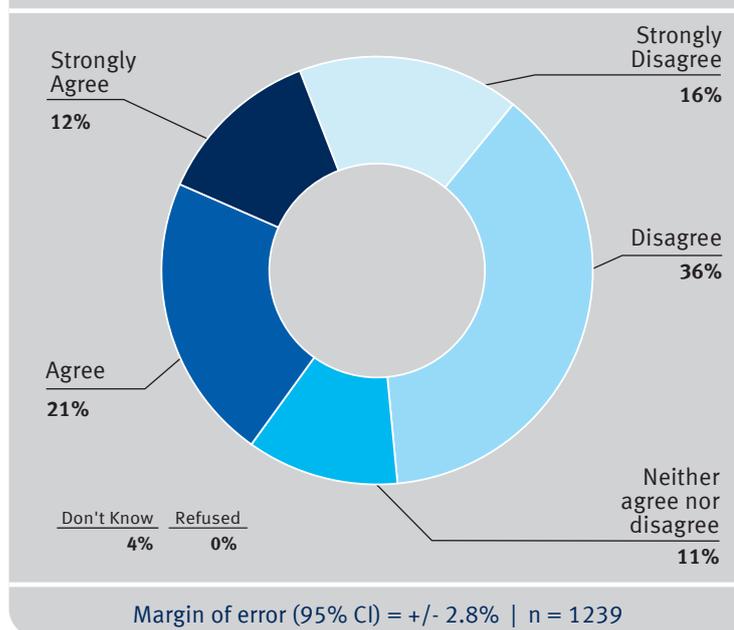
53 Atli, “Societal Legitimacy of the Military,” p.17.

54 See Part V, section 146, article 3 of the Constitution of the Democratic Republic of Timor-Leste.

55 Question 20.5, “The F-FDTL should be able to give orders to the government”.

edent being set may contribute to the opinion among some segments of the population that the military should be able to operate independent of democratic control. A follow-on survey is recommended once the last FALINTIL veterans retire from the F-FDTL in order to clarify whether positive sentiment about the F-FDTL being able to give directives to civilian governments is institutional or associated with the FALINTIL veterans who command it.

Figure 4: The F-FDTL should be able to give orders to the government.



The 2016 controversy around the retirement of the F-FDTL General Commander

In early 2016, Lere Anan Timur, the general commander of F-FDTL, an influential FALINTIL veteran who was over the legal age of retirement, publicly disagreed with the decision of the President of the Republic to replace him with a new Commander, which would have forced him into retirement. The General Commander told journalists: “I am not an ordinary soldier; I am the spirit of the F-FDTL. I will remain prepared to lead, until the time I leave, then I must leave.”⁵⁶ He gained the support of the government and National Parliament, and, after much uncertainty, his tenure was eventually extended for another two years.⁵⁷ Respondents reacted to this very public controversy in two different ways. Some blamed the F-FDTL General Commander for delegitimizing the laws and rules of F-FDTL, while others blamed the President for not affording the General Commander sufficient respect.

Approximately 15 respondents (including three veterans) expressed their disapproval of the General Commander’s refusal to retire. Some conveyed concern that the public’s confidence in the institution would decrease as a result of the public controversy, because the Commander seemed to consider himself above the institution’s rules and the authority of the President, which set a bad precedent that these rules were not applicable to everybody. One civil society representative in Dili stated that “people like old-man Lere have influence. When they don’t comply with the rules, this may [set a negative precedent] for the new generation and officers within F-FDTL.” However, an equal number of respondents (nearly half of them veterans) had an opposite view, and appeared to blame the laws, state, and maybe the F-FDTL itself for the controversy and not the General Commander’s rejection of the President’s decision.⁵⁸ Some of these respondents seemed to suggest that the Commander’s lack of adherence to the President’s decision was justified, given that the process whereby he would have been forced to retire against his will did not afford him sufficient respect. For example, a female veteran in Dili said:

If a decision is not accepted, I think the law must be corrected. I don’t blame anyone because it is not yet time [for him to retire]. If the General doesn’t yet agree to be removed from his position, it is clear that he still wants to contribute to this nation.

56 Lere: *Ha’u FALINTIL-Forsa Defeza Timor Leste Nia Klamar*, Timor Post, May 2016.

57 *Mantén Veteranus lider F-FDTL, Governu halo revizaun lei militar*, Diário Nasionál, 17 June 2016.

58 This sentiment was echoed in the media. For example, see: *Governu Implementa Política Reforsa ba Veteranu F-FDTL Sedu Liu* (Timor Post, 30 September 2016) in which a member of parliament said that the law should be changed so that the generational transition could be slowed down.



3. PERCEPTIONS ABOUT F-FDTL AND PNTL FUNCTIONS

This chapter examines how East Timorese observations about the functions of the F-FDTL and PNTL align with their expectations about what their military and police should be doing.

The Constitution of Timor-Leste assigns the military the task of guaranteeing the “territorial integrity and the freedom and security of the populations against any aggression or external threat” and the police with “the internal security of the citizens”.⁵⁹ The PNTL’s organic (or foundational) law further sets out that the institution will “have the characteristics of a community police”.⁶⁰ In practice, however, the police have developed special paramilitary-style units⁶¹ staffed by police officers who are difficult to distinguish from soldiers in uniform and armament.⁶² Incidentally, these special police units have been described as a counter “against [turf] intrusion from the F-FDTL”.⁶³ Meanwhile, the F-FDTL has been involved in internal security operations (and arguably, in some day-to-day policing as well⁶⁴) since shortly after independence.⁶⁵ Given the somewhat overlapping roles and appearances of the F-FDTL and PNTL, it is therefore unsurprising that respondents had differing understandings and expectations about what exactly either institution should be doing.

The internal use of the military in Timor-Leste

Many of the recommendations of the final report of the Timor-Leste Commission for Reception, Truth, and Reconciliation, commonly known by its Portuguese acronym, CAVR, relate to ensuring that Timor-Leste’s military and police do not replicate the defense and policing models of the former occupying forces, including that the military not be used for the purpose of internal security as it was during the occupation.⁶⁶ The fact that this recommendation has not been adopted in policy can be partially attributed to three factors:

1. the distinct lack of external military threats faced by Timor-Leste, which gives the F-FDTL scant opportunity to exercise its primary function;
2. the high posts that FALINTIL veterans have held throughout the various bodies of the state since independence – as heads of state, government, and, of course, the F-FDTL – and their desire to continue the legacy of FALINTIL with its strong military tradition; and
3. a sentiment among at least some of Timor-Leste’s decision-makers that the F-FDTL is more capable than the PNTL in resolving serious matters of internal security, which is likely linked back to the FALINTIL veterans’ continued presence within the leadership of F-FDTL and their combat experience inside the territory.

With that said, most respondents seemed content with the current roles of the F-FDTL and PNTL, and had no problem with the F-FDTL’s internal security role, especially with regard to F-FDTL personnel ‘backing up’ the police upon request. The majority of the respondents’ acceptance of the internal use of the military is likely partially borne out of their pre-independence experience with FALINTIL, which operated in close cooperation with the population as a means of support, but also with TNI, the Indonesian military, which was intricately involved inside the territory at the local level as a means of control. Indeed, some, mostly rural, respondents went further to say that

59 See: Part V, section 146 and 147 of the Constitution of the Democratic Republic of Timor-Leste.

60 See: Decree-Law No. 9/2009, “Organic Law of Timor-Leste’s National Police (PNTL)” Chapter 1, Article 1, Bullet 2.

61 Centre for International Governance Innovation, “Security sector reform monitor: Timor-Leste No.2,” (CIGI, 2010), p. 13.

62 Informal polling by this project’s researchers in Dili suggested that many East Timorese cannot distinguish photos of special unit police personnel from military personnel.

63 Deniz Kocak, “Timor-Leste: The continuing challenge of police building and security governance,” Security Sector Reform Resource Centre, 19 August 2014, <http://www.ssrresourcecentre.org/2014/08/19/timor-lesete-the-continuing-challenge-of-police-building-and-security-governance> (accessed 28 July 2017), p. 4.

64 Kocak, “Continuing challenge of police building,” p. 4.

65 The military’s internal role is not provided for in the constitution, but was legalized by a 2010 package of defense and security legislation. See Part V, section 146 of the Constitution of the Democratic Republic of Timor-Leste.

66 Timor-Leste Commission for Reception, Truth and Reconciliation, “Chegal : The Final Report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR),” (Jakarta: STP-CAVR, 2005), p.19.

the F-FDTL should be doing more regular, day-to-day internal security work, as the TNI did during the occupation.

However, a smaller group of respondents suggested that their expectations about the functions of the two institutions were not being met. They said they were unhappy with the perceived mixing of roles, with most lamenting the F-FDTL's encroachment on the PNTL's primary function, saying that this caused confusion and competition between the institutions. Many East Timorese are still traumatized by the terror wrought at the hands of the TNI, and, for some respondents, the sight of the F-FDTL in their military uniforms and with their weapons evokes the same fears they felt during the occupation. Some respondents in Baucau and Dili also fiercely disagreed with the internal use of the military for the purpose of implementing government resolutions that banned quasi-political and Martial Arts Groups. For all of these reasons, some respondents asked for the role of the F-FDTL to be clarified and for soldiers to be less visible in people's day-to-day lives, by being stationed far away from population centers and not carrying weapons publicly. There was a related perception expressed by other respondents that the PNTL was infringing on the F-FDTL's role by being too militarized and by being stationed on the border, which they deemed a military task.

3.1 POSITIVE VIEWS REGARDING THE F-FDTL'S INTERNAL ROLE

Most respondents perceived that the F-FDTL and PNTL's primary roles were clear – with the F-FDTL defending Timor-Leste from external threats and the PNTL focused on maintaining law and order within Timor-Leste's borders – yet, most respondents seemed comfortable with the fact that in reality the F-FDTL and PNTL's roles at times overlapped. About 40 mostly urban respondents seemed to agree that the F-FDTL should have an internal security role when the PNTL requested their support in day-to-day situations that they could not contain or diffuse themselves.⁶⁷ Three national-level current or former police and defense actors went further to say that military personnel had the ability to respond to urgent security incidents on a day-to-day basis, or at least secure the scene until police arrived, either because 'military discipline' allowed them to or because the penal code allowed all citizens – military or not – the power to intervene. This sentiment matches survey data collected for the purpose of this research (see Figure 5) that showed that 80% of respondents agreed (37%) or strongly agreed (43%) with the idea that Timor-Leste needed a military to protect it from internal threats, while only 12% disagreed (10%) or strongly disagreed (2%). Dili respondents showed slightly more disagreement (17%) and less strong agreement than the rest of the country.⁶⁸ One former international advisor to the security sector also suggested that, the F-FDTL themselves were more happy playing an internal security role, rather than doing community service or natural disaster response, when the country faced no external threat.

“The army’s proper role is to defend the territory of Timor-Leste. Its other role is to provide defense to our police, if our police cannot intervene [in certain incidents] with sufficient capacity.”

– a former F-FDTL respondent in urban Bobonaru

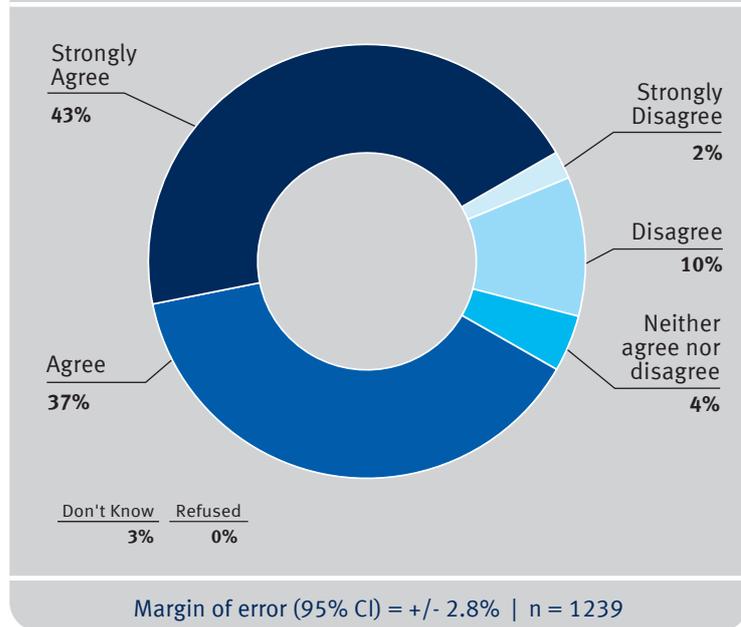
67 Political commentators in the media also occasionally encourage the use of the F-FDTL internally. For example, see: *F-FDTL Tenke Reforsa PNTL Atua GAM* (ANTIL, 30 November 2016), in which a political commentator urges the F-FDTL to be involved in addressing Martial Arts Group-related violence.

68 Question 20.2, “Timor-Leste needs a military to protect it from internal threats”.

In addition to support for the F-FDTL's current internal function, some respondents said that the F-FDTL should do even more internal security work. Interestingly, despite many respondents associating the TNI with past trauma, approximately 15 respondents expressed their desire for F-FDTL to have representatives in every village, based on their experience with the presence of the TNI in every village during the Indonesian occupation.⁶⁹ Five respondents (three from MAGs) gave explanations for why they longed for a return to village-level military presence. They said that when F-FDTL were absent, they or the community felt that problems in their location would not be properly resolved, for a variety of reasons, including insufficient police numbers, people being unafraid of the police, or people having more faith in the military. However, three respondents from Dili explained that that the TNI's presence in every village was for the ultimate objective of monitoring and controlling the community, which was not relevant to the F-FDTL's function today. For example, one said: "The Indonesians that invaded Timor, they used ABRI Masuk Desa (a military construction program at the village-level) [...] to control our people and monitor or limit the movements of FALINTIL and the people."

Besides increasing the F-FDTL's internal presence for security reasons, some respondents expressed a desire for the F-FDTL to further take on a non-security internal role. A former soldier from Bobonaru said: "The military should not just show their weapons to the community, but [also] do something [for] the community." Three respondents, including two former government officials, expressed their desire for the F-FDTL to be closer with the East Timorese people, based on FALINTIL's closeness with and reliance upon the population during the resistance period. However, approximately 10 respondents recognized that FALINTIL's then-closeness with the population was a function of its reliance on the community for support to hide and fight and was no

Figure 5: Timor-Leste needs a military to protect it from internal threats.



“What we want is for the police and F-FDTL to do the same as [during the Indonesian occupation] with the BIMPOLDA (village police attached to civil administration) and BABINSA (village military representative). Each of them were stationed in their village to patrol and monitor their community.”

– female civil society representative in Vikéké

“Deploy the F-FDTL to work together with the community police, so [they can better] respond to problems.”

– traditional elder in rural Aileu

69 This correlates with the analysis of Bu Wilson in her 2009 PhD dissertation, where she argues that: “the Indonesian model of police and military security continues to influence expectations of the role of the police (and military) in East Timor...” Wilson, “Smoke and Mirrors,” p. 86.

longer relevant to the F-FDTL. More than 10 other respondents suggested that because there was no current external threat, the military should work more with the community, including by providing engineering services and increasing public awareness about their work.

“It would be better if [F-FDTL] [...] deployed to the municipalities [...] to conduct programs or activities with the people. I think very quickly the people’s trust will be won and they will be able to say: ‘they are our armed forces indeed’.”

– former F-FDTL in Ermera

3.2 NEGATIVE VIEWS REGARDING THE OVERLAPPING OF F-FDTL AND PNTL ROLES

“[...] the F-FDTL’s role sometimes overlaps with the PNTL’s role [...] Ultimately this has negative implications in some situations [...] Sometimes confrontations arise between the PNTL and F-FDTL because they are not adhering to their [assigned] roles.”

– male civil society representative in Dili

While there may be a general sentiment in Timor-Leste that the military should be involved to some extent in internal security, the involvement of military personnel in day-to-day security operations could be one factor that led to a lack of clarity among some respondents about the different roles of the F-FDTL and PNTL.⁷⁰ Some respondents clearly said or showed that they did not understand the difference in the roles of the institutions. For example, a female community member in rural Manufahi explained that: “[the F-FDTL’s] role is the same as that of the police. They do patrols in community areas.” As the quote at the top of this section demonstrates, one civil society respondent held the view that the lack of clarity made confrontation between the two institutions over turf more likely. This is concerning given that institutional rivalry was a contributing factor to the inter-institutional violence during the 2006 crisis.

“For example, when youth throw rocks at cars and fight each other – because this is very confusing to us – the Maritime Police intervenes, the PNTL also intervenes, the F-FDTL also intervenes. Who [of these three] should be responsible for responding to this problem?”

– male community member in urban Covalima

“We have [the Community Police] already, but we don’t yet have the F-FDTL [at the village level]. I don’t understand if the PNTL and F-FDTL are the same or not.”

– male banned MAG member in urban Likisá

The lack of a clear boundary between the two institutions is also discussed as a serious concern in the literature. Agio Pereira, the Minister of State and President of the Council of Ministers in the 6th Constitutional Government, wrote in 2010 that, among the East Timorese elite, there existed

⁷⁰ For an example of the confusion, see: Sociedade Sivil Kondena Oknum F-FDTL Ataka Rezidência L-7 (Suara Timor Lorosa’e, 24 Agosto 2016) in which a civil society group condemned the military’s search of a FALINTIL veteran’s home, which, according to law, is the role of the police.

a lack of understanding “that the military cannot delve into the realms of policing, in the context of law and order, because the military has the central role of defending the territorial integrity of the State.”⁷¹ The F-FDTL’s role is discussed at length in its 2007 strategic planning document *Forsa 2020*, and while the document cites “support to civil authorities... in the event of a strike or generalized disturbance of public order”⁷², the F-FDTL’s specific role with regard to internal security “is not clarified adequately.”⁷³ Likewise, the 2010 National Security Law, the National Defense Law and the National Internal Security Law were partially intended “to clarify the roles of the PNTL and the F-FDTL,”⁷⁴ however they were passed before an overarching national security policy existed to inform their design.⁷⁵ Bu Wilson and International Crisis Group agree that the laws seem to have been largely “designed to create a permanent legislative basis for legitimizing the joint police-army operations undertaken in 2008,”⁷⁶ but that the roles of each institution in maintaining internal security on a day-to-day basis and during joint operations are no more clear as a result of the legislation.⁷⁷

Relations between the F-FDTL and PNTL

The most serious violence perpetrated during the 2006 crisis was between F-FDTL and PNTL personnel. As one former international advisor to the security sector noted: “In 2006-2007 [...] the PNTL and F-FDTL did not talk to each other. They clearly hated each other, and it was very hard to see how they would ever work together well again.” However, when respondents were asked to compare both institutions to their 2006 incarnations, over 100 respondents (a vast majority of those who spoke on the topic) said that the relationship between military and police was good or had improved. Forty of these respondents referred specifically to collaboration and (to a lesser extent) trust built during the various F-FDTL-PNTL joint operations, while others discussed improved day-to-day operational collaboration and lines of coordination (e.g. in prevention of drug trafficking) and friendly inter-institutional sporting matches.

However, about 20 mostly urban respondents disagreed that the relationship between the two institutions and/or their personnel was better than in 2006 or at least said that it remained poor. These respondents noted that while the upper ranks had good relationships, lower-ranking soldiers and police did not, which was evidenced by the fact that members of the institutions continued to fight and provoke one another. One respondent told a story about how – shortly after an incident in which PNTL personnel assaulted a soldier – a truck full of soldiers drove past a special police unit post in Dili in a manner that the respondent considered was intended to provoke. Media monitoring during the research period recorded several incidents in which PNTL personnel attacked F-FDTL personnel or vice versa, however both institutions made efforts to update and reassure the public about measures being taken to punish perpetrators of these incidents.⁷⁸

71 Agio Pereira, “Timor-Leste: Transition from peacekeeping to peacebuilding: An East Timorese perspective,” Civil-Military Working Papers no. 10 (Australian Government Asia Pacific Civil-Military Centre of Excellence, 2010), p. 15.

72 Government of Timor-Leste, “Força 2020,” (Dili: 2007), p. 55.

73 Derek McDougall, “The failure of security sector reform to advance development objectives in East Timor and the Solomon Islands,” in *Back to the Roots: Security Sector Reform and Development*, ed. Albrecht Schnabel and Vanessa Farr (Geneva: DCAF, 2012), p. 179.

74 Bu Wilson and Nelson Belo, “The UNPOL to PNTL ‘handover’ 2009: what exactly is being handed over?” (Canberra: SSRC Conflict and Peace Forum, 2009), p. 14.

75 International Crisis Group, “Timor-Leste: Time for the UN to step back,” Asia Briefing no. 116 (Dili/Brussels: ICG, 2010), p. 10.

76 ICG, “Stability at what cost?” p. 20; Wilson and Belo, “What exactly is being handed over?” p. 14.

77 For example: ICG, “Stability at what cost?” p. 19; Wilson and Belo, “What exactly is being handed over?” p. 14; Fundasaun Mahein, “Polítika Ministériu Defeza no Siguransa Periodu 2007-2012,” Mahein Nia Hanoin no. 2 (Dili, Fundasaun Mahein, 2012), p. 12.

78 For example, see: F-FDTL ho PNTL sei Provoka Malu, PR Bolu atensaun, Diário Nasionál, 23 June 2016; Elementu Kontinua Baku Malu. Lere-Julio Sei Aplika Medidas Forte, Timor Post, 1 July 2016; Kazu Polísia Baku Membru F-FDTL Tama Ona Tribunal Suara Timor Lorosa’e, 29 June 2016; Lere Deskonfia PNTL iha Grupu Organizada, Timor Post, 24 August 2016; Konflitu PNTL, F-FDTL Dala Barak Ona, Timor Post, 2 September 2016; Membru F-FDTL 8 Ataka Postu Polísia Sei Demite, Diário Nasionál, 25 November 2016; Membru F-FDTL Ataka PNTL iha Oe-Cusse Ameasadu ‘Sai’, Timor Post, 2 February 2017; Kazu UEP Baku Primeiru Sarjentu FDTL. Paixao, Sira Provoka Demais ona, Timor Post, 17 May 2017.

Perceptions that the F-FDTL is doing the PNTL's work

“The F-FDTL is the protective fence of the nation. The external fence. [If the nation were] a farmer’s field, they would be surrounding the entire field, fencing it tight. They would not be allowed to intervene within the field itself.”

- Male FALINTIL veteran in urban Manufahi

About 20 respondents perceived that F-FDTL personnel did the PNTL's work on a day-to-day basis, including by responding to incidents and conducting traffic stops that resulted in motorbikes being confiscated.⁷⁹ While most of these respondents were from Dili or other urban areas, one male local authority in rural Manufahi also said:

The F-FDTL's work is only intended to be in war or firefights. They are ready for firefights. The work of the police is in the village. But [in reality] we see the opposite. Sometimes [the F-FDTL] takes on the role of the police. In my opinion, this is not correct.

Four respondents (including one veteran) went further to say that the F-FDTL should be based far away from populated areas, should not be seen in public carrying weapons and should minimize interaction with the population in order to avoid scaring people and prevent confusion about their role as compared to the PNTL.

This trend of the F-FDTL doing the PNTL's day-to-day policing work was also noted in the literature, especially as F-FDTL posts were gradually expanded throughout the country between 2009 and 2012.⁸⁰ According to Kocak, this internal deployment was understood broadly by at least some segments of the F-FDTL to include “public policing in the main cities, which [has] led to occasional conflicts between members of the police and the military over operational areas.”⁸¹ Concurrently, Kocak noted in 2014 that an increasing trend existed whereby citizens contacted F-FDTL members to “deal with cases of domestic violence, burglary, and assault.”

“The F-FDTL sometimes walk in the streets carrying weapons. Weapons should be placed in their appropriate places, so that the people are not afraid of the military.”

– FALINTIL veteran in Aileu

Perceptions that the PNTL is doing the F-FDTL's work

On the other hand, a small minority of respondents lamented the encroachment of the PNTL onto what they perceived to be the F-FDTL's proper role. One PNTL Commander said, for example, that the special units of the police saw their role as similar to that of the military, despite the provision in the PNTL's organic law that says that the PNTL would have the characteristics of a community police service. Two national-level respondents said that the PNTL should not carry large-caliber weapons similar to those of the F-FDTL, as these weapons made the PNTL seem like a military, despite not being intended to face the same levels of threat as the F-FDTL. As a result, another respondent told researchers that people found it difficult to distinguish the F-FDTL and PNTL from one another when the two institutions worked conjointly. Seven other mostly urban

79 However, one veteran from Oekusi disagreed, and said that when he called the F-FDTL to an accident or incident, they informed him to call the police instead.

80 Centre for International Governance Innovation, “Security sector reform monitor,” p.5; ICG, “Stability at what cost?” p. 25.

81 Kocak, “Continuing challenge of police building,” p. 4.

respondents from non-border areas complained that PNTL's Border Patrol Unit was in fact doing the F-FDTL's job on the border, as they interpreted the F-FDTL's external role to include border security.⁸² During the roundtable discussion to present the preliminary findings of this research, one participant noted that, while the border had been demilitarized, according to Timor-Leste's current law, the military should still be at the border.

“Our police are semi-military. They wear military-style uniforms, and also have Steyr weapons [...] of a large-caliber. They appear like the armed forces. It's like we have two militaries.”

– former government official

3.3 USE OF THE F-FDTL AND PNTL TO IMPLEMENT RESOLUTIONS TO BAN MARTIAL ARTS AND QUASI-POLITICAL GROUPS

Opinions were mixed about the government and parliament resolutions to ban martial arts and quasi-political groups in 2013 and 2014, and the subsequent joint F-FDTL-PNTL operations to enforce the bans, which respectively dismantled the *Conselho Popular Democrático de Timor-Leste* (CPD-RDTL) and *Konsellu Revolusaun Maubere* (KRM), and resulted in the death of the KRM leader. These resolutions and their implementation affected perceptions about the F-FDTL and PNTL in two key ways.

First, according to Lorraine Mazerolle *et al*, people's views about the legitimacy of the police (and, in Timor-Leste's context, the military) are also connected to their views about the normative legitimacy of the laws that they are upholding.⁸³ Of the respondents who spoke on the topic, about two-thirds were positive about the decision to ban the MAGs and CPD-RDTL (though more spoke about the MAGs) and the rest were negative. All respondents who spoke about the ban on KRM were positive about it. Those who spoke negatively about the bans complained that, for example, the CPD-RDTL ban was undemocratic and unfairly lumped CPD-RDTL together with KRM, the MAG

“The resolution issued by parliament was a political resolution [...] CPD-RDTL and KRM's criticisms were like the criticisms of NGOs. There is no difference. They could also shut down NGOs.”

– civil society representative in Dili

“In the constitution there is a guarantee for all citizens to [express] their opinions politically [...] But in the end when someone expressed their opinion, their political views for the country and the people, this resolution was issued.”

– youth council representative in urban Baucau

82 However, one civil society representative explained that it is right to put the police at the border because Timor-Leste was not at war.

83 Mazerolle *et al*, “A systematic review,” p. 20.

ban discriminated against certain groups and blamed entire groups for the actions of few individuals, and simply banning groups did not resolve the underlying root causes of the security issues associated with them.⁸⁴ Given that many of the respondents who were negative about the bans seemed to consider them to be normatively illegitimate – seeing, for example, the police being used by the state to capture MAG members for simply training together, or the PNTL-F-FDTL joint operation being used by the state to dismantle CPD-RDTL – might create resentment against the institutions.

Second, the decision to put the military in confrontation with East Timorese citizens during the forcible dismantling of CPD-RDTL and KRM in 2014 and the operation to capture (and which, ultimately, led to the killing of) the leader of KRM (who was commonly referred to by his *nom de guerre*, Mauk Moruk) in 2015 was resented by some respondents. These respondents tended to see the disputes between these groups and the government as political not security issues.⁸⁵ Six respondents from Dili and the area in which the joint military-police operation was deployed angrily blamed the F-FDTL and the government (and the PNTL to a lesser extent) for the lethal violence that was used during the joint operation. For example, a resistance-era clandestine group representative in an urban FGD in Baucau said: “[Mauk Moruk] came to Timor, with just his politics, without committing a direct or material crime, but a resolution was passed so that he would have to be killed. [This] was a policy of antagonism.” However, other respondents, primarily from outside the areas affected by the joint operation, were happy with the deployment of military and three felt that the death of the leader of KRM brought stability to the country. For example, a male community member from urban Manatutu said: “[...] the case of Mauk Moruk [...] a situation that was causing people to panic - was neutralized immediately. This makes the people trust and have confidence in the F-FDTL.”

84 This view was repeated by the F-FDTL General Commander, who told a news agency that the MAGs should be legalized and formalized in order to control them better. See: *Maijen Lere: “Di’ak Liu Legaliza Arte Marsiais”*, ANTIL, 10 February 2017.

85 Many senior political figures likewise came out against the joint operation in the media. For example, see: L-7: *Operasaun Ba Mauk Moruk Ne’e Ditadura*, Suara Timor Lorosa’e, 19 March 2015; *Operasaun Konjuntu Nunka Rezolve Problema Pasadu*, Diário Nasionál, 23 April 2015; KOK *Inconsitutional*, Timor Post, 2 July 2015.



4. PERCEPTIONS ABOUT F-FDTL AND PNTL PERFORMANCE

This chapter examines how East Timorese observations about the performance of the F-FDTL and PNTL align with their expectations about how effectively and successfully the military and police should carry out their functions.

Respondents were mostly satisfied with the performance of the F-FDTL and PNTL – that is, they believed that the institutions were carrying out their respective functions to maintain law and order and protect the sovereignty of the country with at least some degree of success. With regard to the F-FDTL, many respondents felt that they were performing well as a deterrent, because no foreign armed force had yet breached Timor-Leste’s sovereignty, while others pointed out that because none had yet tried, it was difficult to know how the F-FDTL would fare against a foreign adversary. With regard to the PNTL, respondents almost exclusively discussed expectations about the police’s performance as it related to their ability to prevent, resolve and – to a lesser extent – investigate *violent* incidents, and very few praised or questioned their perceived ability to prevent, resolve or investigate *non-violent* crimes. This suggests that the maintenance of public order remains a central concern of the East Timorese population, which may limit expectations about other aspects of the police’s performance. Most respondents expressed satisfaction with the police’s performance in maintaining public order, but many also perceived that, in some areas, the police still struggled to intervene quickly enough when needed and were generally not yet visible enough across the country as a deterrent to crime and violence. Therefore, it is likely that the police can further improve their perceived performance simply by becoming more available to the population.

4.1 PERCEPTIONS ABOUT PNTL PERFORMANCE

“The PNTL are indeed conducting their role as a sovereign institution of this nation [...] they provide security for the general community and for individuals.”

– male local authority from urban Bobonaru

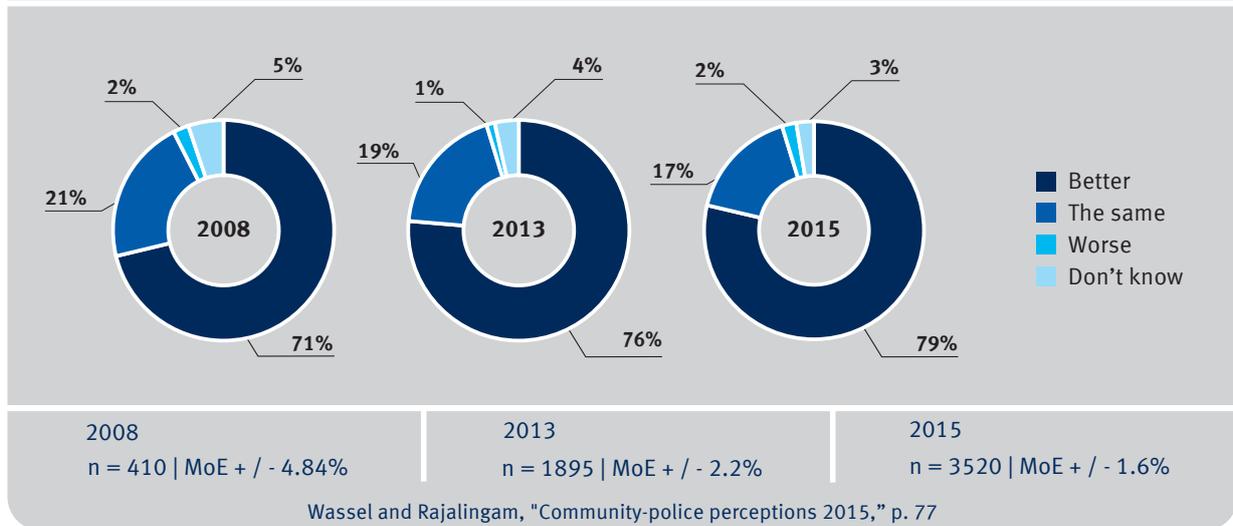
A wide cross-section of respondents from every municipality said that the police were in general meeting their obligations and performing well.⁸⁶ Examples of good police performance given by respondents included that the PNTL maintained security; identified, intervened and resolved problems; prevented conflict and crime; protected and assisted victims of crime; enforced traffic laws and responded to traffic accidents; and, to a lesser extent, protected the border from smuggling and illegal crossing. For example, a female community member in urban Vikéké said: “They are always present to resolve problems. Afterwards, they assist the victims.”

This widespread general feeling that the police are indeed fulfilling their role is matched by The Asia Foundation’s 2015 community-police perceptions survey, which found an increasing trend in people saying that the PNTL’s performance was improving (see Figure 6). In 2008, 71% of the general public said that the PNTL’s performance was better that year compared to the previous year (either much, or somewhat). In 2013 that number increased to 76%, and in 2015 it increased again to 79%.⁸⁷

86 Though a large section of that group qualified their response with reservations about the police’s manner of interacting with civilians, which will be discussed at length in Chapter 5.

87 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 76.

Figure 6: Compared to one year ago, would you say that the overall performance of the PNTL today is ...?
(2008, 2013 & 2015 - GENERAL PUBLIC - NATIONAL)



However, a much smaller group of respondents rejected that the police were performing well, with some saying that the police did not focus on their work, responded to problems only selectively, or did not respond to serious incidents with their full capacity. For example, a male local authority in Lautein said: “[...] just recently a few houses were torched in Lospalos. The [intervention] from the PNTL was not maximal.” Some other specific examples of performance that did not meet expectations included a perceived inability to control small arms and prevent slingshot arrow attacks.

Responsiveness and visibility

The most discussed element of police performance was their speed and reliability when responding to calls. Approximately 40 people from across the country spoke about the issue and they were evenly split on their assessments. The different responses did not depend on whether the respondent came from an urban or rural location and could not be predicted by municipality. However of the 20 focus group discussions (FGDs) where the topic was mentioned, 16 FGDs reached consensus about whether the police could be counted on to come quickly and reliably. Nine of those groups said the police could be counted on, while sev-

“[We were about to conduct] a burial, [when] a group of people said [we] could not do the burial [in that place]. So I called [the police] on an emergency basis and they were there when the body arrived. The situation was calm and all was resolved.”

– male FALINTIL veteran in urban Oekusi

“The OPS (village police officers) in the districts make big sacrifices going from one sub-village to the next. Recently in Oekusi, [one OPS] had to go a long way at 11pm to look for us [...] and tell us about a case of human trafficking. Even where the roads are bad they remain ready.”

– female civil society representative in Dili

en of those groups said they could not (only four of the twenty FGDs that discussed this topic did not reach a consensus). This likely means that many specific locations are consistently quickly and reliably served by the police, while others are not, which suggests that the PNTL's coverage of the territory and ability to respond is not yet consistent across the country. Those responding positively (including a high proportion of women) said that the police could be counted on to come quickly when called during the day or night, and over ten rural respondents said that the police would travel great distances and still arrive quickly when called.

The approximately 20 respondents from 11 FGDs who responded negatively had various complaints about the reliability of the police's interventions, including that the police occasionally did not pick up the phone, occasionally came late or not at all, sometimes lied about being on the way and made excuses for not coming. A few respondents further complained that despite having sufficient police posts in certain areas, the PNTL's visibility in those areas was minimal. This problem was likewise mentioned in the media by a national-level PNTL Commander in December 2015, who regretted that he regularly observed empty PNTL posts at night, when the purpose of the posts was for the community to have access to the police when they were most needed.⁸⁸ Respondents said that because the police were not reliably available, criminals did not fear being captured and operated more freely.

“I return home at night and I don't see any police. If someone assaults me – I shout ‘ai! ai!’ – where are the police? [...] There are none! Where is law and order then?”

– male respondent in urban Dili

Insufficient resources as an obstacle to PNTL performance

A wide variety of respondents discussed a dearth of resources as a key challenge to PNTL performance. Three respondents mentioned that the PNTL were overcoming the challenge and performing well. One said: “PNTL undertake their duties despite nearly insurmountable difficulties.” However, nearly 40 respondents from different parts of the country, a third of whom were police personnel, said definitively that a lack of resources negatively affected the PNTL's performance, which in turn affected people's trust and confidence in the institution. These respondents listed a wide range of resource-related challenges, including a lack of transportation, communication and equipment such as metal detectors, tear gas canisters, batons, fingerprint-taking equipment, uniforms and police tape.⁸⁹ Two respondents from Dili and Likisá and a police respondent in Baucau said that police personnel regularly used private transportation and telephone credit to do their job – either their own or that of community members.

“[...] often the people are not satisfied because [the police] are always late [...] [But] the reason they are late is because they lack facilities [...] the difficulties faced by the police must also be considered.”

– banned MAG leader in urban Dili

88 See: *Postu PNTL Kontinua Mamuk iha Tempu Kalan*, Timor Post, 12 Dezembro 2015. However it was unclear whether he blamed the empty police posts on Commanders for not allocating personnel appropriately or personnel themselves for being absent from their posts. A Member of Parliament likewise blamed a lack of police visibility and presence for violence in Dili on the first day of the 2017 Presidential election campaign. See: *PNTL Tenke Fó Seguransa Preventiva iha Kampaña*, Diário Nasionál, March 9, 2017.

89 The PNTL General Commander regularly speaks about the need for more and better resources in the media. See: *Júlio Hornay Rekoñese Servisu Intelejen Fraku*, Timor Post, 5 November 2015; *Governu Seidauk Rezolve Alojamentu ba OPS*, Timor Post, 30 June 2016; *Membru PNTL Seidauk iha Ekipamentus Báziku Defende-an*, Timor Post, 11 February 2017.

This finding matches that of The Asia Foundation’s 2015 community-police perceptions survey, which found that PNTL personnel cited insufficient transportation (74%), communications equipment (64%) and investigative equipment (52%) as key challenges. Community leaders and the general population surveyed by The Asia Foundation likewise said the PNTL’s biggest challenge was a lack of transportation.⁹⁰

Besides lacking sufficient equipment to perform well, 15 respondents also spoke about the PNTL’s lack of territorial coverage – both in terms of sufficient police posts and personnel to staff those posts – which they said affected their visibility and ability to carry out their function in every area of the country. As might be expected, during this research, twice as many rural respondents compared to urban respondents mentioned the lack of coverage of territory by the PNTL as a problem, with some rural respondents saying that permanent PNTL posts should be built in every village. Rural respondents mentioned various behavioral effects of the police’s lack of coverage and resources, including, for example, that youth from a rural area in Manufahi had formed an informal security group to account for the lack of police presence. Others mentioned that violence and minor criminal behavior were more prevalent because the police had no presence.

“The Village Police Officer doesn’t patrol permanently and doesn’t live here. On Thursday market day, if there is a fight, who can we contact [for help]? If the police are there, there is no problem. But when the police are not there, people fight.”

– female community member in rural Oekusi

Most PNTL senior commanders acknowledged the challenges faced by members with regard to facilities and equipment, especially in rural areas, and noted that because police housing and police stations were insufficient the police lived far away from communities, which affected their work negatively.⁹¹ This was likewise a concern of both police and general population respondents in The Asia Foundation’s 2015 community-police perceptions survey who said that ‘inadequate staffing’ was a top-three constraint on the PNTL’s performance, while 26% of community leaders and the general public and 33% of PNTL agreed that the police had too little presence in their communities.⁹²

The effect of poor socio-economic conditions on perceptions of PNTL performance

While insufficient resources may directly affect the PNTL’s ability to perform effectively, poor socioeconomic conditions in the country can indirectly affect people’s perceptions of the PNTL’s performance. Fifteen respondents (who were mostly elites from outside of Dili) said that the government’s ineffectiveness in creating good social and economic conditions have directly or indirectly caused security issues, including those relating to MAGs and CPD-RDTL (though fewer people expressed concerns about CPD-RDTL). A Member of Parliament speaking in the media in 2015 agreed that the security issues around MAGs are actually a youth employment issue, which, if resolved, would also reduce the threat posed by these groups.⁹³ A traditional elder from rural Aileu agreed and said: “[...] if the government doesn’t create employment, the community starts to create [disorder and] instability.” Given that these security issues increase pressure on the police and military, the average person could blame the institutions (especially the police) for not maintaining stability, even if the root causes of the issues are outside of their control.

90 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 85-86.

91 However, this field research was being done in the midst of the national community police roll-out, which aimed to put a Village Police Officer in every village in the country, and would likely address this deficiency. During the stakeholder roundtable discussion in August 2017, a PNTL representative told researchers that an agreement had just been signed with Ministry of State Administration to build houses for Village Police Officers in every village of the country.

92 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 77.

93 See: *Rezolve Problema Juventude, Sei Halakon Problema Arte Marsiais*, Diário Nasionál, 24 July 2015.

4.2 PERCEPTIONS ABOUT F-FDTL PERFORMANCE

As might be expected given that the general public has less day-to-day interaction with the military, respondents had less to say on the topic of F-FDTL performance, but were generally satisfied. A wide range of people from all municipalities suggested that the F-FDTL was indeed performing well and doing its job, including by keeping the land and maritime borders secure (like a fence), adequately protecting Timor-Leste's resources, and preventing incursions from other countries. However, two respondents mentioned that it was hard to know if the F-FDTL was performing well because no other country had tried to invade yet. Only three respondents said that the F-FDTL were not performing well, specifically with regard to border security (though these respondents were not from border areas) and over ten respondents said that the F-FDTL should increase recruitment and equipment to better protect the maritime and land borders. A further ten respondents (mostly from Dili and Baucau) criticized the F-FDTL (and the PNTL) for allegedly making operational decisions based on rumors during the 2015 joint operation in Baucau.

“The F-FDTL is mostly working well because they are the nation’s fence, and we have not had any problems from other countries.”

– male veteran in urban Dili

“[...] I can compare them with a fighting cock that has not yet fought. We don’t know if [the F-FDTL] are strong or not [...] because they have not been in a firefight. Once there is an exchange of fire, then we will know.”

– male community member in rural Likisá

5. PERCEPTIONS ABOUT F-FDTL AND PNTL CONDUCT

This chapter examines how East Timorese observations about the conduct of their military and police – that is, the manner in which F-FDTL and PNTL personnel carry out their functions – align with their expectations.



“One factor determines [whether we] gain the community’s trust [...] the manner in which we respond to problems, the manner in which we resolve problems, the manner with which we negotiate with families in conflict, [and] the manner in which we protect the community.”

– mid-level PNTL commander

While the perceived performance of the F-FDTL and PNTL in carrying out their mandates is an important determinant of their legitimacy, perceptions about their conduct – or whether the manner in which they are doing their jobs meets the expectations of the population – are equally, if not more, important.⁹⁴ Conduct encompasses the adherence of military and police personnel to both written rules – such as the laws of the state and internal rules of their institutions – and unwritten rules – otherwise described as societal norms for acceptable behavior.⁹⁵

While most respondents were generally satisfied with the form, function and performance of both the F-FDTL and PNTL, most also told researchers that the conduct of personnel from both institutions had not yet met their expectations. Respondents repeatedly said that they expected the F-FDTL and PNTL to carry out their work in accordance with societal norms for social interaction (e.g. to treat the population with respect, be honest, serve as an example to the community) and in a disciplined manner that respected the law and their own institutional policies (as many respondents fondly remembered FALINTIL doing). However, in reality, at least one respondent from nearly every focus group discussion perceived that F-FDTL and PNTL personnel acted outside the law or their own institutional policies, including by being disrespectful and violent towards the population. Though the ability of the F-FDTL and PNTL to adequately detect, investigate and punish personnel who committed misconduct was not a major topic of discussion during field research, most (non-security sector) respondents who did speak about the issue spoke negatively.

While many respondents who cited poor conduct made an effort to differentiate ‘bad apples’ within institutions from the institutions themselves, or said that the institutions were still developing and should not be discredited as a result of an individual’s behavior, other respondents were much more critical. When researchers specifically asked for positive aspects of the F-FDTL and PNTL’s work, these respondents continued to harshly criticize the conduct of personnel from both institutions, suggesting that poor conduct is indeed the defining factor in their determinations of the PNTL’s and F-FDTL’s legitimacy. This was especially true for respondents in the areas affected by the 2015 joint F-FDTL-PNTL operation – which ended with the killing of the leader of KRM – and some Dili respondents, who perceived that the F-FDTL and PNTL’s use of violence and harassment, including sexual harassment, escalated during the operation. Certainly, both institutions have much work to do to mend relationships with civilians in the joint operation areas.

A disclaimer about the responses presented in this section

This chapter aggregates three types of responses about the conduct of F-FDTL and PNTL personnel:

1. General perceptions about the conduct of F-FDTL and PNTL personnel (e.g. ‘they use excessive force’) based on experience, observation or information gathered from other sources, such as via word-of-mouth or the media, whether factual or not. Most respondents spoke generally about the conduct of F-FDTL and PNTL personnel, which could suggest that, while they may have never experienced or observed misconduct themselves, they believed that such conduct characterized the behavior of personnel. This type of response is the focus of this research, so as to present the institutions with an accurate picture of how they are perceived by the public in order for them to take action to improve these perceptions.



94 Jackson and Bradford, “Police legitimacy,” p. 6.

95 However, adherence to both written and unwritten rules at the same time is occasionally not possible. For example, adherence to an unwritten rule, such as the importance of giving preferential treatment to family, can lead personnel to contravene institutional regulations.

2. Generalized or exaggerated allegations against the institutions (e.g. ‘they always use excessive force against people who have done nothing wrong’) based on exceptional circumstances or hearsay. As much as possible, these types of claims will be highlighted as allegations in the text. They are being included in this report because trying to understand why respondents resorted to these types of generalizations is important to understanding the first type of response above.
3. Actual experiences or direct observation of alleged misconduct and human rights abuse (e.g. ‘they used excessive force against me last month’). Please note that this research could not investigate the veracity of these responses, but included them as a means to partially explain the first type of response.

The first and second types of responses may be partially explained by respondents’ negative attitudes towards military and police institutions in general, as a remnant of the negative conduct of the TNI and POLRI during the Indonesian occupation. The literature notes that, in post-colonial contexts, newly-formed military and police institutions regularly suffer from associations with colonial security sector institutions.⁹⁶ Two respondents suggested that lingering trauma stemming from the violent excesses of Indonesian military may have transformed into a fear of the F-FDTL in some people’s minds. As one male local authority in Likisá noted: “Independence was 15 years ago, but we are still traumatized. When we see a [military-style] uniform today, we become very scared.”

Urban respondents were more critical of the PNTL’s conduct overall, especially with regard to their interactions with civilians, compared to rural respondents. This finding can likely be attributed to the fact that urban respondents are more likely to encounter police who are intervening in violent incidents (including specialized rapid intervention units such as the PNTL Task Force and the Public Order Battalion), of which there are more in denser urban environments. Rural people are more likely to encounter police, and especially Village Police Officers, in situations of lower tension. Village Police Officers also exist in urban environments, but may be less visible compared to in rural environments, where they are often the only police present. Village Police Officers are embedded within communities and rely upon collaboration to do their job properly, meaning that the manner with which they interact with community members is crucial to building respect and trust. The relationship-building carried out by the Village Police Officers has no doubt made great inroads in improving perceptions about the conduct of the police overall.

On the other hand, rapid intervention units rarely interact with the same people repeatedly, and aim to quell violence with their presence. Relationship-building does not factor into their interactions, and, according to many respondents, they relied on the excessive use of violence to do their jobs. Interestingly, people tended to refer to the rapid response police simply as ‘the police’ (with almost no respondents distinguishing who within the police was using violence), whereas they referred to Village Police Officers as ‘Village Police Officers’, and not simply as ‘the police’. This might suggest that they see the rapid intervention police as the more ‘typical’ type of police, and the one they associate with policing in general, meaning that community policing is still not embedded in people’s minds as the main form of policing. It is also possible that the trust being built by the Village Police Officers is being undone by the perceived poor conduct of the rapid intervention police. Jackson, Bradford and Hough note that “...enhancements to police legitimacy can be best secured at the level of everyday interaction between officer and citizen.”⁹⁷ For this reason, many of this report’s recommendations aim to support the F-FDTL and PNTL to further improve the manner with which their personnel interact with the population.

96 According to Tankebe’s research on post-colonial attitudes towards police in Ghana, negative perceptions of the police during the colonial period are not necessarily automatically dispelled when new police institutions are established after independence, especially when the new police are perceived to behave similarly to the colonial police. Justice Tankebe, “Public cooperation with the police in Ghana: Does procedural fairness matter?” *Criminology* 47, no. 4. (2009): p. 1282.

97 Jackson, Bradford and Hough, “Police legitimacy in action,” p. 2.

5.1 ADHERENCE TO SOCIAL NORMS

“[...] as a [police], as a soldier, our bearing must show: ‘I belong to this institution’, I must set a [good] example [for the community].”

– male FALINTIL veteran in Dili

Respondents in this research expressed a desire for F-FDTL and PNTL personnel to adhere to societal norms – including by having a strong moral character, being honest and using their own behavior to serve as a good example to the rest of the population. A small group of mostly Dili-based and urban respondents directly mentioned that the mentality of many personnel from both institutions was not yet in line with their expectations. For example, one CPD-RDTL member in Dili said: “[...] our nation’s police just [need to] improve their mentality.” Some further said that F-FDTL and PNTL training is currently focused too much on physical training and not enough on building moral and civic character, which they saw as contributing to the violent nature of their interventions.⁹⁸

“We need to improve their training. Don’t just [train them] in ‘skills’, but rather train them in humanity. We must implant principles and values in PNTL and F-FDTL personnel [so that they] serve the people with integrity and accountability.”

– female religious actor in Dili

Respondents also indicated that moral issues were not only linked to F-FDTL and PNTL personnel while working, but also in their private lives. This was confirmed by several respondents who spoke about negative private behaviors of police and soldiers, despite being asked questions about the institutions in general. This indirectly shows that the poor conduct of a police officer or soldier in their private lives may negatively affect the population’s views of the institution as a whole. About 15 respondents alleged that some off-duty F-FDTL and PNTL personnel who were not in uniform fought at parties, got drunk and gambled, while others referred to personnel allegedly impregnating women and not taking responsibility for their children, ‘wom- anizing’ and visiting brothels.⁹⁹ For example, a local authority in Likisá said: “They go to parties in civilian clothing [and] beat someone up. The people are afraid to complain because he’s a soldier. People feel traumatized when they see the military.”

“Timorese people consider that – whether they are in uniform or not – they are always F-FDTL [personnel].”

– male veteran in Dili

F-FDTL and PNTL interactions with the population

Rules for social interaction – which are mostly unwritten rules – are among the most central societal norms. Perhaps unsurprisingly, the literature on the legitimacy of police says that the manner

98 The quality and duration of F-FDTL and PNTL training did not form a major part of the discussions during FGDs and interviews, but was brought up repeatedly as an explanation for good or bad behavior. A few respondents said training after the recruitment was too short and that PNTL who were trained for longer periods were better at responding to problems. Inadequate training was also cited by as a key challenge by 57% of PNTL surveyed for The Asia Foundation’s 2015 Community-Police Perceptions Survey. See: Wassel and Rajalingam, “Community-police perceptions 2015,” p. 84.

99 Interestingly, the PNTL Second Commander told the media in July 2016 that the PNTL was considering creating an internal regulation that would ban the practice among members, because they recognized that it was negatively affecting perceptions about the PNTL. See: *Deskonfia membru balun fen rua. Komandu sei Altera regulamentu disiplinár iha PNTL*. Timor Post, 25 July 2016.

in which the police interact and engage with civilians – also known as procedural justice – is, in many contexts, the most important factor in determining whether people will view them as legitimate or not.¹⁰⁰ Police are seen to be procedurally just when they communicate their intentions clearly, are seen to involve community members in their decisions, and treat people in a respectful, polite and, most importantly, fair manner.¹⁰¹

Perceptions about F-FDTL and PNTL interactions with civilians in situations of heightened tension, such as when police intervened in violent incidents, were mostly negative. According to respondents, these interventions, which will be discussed later in this chapter, often resulted in non-adherence to both institutional policies and norms for social interaction. Conversely, the collaboration of PNTL personnel with civilians on a daily basis was mostly perceived positively, especially with regard to participation in community activities, collaboration with local leaders in resolving local disputes¹⁰² and the PNTL's gradual roll-out of its Village Police Officers and community policing programming across the country.¹⁰³

More than 20 people spoke positively about PNTL collaboration in general. They told researchers that the PNTL collaborated with a wide range of actors in matters relating to domestic violence, awareness-raising about laws and justice procedures, taking and accompanying victims to the hospital and assisting families to advance their cases, disaster response, and participation in monthly meetings, community dialogues, traditional ceremonies and other community activities. For example, a female civil society representative in Dili said: “When we conducted a public awareness session about the law against domestic violence, [the PNTL] took part and shared information about how public crimes should be processed in accordance with the formal system.”

The PNTL's main effort to expand its collaboration with the population, and as a result improve perceptions about its conduct, has been through its Village Police Officers, who act as the centerpiece of the PNTL's Community Policing initiatives. Nearly all of the approximately 40 respondents who spoke about community policing in general, the placement of Village Police Officers or the establishment of local Community Police Councils considered them all to be good initiatives. One female civil society representative in Aileu told researchers: “[...] there must be recognition and praise for good things [...] [including] community police working together with community leadership.” These sentiments were expressed by an equal share of male, female, urban and rural respondents and were voiced in nearly every municipality. Respondents also said that the presence of Village Police Officers had encouraged the community to cooperate with and support law enforcement efforts. According to The Asia Foundation's 2015 community-police perceptions survey, only 1% of police said that interference by local elites was a major challenge to the PNTL, whereas 45% of police said that it was when asked the same question in 2013. According to The Asia Foundation, this finding could suggest a shift in police attitudes about “the role of local elites from one of interference

“[...] recently [the PNTL] have deployed community police officers [...] so when there are problems we don't have to be alone. Instead, we are together.”

– local authority in rural Baucau

100 Mazerolle *et al*, “A systematic review,” p. 15.

101 *Ibid.* p. 16.

102 Possible reasons for the population's desire for more police involvement at the local level can be found in the section on ‘Traditional processes for regulating behavior and administering justice’ in Chapter 2. Because the F-FDTL operates throughout the country, some respondents also spoke about F-FDTL collaboration with the community. Nearly half of respondents said that F-FDTL collaborated well with the community, local authorities and NGOs through community activities. The other half, mainly veterans from rural areas, said that the F-FDTL did not collaborate well with the community either because they took action in the community without explanation, did not speak with people when conducting searches in the villages, or spent all their time on base.

103 For more about the PNTL's Community Policing strategy and programming, see: <https://www.pntl.tl/operasaun/polisia-komunitaria>.

towards one of collaboration”, possibly due to the “institutionalization of community policing in 2014, and the subsequent joint community-police security activities with local elites”.¹⁰⁴

Although the majority of respondents spoke positively about cooperation and collaboration between police and local leaders and communities, a smaller group of just under 15 respondents was less positive, including about the success of community policing initiatives to date. They agreed that community policing was a good initiative, but said that it was still not working to its full potential, and that Village Police Officers were not yet collaborating with the community effectively.

F-FDTL and PNTL demeanor in situations of increased tension

Over 20 respondents said that, in tense situations, the F-FDTL and PNTL interacted with the population with a sour demeanor, saying that they spoke roughly and angrily to people, including by cursing at them. Almost half of these respondents were speaking solely about poor demeanor (primarily from F-FDTL personnel) during the joint operations, and particularly the most recent joint operation in 2015. Some respondents also compared F-FDTL and PNTL with POLRI during the Indonesian occupation. Although, in general, the majority of respondents said that the F-FDTL and PNTL were favorable to POLRI, nearly ten respondents said that POLRI were more respectful and communicative before taking action than the F-FDTL and PNTL (though two respondents disagreed).

“During Indonesian time [...] If [POLRI] arrested someone, it was ‘Sorry sir, we have a warrant for your arrest’. But now it’s different: ‘You! Get out now! If you don’t come out, I will break down the door!’ They don’t treat people with dignity.”

– leader of a banned MAG in Vikéké

“The police, the F-FDTL [...] speak nicely and never threaten. We have not seen them threaten with our own eyes.”

– female respondent in urban Ainaro

5.2 ADHERENCE TO THE LAW AND INSTITUTIONAL POLICY

“If East Timorese citizens place their trust in them, they must [work within] the law.”

- male CPD-RDTL member in rural Lautein

If military and police personnel are seen to break the law or their own institutional policies, and, at times, create insecurity, the legitimacy of the institutions will suffer. As Jackson and Bradford note, to be legitimate, security sector institutions “must follow their own rules.”¹⁰⁵

Nearly a dozen respondents suggested that the F-FDTL and PNTL were indeed working within the law and that they respected their institutional policies, but dozens more from FGDs and interviews across the country conveyed a general concern that F-FDTL and PNTL personnel did not al-

104 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 84-85.

105 Jonathan Jackson and Ben Bradford, “Police legitimacy,” (London: National Policing Improvement Agency, 2009), p. 3.

ways adhere to the law or their own institutional policies. With that said, survey data collected for the purpose of this research about the discipline of the F-FDTL specifically paints a different picture, as 85% of survey respondents said that they agreed or strongly agreed that the F-FDTL was a highly-disciplined institution, while only 5% of respondents disagreed (see Figure 7).¹⁰⁶ This may suggest that while the F-FDTL is considered to be disciplined as an institution, its personnel as individuals may not be held in as high a regard.

Over 20 mostly urban respondents (including 10 FALINTIL veterans) alleged that the personnel of both institutions drank alcohol to excess while in uniform and armed, both on the street and at private parties.¹⁰⁷ Some also disapproved of personnel going to parties in uniform even if they did not consume alcohol. Five respondents alleged that some military and police personnel carried their service weapons while out of uniform or used the weapons for private purposes. For example, a male community member in Oekusi said:

Just recently at a kore-metan (end of mourning period) party, an F-FDTL member took out his pistol and was threatening young people [...] They wear civilian clothes, but carry a pistol, which is not allowed. What happens if they squeeze the trigger?

Other examples provided by respondents included the use of weapons for hunting and, in Manufahi, an allegation that F-FDTL personnel killed the animals of community members.¹⁰⁸ Nearly 20 mostly urban respondents and one PNTL Commander also mentioned that some security and defense personnel, and particularly PNTL officers, continued to be involved in banned MAGs, despite the holding of oath swearing ceremonies by the government in which F-FDTL and PNTL personnel publicly relin-

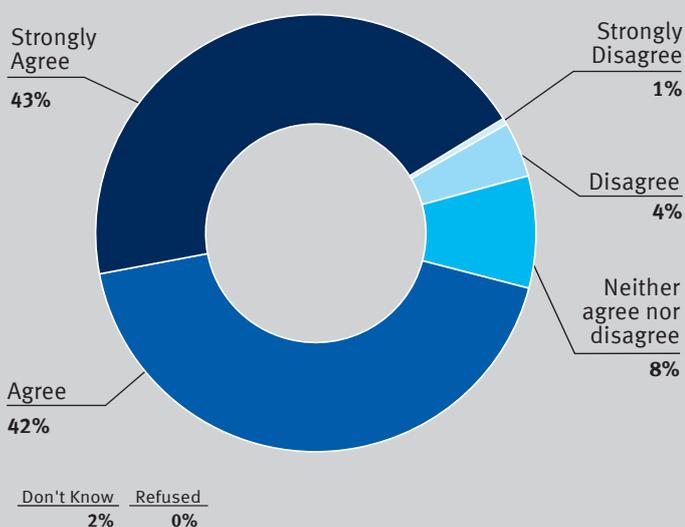
“When problems occur, they respond in accordance with their orders [and] internal regulations.”

– civil society representative in urban Baucau

“[...] they talk about the law but don’t follow the law themselves, so the people have no confidence in them.”

– CPD-RDTL member in rural Lautein

Figure 7: The F-FDTL is a highly disciplined organization.



Margin of error (95% CI) = +/- 2.8% | n = 1239

106 Question 20.6, “The F-FDTL is a highly disciplined organization”.

107 The media also reported on these issues during the research period. For example, see: *Diskunfia Oknum PNTL Lanu Lori Pistola*, Timor Post, 2 December 2015; and *Mandati Husu Polísia Labele Halo-An*, Timor Post, 21 September 2016.

108 Three respondents from the same FGD in Manufahi recounted an occasion in which F-FDTL personnel allegedly shot and killed a community member’s buffalo.

quished their membership.¹⁰⁹ A civil society representative in Dili confirmed: “[...] the involvement of PNTL, F-FDTL in martial arts [groups] [...] displays a poor image to the community, to the public. This creates a lack of trust in them.” In addition, a few urban respondents alleged that some F-FDTL and PNTL personnel broke the traffic rules by riding motorbikes without a helmet and using motorbikes without rearview mirrors, headlights, or license plates. Four respondents also alleged that the police were involved in more serious crimes.

“[...] F-FDTL members must comply with traffic signals, not just do whatever they want. Small things like this further reduce their credibility [and] the people’s trust.”

– female religious actor in Dili

Beyond the concerns of respondents noted above, two types of misconduct appeared to most affect respondents’ perceptions about F-FDTL and PNTL personnel: abuse of power and the excessive use of force and harassment.

Abuse of power

“[They] don’t use their powers to [serve] the people. They use their power to obtain privilege.”

– civil society representative in Dili

A wide variety of respondents from every municipality alleged that F-FDTL and PNTL personnel abused their power or put their own personal interests over those of the institution and the country. That at least a sizeable minority of respondents think that some police abuse their power replicates the findings of The Asia Foundation’s 2015 community-police perceptions survey, which found that 31% of general public respondents and 29% of community leaders did “not trust PNTL officers to not abuse their position of power for their own interests”.¹¹⁰ Respondents in Belun’s research focused on two types of abuse of power – for non-material benefit (e.g. to carry out revenge) and for material benefit (e.g. corruption).

Abuse of power for non-material benefit

Timor-Leste’s complex and interrelated societal structure affords F-FDTL and PNTL personnel with many opportunities to demonstrate partiality in their day-to-day work. More than 90 respondents conveyed their perception that PNTL (and to a lesser extent F-FDTL) personnel were biased towards people they knew in their interventions, including by helping family and friends avoid legal sanction when they broke the law. This included allegations that police officers advised their family and friends to disperse before the police arrived and also illegally returned property that was confiscated by the police. Only 20 respondents (including a higher proportion of women and rural respondents and 4 PNTL) said directly that F-FDTL and PNTL personnel carried out their duties in an impartial manner.

Respondents recognized that PNTL and F-FDTL personnel would at times be pressured by their families, friends or other associates for special treatment. However, more than 40 respondents

109 The media also reported on these issues during the research period. For example, see: *Membru PNTL Kontinua Involve Iha GAM*, Suara Timor Lorosa’e, 9 November 2015; *Ajente Polisia Foun Uza Atributu Artemarsiais*, Suara Timor Lorosa’e, 4 September 2016; and *Artemarsiais Hahú Fali Check Point*, *Membru PNTL Mak Organiza*, ANTIL, 27 January 2017.

110 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 109.

(from all municipalities) stated that such pressure from friends or family did not constitute an excuse for biased behavior, which suggests that bias among F-FDTL and PNTL personnel may reduce citizens' trust in the institutions. On the other hand, one respondent said directly, and others said indirectly, that bias towards family members is normal in Timor-Leste, meaning that seeing it happen would probably not affect their perceptions of the F-FDTL and PNTL overall.

Some respondents further alleged that F-FDTL and PNTL personnel abused their power to undertake revenge against personal enemies or the enemies of family members and friends. Two civil society respondents in Dili made the serious allegation that some people entered the F-FDTL and PNTL for the sole purpose of obtaining the power to exact revenge.

"[...] If you don't do your work properly, and defend your family, the people have less trust, and no confidence."

– local authority in Lautein

"[...] sometimes in our country, partiality to family happens. But, [PNTL personnel] have no choice. Of course they must protect their family, even if just a bit."

– male community member in Dili

"Some join the military to settle old scores. Once he's in the military he seeks you out at a party or somewhere else."

– civil society representative in Dili

Distributive Justice

Distributive justice refers to the perceived "'fairness' of the distribution of police services and activities between different communities, groups and individuals."¹¹¹ Aside from personnel treating people they knew better than the average person, six respondents also suggested that the F-FDTL and PNTL as institutions treated powerful people better, and prioritized their protection more, than the average person. For example, a male respondent in urban Vikéké said: "[...] in the law it says everyone, all people have the right to protection, to security. But the police only provide security for the elite."

Abuse of power for material benefit

F-FDTL and PNTL corruption was not a concern for most respondents. The Asia Foundation's 2015 community-police perceptions survey likewise found that only 15% of the general public and 18% of community leaders said that the PNTL sometimes or always acted corruptly, which was similar to the findings of the 2013 survey. Police perceptions of police corruption, however, dropped from 25% believing that police sometimes or always acted corruptly in 2013 to only 16% in 2015.¹¹²

The evidence from interviews and FGDs suggests that people do not believe that much institutional corruption exists or that a certain degree of corruption is expected. As one respondent told researchers, no institution in Timor-Leste is immune from corruption. Those who spoke about this issue (fewer than 10 people) mostly referred to petty corruption from the traffic police, however

¹¹¹ Mazerolle et al, "A systematic review," p. 19.

¹¹² Wassel and Rajalingam, "Community-police perceptions 2015," p. 82-83.

one respondent from Oekusi alleged that the Border Patrol Unit of the PNTL also conducted business at the border. Fewer than five respondents from Dili also alleged that some police provided protection services for companies and illegal gambling games, which they believed caused the police to give priority to their ‘bosses’ over their duty to protect all citizens.¹¹³ One respondent from Oekusi alleged that some members of the F-FDTL used the ferry without paying.

“Sometimes [F-FDTL personnel] use the ferry [and], because they use their uniforms to travel, they don’t buy a ticket [...] They also take their families without paying. They threaten the boat security and sometimes beat them, so the security is also afraid of them and lets them travel for free.”

– community member in urban Oekusi

The most cited form of abuse of power for material benefit was related to perceived discrepancies in the recruitment processes of both institutions.¹¹⁴ A rural respondent in Lautein told researchers: “regarding recruitment, sometimes they have already filled the vacancies before the information comes to these rural areas ... [they] go through the motions just to make it legal.” Indeed, many respondents (approximately 130 people) spoke about recruitment and the majority had negative perceptions about both institutions’ recruitment systems (though more were negative about PNTL recruitment than F-FDTL recruitment). The major reason cited by many of those respondents was a perceived bias in the recruitment process that resulted in family, village or political party associates of existed personnel being recruited over other more deserving candidates. One rural respondent in Aileu alleged: “Recruitment is based on political parties and families. If you don’t have family, don’t bother. [They] take your documents and throw them in the rubbish bin.”

Whether the above allegations are accurate or not, the majority of respondents who spoke about the topic of recruitment perceived them to be true, which suggests that both institutions have much work to do in order to reassure the public about the rigor of their recruitment processes. However, a sizeable minority of respondents who spoke on the subject said that both the F-FDTL and PNTL recruited based on merit and treated people equally, with some giving examples of good recruitment practices that they had experienced directly. A few noted that the system used to be partial but was now more professional. One female respondent in urban Vikéké told researchers: “It can be said that in the past they didn’t do recruitment, they just called people in. But now it’s in accordance with the rules.”

While not necessarily related to a perceived bias during recruitment, about 15 respondents (from Covalima, Likisá, Manufahi, Baucau, and Lautein) judged the recruitment processes of both institutions to be unfair, because no (or not enough) youth from their village or hamlet had yet been recruited. Six rural respondents, mostly from Baucau and Lautein, alleged that this was the case because they were being discriminated against or that their village or hamlet had been blacklisted. Beyond desiring employment opportunities, it is also possible that these respondents wanted representation within the PNTL because they felt that they might lack a reliable police advocate or comprehensive policing services without someone from their village within the institution. This sentiment was summarized by a former international

“[...] there is still discrimination there. The numbers of representatives from each district in the military is not the same.”

– civil society representative in Manufahi

113 Such allegations were also made in the media during the research period. For example, see: *Oknum PNTL Involve Jogu Ilegal Buras*, Suara Timor Lorosa’e, 23 October 2015; and *PNTL La-Autoriza Membro Sai Broker*, Diário Nasionál, 6 October 2016.

114 One PNTL respondent (who was not involved in recruitment) seemed to suggest that the system was not perfect and that the PNTL should conduct research as a means to improve the system.

advisor to the police, when he noted that the public’s confidence in the PNTL: “[...] is often limited to making contact with a friend, colleague or relative working in the PNTL whom they trust in order to obtain support.”

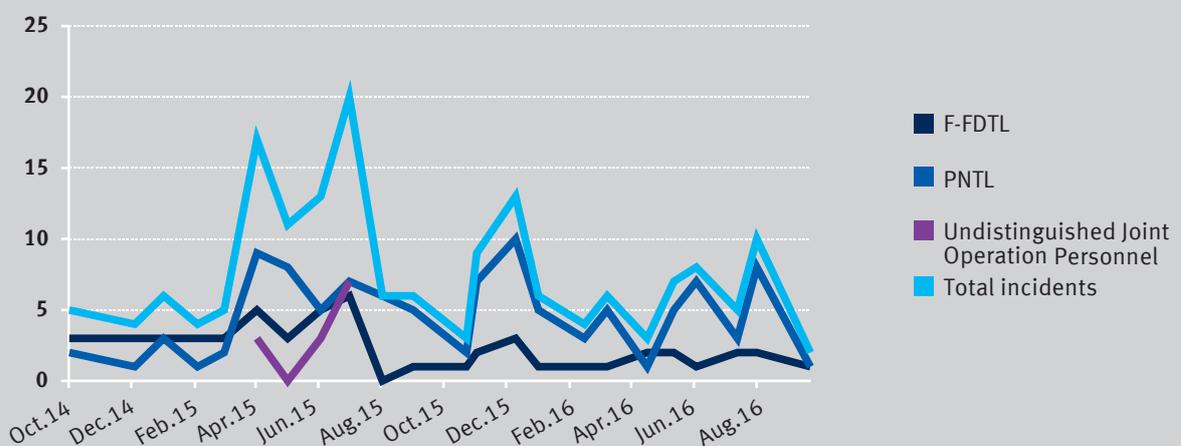
Discrimination in promotion

Regional discrimination in promotion within the F-FDTL was one of the issues that contributed to the onset of the 2006 crisis. New promotion regimes for the F-FDTL and PNTL were therefore passed in the post-crisis period. Very few respondents (outside of the F-FDTL and PNTL) spoke about promotion issues in general, which suggests that the wider public either has no knowledge of the process or is satisfied with it. Those who did have an opinion were mixed on both F-FDTL and PNTL promotion. Some perceived that party affiliation and nepotism still influenced PNTL promotion and that the regime lacked transparency, though one other respondent said that the legal regime was strong enough to prevent such occurrences. A few respondents mentioned similar challenges with the F-FDTL, including one civil society respondent who said that some of the same practices that contributed to the onset of the crisis persisted. More people were positive about F-FDTL promotion procedures, however, than were negative. Notably, a former leader of the soldiers who alleged discrimination in 2006 said that there had been positive change and that there was no longer any discrimination.

Use of force and harassment

The disproportionate use of force by F-FDTL and PNTL personnel was one of the most discussed topics during the field research. The majority of respondents who spoke about the topic believed that the personnel of both institutions used excessive force during their interventions. During the joint F-FDTL-PNTL internal security operations (specifically the 2015 joint operation), respondents said that the use of excessive force escalated and that police and soldiers further engaged in verbal and physical harassment, including harassment that targeted women. Figure 8 displays the spike in violent incidents perpetrated by F-FDTL, PNTL and undistinguished joint operation personnel (either F-FDTL or PNTL) during the 2015 joint operation, as recorded by Belun’s Early Warning, Early Response incident monitoring system.

Figure 8: Violent incidents perpetrated by F-FDTL and/or PNTL personnel
(October 2014-September 2016)



Source: Early Warning, Early Response (EWER) Incident Database, Belun

Many respondents were disappointed by the fact that behaviors that they associated with the colonial and occupation regimes were allegedly being practiced by both the police and military. Over 10 respondents, half of whom were from Baucau,¹¹⁵ perceived that the excessive force practiced today by both the F-FDTL and PNTL was similar to that of the Indonesian military. For example, one veteran in rural Baucau told researchers:

Indonesia came and punched and kicked us. Now we have independence and they still punch and kick us. The Portuguese also came and beat, punched, kicked and disappeared people. The three of them are just the same, beating, kicking, killing, disappearing, [and causing] suffering that we cannot forget. With this conduct it's as if we are still being ruled by someone else.

Ten other respondents (half of them veterans) expressed disappointment that FALINTIL's disciplinary rigor and procedurally just interactions with the population were not being practiced by the F-FDTL and PNTL. For example, a CPD-RDTL member in Dili said that: "[w]hen FALINTIL arose in 1975 it was disciplined [...] Now the F-FDTL and PNTL only pay attention to physical strength, but the mindset [that they exist] to liberate the people, to serve the people [...] they do not understand." One female veteran in Baucau explained the strength of the connection between FALINTIL and F-FDTL and characterized the disappointment in seeing soldiers today use excessive force. She said: "[w]hen the police beat people, it's not so bad because they have no connection to FALINTIL, but when soldiers beat people that's [regrettable] because of the F-FDTL's connection to FALINTIL".

PNTL excessive use of force

Over 70 respondents, including at least one from every municipality, spoke about PNTL excessive use of force, which suggests that it is widely practiced or at least widely perceived to be practiced. Cases of excessive force by PNTL personnel were also regularly reported in the media during the research period.¹¹⁶ More urban respondents mentioned the use of force than rural respondents, which may be because incidents of public disorder that lead to heavy-handed police intervention are more likely to occur in urban areas. While some of these respondents spoke in general about their belief that the police used excessive force, the majority used words such as *baku* (beat), *tuku* (punch), *tebe* (kick), and *basa* (slap) to describe PNTL interventions. A smaller group of about 10 respondents used the word "brutal" to describe police interventions, while over 30 others alleged that the PNTL used their weapons to shoot aggressively in the air, maim or even kill when not necessary.

"[...] [The PNTL] are violent with the people [...] If the people have a problem, they are afraid to go to the police."

– male veteran in urban Dili

Furthermore, beyond complaints about excessive force, over 25 respondents, most of whom were from urban areas, alleged that the police targeted their use of force unfairly against innocent

115 Baucau Municipality was the focal point of joint F-FDTL-PNTL operations in 2014 and 2015.

116 Media monitoring during the research period also captured a range of headlines about police use of force. For example, see: *Task Force Baku Autoridade Lokál iha Viqueque*, Timor Post, 25 Novembru 2015; *Oknum PNTL Baku Pesoál Saúde Iha Maliana, Hornay: La Tolera Kuandu PNTL Baku Doutór*, Suara Timor Lorosa'e, 7 January 2016; *PN Kondena Oknum PNTL Tiru Joven iha Likisá*, Timor Post, 22 April 2016; *FM Konsidera Polísia Halo Julgamentu Iha Estrada*, Timor Post, 26 April 2016; *HAK-Família Vítima Kondena Oknum PNTL Tiru Juventude*, Suara Timor Lorosa'e, 5 May 2016; *Oknum Poltras Baku Jornalista, JSMP Konsidera Krime*, Suara Timor Lorosa'e, 4 August 2016; *PNTL Baku Tan Jornalista iha Covalima*, Suara Timor Lorosa'e, 8 November 2016; *Oknum PNTL Duni Vítima Vergilho ho Pistola*, Suara Timor Lorosa'e, 3 October 2016; *Komite 12 Novembru Lamenta Ho Atitude Oknum PNTL, ANTIL*, 24 November 2016.

people.¹¹⁷ These respondents said that police were not interested in appraising situations when arriving at the scene, and regularly physically assaulted and/or captured all of those who were present whether they were a suspect or a victim. One police officer in Baucau confirmed that such perceptions existed among at least a segment of the population, in saying: “Some of them are perpetrators. Some of them are afraid because the police beat both [perpetrators and victims]. So both sides run away.”

A much smaller group of respondents disagreed that the police used excessive force. Two respondents from Dili and a few police officers said that the police only used force when the situation called for it and only proportionally. Another police officer said that the PNTL had many units, each with its own manner of interacting with community members, and that some units used force as it was part of their role. A senior PNTL commander also lamented that, despite strict PNTL rules for the use of force, resource constraints meant that his officers did not have appropriate equipment (for example, tear gas) which meant that they needed to use their service weapons when people became violent with them, as they had no other means to control situations. A female police officer also noted that when the police intervened gently, the people involved would mock her and not respect her authority, which meant that she had no choice but to use some force. Though only one respondent mentioned this dynamic, it may indicate that female police face more challenges than men in exercising their authority. It could also illustrate an impression among police of either gender that using force is the only way that they can show their authority or be respected by the population.

“We all know the Timorese character [...] If we go easy on them, they taunt us. Sometimes if we speak nicely to them ‘Little brother, why did you do that?’ they respond, ‘Are you telling me what to do?’ They are taunting us. In their opinion I’m not a real police. So what are we to do? We have to use force to cool them down.”

– female PNTL officer

The findings of this research about PNTL use of force specifically contrast with The Asia Foundation’s 2015 community-police perceptions survey, which found that only 19% of the general public (and 17% of community leaders) did not trust the police to *not* physically abuse people.¹¹⁸ However, the question posed to respondents of that survey was whether they themselves felt at risk of abuse by the police, whereas respondents in this research spoke about their perceptions about the PNTL’s use of force in general, not just targeted at the respondents themselves. While The Asia Foundation’s findings show that the majority of people do not think that the police will physically abuse them, this research’s findings show that a wide variety of people from every municipality do think that the police physically abuse people in general.¹¹⁹

117 In a related matter, over ten respondents said that the police occasionally had difficulty determining who was a suspect and who was a victim in their interventions. For example, a female CPD-RDTL member in rural Baucau said: “Often [when] the police are called [...] the one that was in the right is found to be in the wrong, the one who was in the wrong is found to be in the right. The person who was in the right becomes the victim.”

118 Wassel and Rajalingam, “Community-police perceptions 2015,” p. 107.

119 The Asia Foundation’s survey also found that only 2% of people who sought police help in 2014 and 2015 experienced physically aggressive behavior. However Belun’s research did not focus on victims seeking help from police, but people’s general perceptions about what affects their confidence in the police, and the police’s perceived use of excessive force was widely mentioned. Positively, however, The Asia Foundation’s findings show that the percentage of respondents who had recently experienced physical aggression from the police declined over 10 percentage points from 13% in 2008 to 2% in 2015. *Ibid.*, p. 62.

F-FDTL excessive use of force

Over 30 respondents from all 12 municipalities and Oekusi mentioned their perception that the F-FDTL used excessive force as well. As with the police, most of these respondents spoke specifically or generally about F-FDTL members beating people, and the beatings described were more serious than those of the PNTL and sometimes resulted in hospitalization.¹²⁰ Respondents from Ainaro, Dili and Manufahi also said that the F-FDTL physically assaulted people who did not stop during the daily flag raising or lowering at F-FDTL posts. One MAG leader said that youth in Ainaro would avoid a youth center that the F-FDTL were using as a campsite, as they felt threatened by the presence of the soldiers. Respondents in one rural area of the country nicknamed the F-FDTL *ai-dila tahan* (*papaya leaf*), a bitter green vegetable, the flavor of which they said reflected the F-FDTL's brutal conduct (whereas the PNTL were nicknamed *marungi* (*moringa*), a sweeter green vegetable).

“I’ve seen with my own eyes, when some people see the military coming they are afraid, traumatized [...] if people merely mention the F-FDTL, then people are traumatized. Some people run away, some people’s arms and legs shake! [F-FDTL] interventions [involve] beatings.”

– male veteran in urban Likisá

Intensification of poor conduct during F-FDTL-PNTL joint operations

Respondents perceived that the violence used by the F-FDTL and PNTL intensified during joint operations, particularly during the most recent joint operation in 2015. Though some respondents distinguished F-FDTL and PNTL personnel during the joint operations, many people did not, meaning that the violent acts committed by the personnel of one institution might be attributed to both institutions. Overall, over 40 people, half of whom were from Baukau described being beaten, seeing people being beaten or hearing about people being beaten severely during the most recent joint operation in and around Baucau (and, to a lesser extent, past joint operations in different parts of the country). They described alleged beatings (including of suspects’ families) that left people hospitalized, crawling and coughing blood. One CPD-RDTL member alleged that he had been kicked by joint operation members like a football. A number of respondents further lamented the poor treatment of veterans during the joint operation, with 20 specifically mentioning the killing of the leader of KRM, Mauk Moruk, who some of them considered a central figure in the resistance to Indonesia. One female religious actor in Dili said: “Mauk Moruk was also part of [the struggle]. So, whether you like it or not, the people respected Mauk [...] When the military killed Mauk Moruk, killed our friend, the people [became] a bit afraid.”

“[...] in 2015 the people were unarmed, [but were] beaten, punched and kicked. Killed for nothing.”

– male veteran in rural Baucau

In addition to the excessive use of physical force, about 20 respondents – mostly from within or nearby to the areas in which the 2015 joint operation was carried out – spoke about alleged

120 Media monitoring also revealed several alleged cases of excessive force by the F-FDTL during the research period, and a few public statements from the Commander of the F-FDTL that seemed to condone the use of excessive violence. See: *Deskonfia Lori Ai-moruk Ba Mauk Moruk KOK Hurlele Pesoál Médiku*, Timor Post, 2 July 2015; *F-FDTL Baku Demantino Too Toba ICU*, Suara Timor Lorosa’e, 13 June 2016; *Duni Autór Ta Forsa, Membreu F-FDTL baku ema arbiru iha Becora*, Timor Post, 18 January 2017; *Maijen Lere: Kuandu Nesesita Bele mós Hasai Ema-nia Vida*, Diário Nasionál, 1 March 2017; *Lere Anan Timor: Kria Instabilidade tenke tiru tohar ain*, Diário Nasionál, 22 December 2016.

military or police harassment.¹²¹ They gave examples of F-FDTL or PNTL personnel threatening people (including with guns) and insulting them, cutting people's hair, destroying property and forcing people to do pushups for breaking traffic rules or not carrying their electoral card (a sign that they might have been members of a banned group). A male community member in rural Lautein alleged that: "During the joint operation our police and F-FDTL ... beat people with long hair until they were crawling and then cut their hair with a knife."

As with harassment in general, the treatment of women on a day-to-day basis by F-FDTL and PNTL personnel was barely mentioned during the course of the field research.¹²² However, respondents perceived that the mistreatment of women during the 2015 joint operation intensified. They alleged that women were physically abused, sexually harassed and, on at least one occasion, a woman was frisked by a male PNTL member. More than one respondent told researchers that joint operation personnel forced a woman to dig up what they thought might be an unexploded grenade.

"[...] in 2015, [the F-FDTL] stripped a Village Chief of his clothes, beat him, and then put a big board around his neck saying 'accused'."

– civil society representative in Dili

"This happened - male police were frisking women."

– female community member in rural Aileu

"[The F-FDTL] beat a woman who was breast feeding her child. I was ashamed to see their behavior."

– male community member in rural Baucau

Female respondent perceptions about the F-FDTL and PNTL

Over 109 women participated in FGDs and interviews during the field research, but only four spoke about F-FDTL and PNTL personnel mistreating women. It should be noted, however, that gender-based violence is often underreported in many contexts, and thus this report cannot be certain about the accuracy of this data.

Nonetheless, this finding corresponds with the responses of female FGD participants and interviewees in general, who seemed to have more positive perceptions and be less critical of the F-FDTL and PNTL than male respondents in all aspects, including conduct. Fewer than 10 female respondents out of 109 were generally critical of the institutions (whereas a much higher proportion of male respondents were), and even these respondents often tried to give a balanced perspective, including by, for example, explaining that late police response resulted from a lack of transportation. This finding is inconclusive, however, making the question about what factors affect women's perceptions about the F-FDTL and PNTL a difficult one to answer. Follow-up research is recommended to explore the issue further.

With that said, the apparent disparity in male and female perceptions may be explained by the fact that women in Timor-Leste interact less frequently with F-FDTL and PNTL personnel and have less access to information about their performance and conduct, given their often more limited social interactions and home-based working environments. As such, they may have fewer opportunities to form critical opinions. This explanation is also supported by the fact that more urban women were critical of the institutions in general than rural women (who have even less opportunity to interact with and access information about F-FDTL and PNTL personnel), despite proportionally more rural women being included as respondents in the research.

121 For an example of a case of harassment outside of the joint operation, see: *Oknum F-FDTL Ameasa Juiz*, Timor Post, 2 February 2017.

122 Outside of joint operations, only a few respondents from Dili spoke about PNTL personnel's treatment of women. For other examples outside of the joint operations in the media, please see: *Membru F-FDTL Komité Abuzu Sexual iha Operasaun*, Suara Timor Lorosa'e, 26 October 2015; *Membru F-FDTL halo violasaun seksuál, Lere husu PDHJ apresenta provas*, Timor Ha'u Nia Doben, 19 October 2015; *Gregorio Saldanha Kondena Oknum BOP Abuzu Seksuál*, Timor Post, 5 February 2016.

Perceptions about F-FDTL and PNTL accountability

While perceptions about the lack of adherence of F-FDTL and PNTL personnel to the law and their own institutional policies have the power to severely impact perceptions about the legitimacy of the institutions in general, robust and functioning oversight and disciplinary mechanisms – that can detect misconduct and punish personnel accordingly – can counter the negative impact of those perceptions.

F-FDTL and PNTL accountability was not a major topic of discussion during field research, but, of (non-F-FDTL and PNTL) respondents who spoke about the issue, perceptions were mostly negative.¹²³ Over ten respondents suggested that the internal and external oversight for both PNTL and F-FDTL should be improved, including with stronger internal justice mechanisms, more external oversight from the Anti-Corruption Commission and the Human Rights Ombudsman, and the establishment of a military tribunal (as is provided for in the Constitution).¹²⁴ Police and civilian respondents disagreed about whether the PNTL had a well-functioning complaints mechanism. According to police respondents, the PNTL's complaints mechanism was working well and that the PNTL was open to receiving and processing complaints, but one alleged victim of police violence during the 2015 joint operation claimed that he did not report his case to the PNTL because he was afraid.

Respondents were also divided about whether F-FDTL and PNTL personnel were adequately disciplined when they were found to have broken the law or institutional rules. About ten respondents complained that F-FDTL and PNTL personnel were not adequately punished when they committed misconduct, especially during the 2015 joint operation, including in one case when a civilian was killed. For example, a civil society representative in Dili said: “The joint operation killed a [civilian] [...] and to date the prosecutor’s office has not made a prosecution.” Although a few people said that guilty personnel should not be discharged, as they could be a source of instability if manipulated, more people said that personnel who commit serious misconduct should be expelled from the institutions.¹²⁵ A local authority in urban Aileu said: “[...] personnel who commit crimes, must be expelled. Don’t just move them to other municipalities, because that won’t solve the problem.” A civil society respondent in Dili said that the lack of real accountability in the F-FDTL today was directly linked to the fact that past perpetrators of violence had not been held to account, going back to the 1999 post-referendum violence and the 2006 crisis, and that not punishing the excessive use of force in the present will reinforce a cycle of violence that will continue into the future.

“[F-FDTL and PNTL] severely beat people, killed two or three people but are not punished [...] but if the people kill someone they have to go to jail.”

– male veteran in rural Baucau

One FALINTIL veteran recognized that the F-FDTL would expel personnel who were guilty of serious misconduct (he considered the F-FDTL more positively in this regard when compared to the PNTL). Others, mostly from within the PNTL, disputed that personnel were not adequately punished. A few police officers said that the disciplinary procedures in the PNTL were rigorous,

123 This sentiment also appeared in the media during the research period. See: *Komandu Lasubmete Membru Ba Justisa, Krime Kontinua Mosu*, Diário Nasionál, 15 February 2016; *Oknum UPF Tiru Mate Leonito, Kontinua servisu*, Timor Post, 23 August 2016; *Kazu Bebonuk, PN Ezije Governu Troka Dirijentes PNTL*, Timor Agora, 9 May, 2017.

124 The Commander of the F-FDTL agreed in the media in February 2017, saying that military personnel should not be judged in civilian courts. See: *Major Lere: Tribunal Militar Nesésáriu Duni*, Dili Weekly, 22 February 2017.

125 The F-FDTL General Commander also expressed this idea in the media in June 2016. He said that five soldiers who were undisciplined and had committed crimes should not be dismissed from the institution, as their training made them prime targets for recruitment into terrorist organizations. See: *Lista Mean ba Membru F-FDTL Na'in Lima*, Timor Post, 13 June 2016.

because police faced both internal discipline and, when they broke the law, a trial in the formal justice system. They noted that internal disciplinary processes could result in a postponement of promotion, a reduction in salary, a suspension or expulsion from the institution, and that a judge-granted sentence of three or more years would lead to automatic expulsion from the PNTL. However, more than one national-level PNTL commander complained that the ultimate decision to expel personnel belonged to the Minister of Interior. As such, they proposed to reform the law to guarantee the independence of the PNTL and ensure that the rules were applied consistently.

The disparity in views about accountability between PNTL personnel and civilians may be attributed to the fact that accountability mechanisms are actually inadequate or inadequately enforced, or, alternatively, because the mechanisms and their results are inadequately communicated to the public. One veteran in Baucau recommended that the results of cases of misconduct should be published in the media in order to reassure the public¹²⁶, and a former international advisor suggested that rule breakers should be publically named and shamed.

“Problems can be resolved by the command, but they must be published in the media for the people to know that it was truly resolved. When [they are] closed to the media, the people never know [...] the people must know in order to maintain trust.”

– male veteran in urban Baucau

126 Interestingly, the print media regularly ran stories about F-FDTL and PNTL disciplinary processes during the research period, which suggests that perhaps the respondent did not find the information in the stories adequate or, more likely, had no access to print media or other types of media that the PNTL was using. For example, see: *PNTL Demite Ona Membru Nain 5*, Suara Timor Lorosa'e, 29 March 2016; *Militar Na'in Rua Ameasadu Kadeia Tinan 12*, Timor Post, 10 July 2016; *MP Iha Faze Identifika Motivu Oknum Polisia Baku Jornalista*, Timor Post, 30 July 2016; *Poltraz Baku Jornalista, Hetan Ona Sansaun Administrativu*, Suara Timor Lorosa'e, 2 August 2016; *Kazu Covalima Prosesu Ona Iha Tribunal, Komando Foti Medida Ba Membru UPF*, Suara Timor Lorosa'e, 16 August 2016; *Kazu tiru joven iha Likisa prosesa ona ba tribunal*, Timor Post, 31 August 2016; *Militar Na'in 11 Detein iha Sela PM*, ANTIL, 20 December 2016.



6. CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

“Back then [...] they were in kindergarten. Now they are in high school.”

– male civil society respondent in Manufahi

The findings of this research are well summarized by the above quotation. Overall, respondents perceived that:

- the F-FDTL and PNTL were immature in 2006, when they played a central role in the crisis, and
- they have developed significantly since then, but are still not fully mature.

Despite the perception that the F-FDTL and PNTL have not yet reached maturity, few respondents believed that another crisis such as that of 2006 could occur again, and the majority felt positive about the ability of both the F-FDTL and PNTL to be resilient to future challenges.

The F-FDTL and PNTL currently enjoy a broad degree of acceptance and legitimacy. The majority of respondents expressed general satisfaction with the current institutional forms, functions and performance of both institutions, though many noted that challenges in each area remained. Almost all respondents who compared the current institutions to their 2006 incarnations said that they had improved, and many said that challenges within and between the F-FDTL and PNTL that contributed to the onset of the 2006 crisis had been resolved. With that said, the conduct of some soldiers and police officers was criticized by a majority of respondents, which indicates that publically addressing misconduct and abuse will improve public perceptions of the legitimacy of both institutions going forward.

These efforts will be most vital in the areas of the country in which the 2015 joint F-FDTL-PNTL operation was conducted, where anger about F-FDTL and PNTL misconduct has created a degree of resentment against both institutions (and, perhaps, the state itself) that could become engrained if adequate measures are not taken to rebuild relations with communities in that part of the country. The rapid spread of social media and downward pressure on mobile data prices will only increase the availability of video footage of future incidents of misconduct, which could intensify public scrutiny of both institutions and broaden public resentment towards them in the future.

This increase in public scrutiny may coincide with a similar increase in public expectations about the F-FDTL's and PNTL's conduct. According to the literature on police legitimacy, in situations of relative instability, people tend to prioritize the effective maintenance of order over the conduct of their security sector institutions – i.e. they want to feel safe and do not care as much about how security sector institutions make that happen. As situations stabilize, people's expectations about the conduct of their security sector institutions tend to increase.¹²⁷ So, on the one hand, the recent peaceful undertaking of the 2017 Presidential and Parliamentary Elections likely increased people's confidence in the ability of F-FDTL and PNTL to preside over a calm and stable Timor-Leste. On the other hand, great successes such as these, and a gradually improving security situation overall, could lead to a further shift in public priorities with regard to the military and the police – from a focus on performance, to one that prioritizes procedurally just interactions with citizens.

127 Jason Sunshine and Tom R. Tyler, “The role of procedural justice and legitimacy in shaping public support for policing,” *Law & Society Review* 37, no. 3. (2003): p. 520; Bradford *et al*, “Police legitimacy in action,” p. 5. See also Tankebe, “Does procedural fairness matter?” p. 1281.

Improvements in perceptions about personnel conduct may simultaneously further assuage the concerns of some respondents about other non-conduct-related challenges¹²⁸ facing the F-FDTL and PNTL, such as, for example, continued inter-institutional rivalry between lower-rank personnel (and to a much lesser extent *intra*-institutional rivalries based on regional or ethnic/linguistic divisions) and the coming transition in leadership from older generation to newer generation leaders within the F-FDTL. With regard to the latter challenge, improving conduct overall, including by instituting and implementing more rigorous oversight and disciplinary mechanisms, will likely increase confidence in younger generation F-FDTL leaders and address the concern that Timor-Leste’s current period of stability could end when they take charge.

6.2 RECOMMENDATIONS

As a means to support the F-FDTL and PNTL and other relevant state institutions to tackle some of the above-mentioned challenges and others, and in order to improve public perceptions of the F-FDTL and PNTL overall, Belun offers the following recommendations (organized by chapter).

F-FDTL and PNTL conduct

In general, respondents were not yet satisfied with the conduct of the F-FDTL and PNTL. They identified five key issues that, if addressed, would go a long way towards improving perceptions about both institutions overall. For this reason, recommendations aimed at improving the conduct of F-FDTL and PNTL personnel are listed first.

Issue #1 – To the majority of respondents, the positive aspects of the work of the PNTL, including widespread approval of Community Policing initiatives, were being overshadowed by the negative conduct of some personnel.

- **R.1.1** – To the PNTL, all new recruits should spend at least one year apprenticing with a Village Police Officer to learn how to interact with the population in a collaborative way, before they are assigned to their first unit. Recruits who are judged to collaborate poorly should continue apprenticing until their performance improves or be expelled if they demonstrate poor conduct. Recruits could apprentice with urban Village Police Officers to reduce the need for new infrastructure to accommodate them in rural and isolated villages.
- **R.1.2** – To the PNTL, re-orient new recruit training to focus more on community policing methods, such as mediation and negotiation, and human rights and civic education, and less on coercive policing tactics and physical skill-building. Limit Portuguese *Guarda Nacional Republicana* (GNR) personnel to the training of special police units only.
- **R1.3** – To the PNTL, in order to further raise awareness about the positive aspects of the institution’s work:
 - make frequent and regular use of methods of communication that are widely accessed by the population, such as community radio and, increasingly, Facebook.
 - expand the followers of the newly created PNTL Facebook page and use it as a

¹²⁸ Beyond challenges that directly related to the F-FDTL and PNTL, respondents expressed concern about future challenges that could arise from the potential future disruption of the current political and economic settlement (i.e. the current division of state power and financial resources) due to increased government spending and a reduction in oil revenues. Some respondents suggested that the lack of prosecution for serious crimes committed during the Indonesian occupation and 2006 crisis meant that political elites would not be deterred in the future from using disaffected veteran’s groups and MAGs to achieve political ends.

platform for dialogue with the public. When negative comments or complaints are made against the police on the Facebook page, respond positively and with information about how to make an official complaint.

Issue #2 – Some respondents’ perceptions about both the F-FDTL and PNTL suffered based on the perceived negative conduct of personnel in their private lives.

- **R.2.1** – To the F-FDTL and PNTL, expand the codes of conduct and disciplinary processes of both institutions to include disciplinary action for *off-duty* transgressions by personnel, including when they are involved in violent altercations with other personnel or community members.

Issue #3 – Many respondents perceived that the F-FDTL and PNTL’s interventions were not proportional or appropriate.

- **R.3.1** – To the Human Rights Ombudsman, the Ministry of Defense, the Ministry of the Interior, the F-FDTL and PNTL, revise all conduct training delivered to new and existing personnel to emphasize the human impact of human rights abuses. Go beyond generic human rights scenario-training by engaging veterans and older survivors of the Indonesian occupation, specifically survivors of torture or imprisonment, to speak about:
 - the struggle for independence and the culture of respect and dignity many fought and lost their lives seeking; and
 - personal experiences of human rights abuse.
- **R.3.2** – To the Ministry of Defense and the F-FDTL, use the training manual recently developed with the Human Rights Ombudsman to develop strict guidelines for personnel who are operating internally, including for the proportional use of force and the protection of the human rights of the communities within which they are operating.
- **R.3.3** – To the F-FDTL and PNTL, train new recruits to develop a polite and calm but firm demeanor during interventions, as means of demonstrating authority without aggression or anger.
- **R.3.4** – To the PNTL, expand the recruitment and operational deployment of female personnel so that a female officer is always present for police interventions or investigations that involve female victims or perpetrators.
- **R.3.5** – To the Ministry of the Interior and the PNTL, ensure that all PNTL stations have access to equipment that enables personnel to minimize the use of firearms during police interventions, including, for example, handcuffs, tear gas and batons.

Issue #4 – Many respondents believed that some F-FDTL and PNTL personnel were partial to family, friends and other associates in their day-to-day work and in the recruitment process.

- **R.4.1** – To the F-FDTL and PNTL, as a means to reassure the public about the just nature of their recruitment processes, publish detailed, objective and clear information about and criteria for recruitment processes in each of the country’s *aldeias* (hamlets), and give feedback to failed candidates about why they were not recruited.

- **R.4.2** – To the PNTL, publicly affix posters in each Police station that:
 - describe punishments for PNTL personnel who act partially towards family members, friends or associates; and
 - provide contact details for the PNTL’s complaints mechanism.

Issue #5 – Many respondents believed that the F-FDTL and PNTL did not consistently and adequately punish personnel who broke the law or institutional policies.

- **R.5.1** – To the President of the Republic, the National Parliament and the Government¹²⁹:
 - expand the power of the Human Rights Ombudsman to make *binding* decisions about institutional disciplinary actions against personnel who are found guilty of misconduct;
 - or, create an autonomous body to oversee the F-FDTL and PNTL with competency to:
 - receive the results of investigations conducted by the Human Rights Ombudsman about all forms of misconduct committed by F-FDTL and PNTL personnel, including via complaints from the public or the institutions themselves;
 - make *binding* decisions about the institutional (not judicial) punishment of personnel who are deemed guilty of misconduct; and
 - communicate to the public about disciplinary actions.¹³⁰
- **R.5.2** – To the President of the Republic, the National Parliament and the Government:
 - initiate the creation of a Military Tribunal to try F-FDTL personnel who are accused of breaking the law, as is provided for in the Constitution; and
 - while the Military Tribunal is being established, train one civilian judge from the Dili District Court and one civilian judge from the Court of Appeal to try cases against military personnel.
- **R.5.3** – To the Ministry of the Interior, initiate the amendment of Decree Law 13/2004 “Disciplinary Regulation of the National Police of Timor-Leste” to ensure that members who are convicted by a criminal court of committing any offence are automatically expelled.
- **R.5.4** – To the National Parliament and the Government, pass a whistleblower protection law and create a related mechanism to protect F-FDTL and PNTL personnel and members of the public who make formal complaints about institutional misconduct.

¹²⁹ Please note that in Timor-Leste, the ‘Government’ is an organ of the state that is distinct from the President of the Republic, National Parliament and Judiciary. ‘Government’ refers to the Prime Minister and the Cabinet.

¹³⁰ Please note that this recommendation only refers to *institutional* disciplinary actions. PNTL personnel who break the law should continue to be processed through the formal justice system for the same case. F-FDTL personnel who break the law should be tried through the newly established military tribunal, as recommended in bullet R.5.2.

F-FDTL and PNTL institutional forms

In general, respondents conveyed satisfaction with the institutional forms of the F-FDTL and PNTL. However, three key issues continued to affect respondent perceptions.

Issue #6 – A significant minority of respondents still engaged local actors and methods to resolve public crimes, especially in cases of domestic violence, instead of referring them to the PNTL as is required by law.

- **R.6.1** – To the Ministry of Justice, clearly define and raise awareness about the boundary between cases that can be resolved at the local level and those that must be referred to the formal justice system.
- **R.6.2** – To Ministry of Justice and Village Police Officers, raise awareness that referral of a public crime to the police for processing in the formal justice system does not preclude a simultaneous parallel local justice process between the families of the suspect and victim as a means to promote reconciliation for the same crime.
- **R.6.3** – To the Ministry of Social Solidarity, as a means to encourage victims of domestic violence to contact the police, create programming to support the livelihoods of victims who separate from their abusive partners.

Issue #7 – The perceptions of many respondents about the legitimacy of the F-FDTL and PNTL appeared to be primarily determined by their perceptions about the type of personnel within each institution.

- **R.7.1** – To political leaders, F-FDTL Commanders and veterans of the resistance who are public figures, in order to create public confidence in the younger generation of F-FDTL officers before they transition to the leadership:
 - promote success stories about younger generation leaders in the F-FDTL in the media; and
 - avoid making general public statements about the capacity of younger officers or to speculate about whether the younger generation is in a position to lead the F-FDTL.
- **R.7.2** – To the Ministry of Defense, Ministry of the Interior, F-FDTL and PNTL, promote the right of all deserving and law-abiding East Timorese citizens to form part of the security and defense institutions, including the children of people who voted for continued integration with Indonesia in the 1999 popular consultation.

Issue #8 – A significant minority of respondents appeared to disagree that the military should always adhere to civilian authority.

- **R.8.1** – To the Ministry of Defense, be proactive in speaking to the media about issues of Defense policy and other issues that indirectly affect the F-FDTL, so as to preclude the F-FDTL Command from ever speaking to the media on these issues (or non-military related issues).
- **R.8.2** – To the President of the Republic, the National Parliament, the Ministry of Education and civil society organizations, in order to educate the public about the principle of civilian supremacy over the military and the sovereign institutions tasked with monitoring and controlling the military:

- conduct a widespread public education campaign through the media and holding of local dialogues; and
- augment the current secondary school civic education syllabus with teaching on these topics.¹³¹

F-FDTL and PNTL functions

In general, respondents expressed satisfaction with the functions of the F-FDTL and PNTL. With that said, three key issues emerged.

Issue #9 – A significant minority of respondents expressed confusion about the difference between the F-FDTL and PNTL, both in terms of their functions and appearances.

- **R.9.1** – To the Ministry of the Defense and Ministry of the Interior, use the recent Strategic Concept Paper on Security and Defense as a basis to create a national security policy that clearly defines and separates the roles of the F-FDTL and PNTL (and the new Scientific Police for Criminal Investigation) in all matters. This should include under which very specific circumstances the military is able ‘back up’ the police or otherwise operate within Timor-Leste’s borders. Incorporate this information into public education campaigns as recommended in R.8.2.
- **R.9.2** – To the President of the Republic, the National Parliament, the F-FDTL and civil society organizations, use the public education campaigns recommended in R.8.2 to raise public awareness about the contextual difference between the presence of FALINTIL and the TNI at the local level during the resistance era on the one hand, and the role of the F-FDTL today on the other.
- **R.9.3** – To the Ministry of the Interior and PNTL, differentiate the uniforms of special PNTL units from F-FDTL uniforms, by limiting the use of the color green and camouflage patterns, so that the population can easily distinguish the personnel of the two institutions.
- **R.9.4** – To the President of the Republic, the National Parliament and the Government, legalize the demilitarization of the border and raise public awareness that border issues in peacetime are legal issues, not military issues.

Issue #10 – A significant minority of respondents believed that the F-FDTL should never be used for the purpose of internal security, and others recognized that it had no opportunity to exercise its primary function given Timor-Leste’s lack of external threats.

- **R.10.1** – To the Ministry of Defense, the Ministry of the Interior, the F-FDTL and the PNTL, limit the internal operations and visibility of the F-FDTL, including by putting military encampments outside of urban areas and limiting soldiers’ use of weapons and uniforms publicly, except in declared states of siege or emergency.
- **R.10.2** – To the President of the Republic, the National Parliament and the Government, justify every use of the military within Timor-Leste’s borders to the public, including when states of emergency or siege are declared, and explain why special police units are unable to resolve an internal security situation without the support of the military.

¹³¹ A similar, more detailed recommendation can be found in the final report of the Timor-Leste Truth and Reconciliation Commission (CAVR). See recommendations 6.1.1 and 6.1.2 on page 195 of the report’s executive summary.

- **R.10.3** – To the President of the Republic, Ministry of Defense and the F-FDTL, expand the F-FDTL’s areas of operation by:
 - accelerating the rotational deployment of F-FDTL companies to support United Nations peace operations, which would provide the F-FDTL with an opportunity to exercise its security function;
 - expanding the F-FDTL’s engineering function, which could see an annual rotation of every soldier through a Community Service section or unit, in which they could conduct reforestation activities and small infrastructure projects, such as the repair of footpaths and irrigation systems, the building of small bridges, and others; and
 - expanding community outreach efforts, including through rural medical clinics, entertainment through the F-FDTL band and public awareness-raising activities about the F-FDTL’s role. Importantly, these activities should be conducted without weapons.

Issue #11 – Some respondents expressed concern that the relationship between some lower-rank F-FDTL and PNTL personnel remained poor.

- **R.11.1** – To the Ministry of Defense, Ministry of the Interior, F-FDTL and PNTL, schedule regular, collaborative non-violent, non-competitive venues for interaction and the development of good personal relationships between low and mid-level personnel, including through well-publicized joint community service activities. Break from past efforts to build relationships through inter-institutional sporting matches, which breed competition, and joint internal security operations.

F-FDTL and PNTL performance

In general, respondents expressed satisfaction with the performance of the F-FDTL and PNTL. With that said, two key issues continued to affect respondent perceptions.

Issue #12 – Community and police respondents both recognized that police performance suffered because of a lack of resources.

- **R.12.1** – To the National Parliament and the Government, support the PNTL with adequate financial resources to effectively conduct their work in every part of the territory, including by:
 - providing sufficient uniforms, transportation and communication equipment to all personnel, especially in rural areas; and
 - building and maintaining sufficient infrastructure for Village Police Officers to live in the Villages they are policing.
- **R.12.2** – To the National Parliament, closely oversee the resourcing of the PNTL to ensure that the institution has sufficient capacity to carry out its function adequately in every area of the country.

Issue #13 – Many respondents said that the PNTL was not available when community members needed them or regularly arrived late when called.

- **R.13.1** – To the PNTL Command, improve the population’s ability to contact the PNTL, including by:
 - improving the reliability of the ‘112’ emergency line;
 - disseminating contact numbers for each Village Police Officer; and
 - working with telecom companies to identify and apply large fines to abusers of the PNTL contact numbers once all mobile phone numbers in Timor-Leste are registered to unique identities at the end of 2017.
- **R.13.2** – To the Ministry of the Interior and PNTL Command, in order to assess and improve the population’s access to the PNTL:
 - develop detailed, measurable policing performance metrics, including with regard to whether the police quickly and effectively respond to calls for assistance and are surpassing a defined threshold of visibility in urban, rural and isolated areas; and
 - further task the Office of the Inspector General to proactively monitor and evaluate police performance against the above metrics, including through regular community visits to locations in which the police have recently been active and meetings with local Community Policing Councils, in order to canvas community members about the police’s performance, including with regard to visibility and speed of intervention. Link the results of the Office’s work to the PNTL’s planning, complaints, disciplinary and promotion mechanisms.



7. APPENDICES

7.1 METHODOLOGY

This report compiles the results of a desk review and quantitative and qualitative data collection carried out between September 2014 and July 2017. Preliminary research findings and recommendations were presented at a roundtable discussion with stakeholders in early August 2017.

Desk review

Literature review

The research team conducted literature reviews on two primary topics: 1) ‘legitimacy’, both with regard to the state and military and police institutions, and 2) the history of the F-FDTL and PNTL, and the political and security developments that directly or indirectly affected them. Papers on both subjects were prepared for internal consumption, portions of which have been integrated into this report in order to situate its findings within the broader discussions on these topics in the literature. Four unstructured interviews were held with the Minister of the Interior, an advisor in the Office of the Prime Minister’s Office, an advisor from the President’s Office, and a mid-level PNTL Commander to gather further background information for the literature reviews.

The objectives of the literature review were three-fold:

- To build up writing and research skills within the research team;
- To build up a base of knowledge within the research team about the theme of the research project and its subjects;
- To assist in the development of the field research design, including the analytical framework and field research questions.

Media monitoring

From September 2014 until July 2017, the team monitored print and social media on a daily basis for articles of interest about the F-FDTL and PNTL.¹³² Selected articles were transcribed or summarized and then catalogued. A selection of the articles collected have been integrated into the report as supporting information.

Quantitative data

The report uses three sources of quantitative data:

- Violent incident data was recorded by Belun’s Early Warning, Early Response conflict monitoring system.
- Quantitative survey data about the police was sourced from The Asia Foundation’s 2015 survey of community-police perceptions, which is referenced in the text.

132 Some media stories from 2013 were also collected from online sources.

- Quantitative survey data about the military was gathered for the purpose of this research using seven questions designed by Belun, but asked by The Asia Foundation in late 2016 during data collection for its *Timor-Leste 2016 Tatoli! Survey*. The Tatoli! survey had a final sample of 1,239 respondents and a margin of error of +/- 2.8%.¹³³

Qualitative data

The vast majority of the data used in this report was collected between February 2016 and August 2016 during qualitative field research that consisted of focus group discussions (FGDs) and interviews across the country. The target groups for inclusion in FGDs and interviews included:

- members of banned quasi-political and Martial Arts Groups;
- veterans of the resistance struggle
- national and international security and defense actors;
- political elites; and
- other key citizen groups, such as women, youth, community leaders, and civil society representatives, among others.

Using the literature reviews, the team developed dozens of FGD and interview questions. The questions were asked during a practice FGD with Belun staff as a means to refine them before field research began (the results of the practice FGD were not included in the findings of the report). The questions were organized into 14 different questionnaires, intended for:

- FGDs with:
 - Key citizens
 - Veterans
 - CPD-RDTL and Ritual and Martial Arts Groups
 - PNTL
 - F-FDTL
- Interviews with:
 - Key municipal-level respondents
 - National-level historical figures
 - National-level current government officials
 - National-level historical figures who are current government officials
 - National-level PNTL or Ministry of the Interior respondents
 - National-level F-FDTL or Ministry of Defense respondents

¹³³ For a full methodology of the survey, please see: Susan Marx and Gobie Rajalingam, "Timor-Leste 2016 Tatoli! Public Opinion Poll, (Dili: The Asia Foundation, 2017), p.11.

- International experts who formerly worked in Timor-Leste
- International experts who currently work in Timor-Leste
- International police and military who currently work or formerly worked in Timor-Leste¹³⁴

Using the various questionnaires, the team conducted FGDs and interviews in all 12 municipalities and the Oekusi Special Autonomous Region. Overall, 385 respondents (including 109 women) participated in 39 FGDs (including 350 participants) and 35 interviews. Aggregated participant data can be found in Appendix 7.2.

- 25 ‘key citizen’ FGDs were held, with two in each of the country’s municipalities (and Oekusi) – one in an urban village of an urban administrative post and one in a rural village of a rural administrative post.¹³⁵ Blank lists of 25 types of stakeholder (veteran, village chief, traditional leader, youth, religious representative, etc.) for each village were given to Belun’s Municipal Coordinators, who filled the lists with suggested participants based on their knowledge of stakeholders in those villages. From those lists, the Research Team made a final selection of 12-15 invitees to each FGD, to whom the Municipal Coordinators delivered invitations. By design, three of these FGDs in different regions of the country were attended by female respondents only.
- 2 FGDs were held for veterans of the resistance struggle in Aileu and Lautein.
- 1 FGD was held for former members of CPD-RDTL, a banned quasi-political group, in Baucau.
- 2 FGDs were held for former members of two banned Martial Arts Groups in Likisá municipality and Ainaro.
- 1 FGD was held for members of a Ritual Arts Group in Dili.
- 1 FGD was held for a youth group in Covalima.
- 1 FGD was held for people within the area of the 2015 F-FDTL-PNTL joint operation.
- 2 FGDs were held for national civil society representatives in Dili.
- 4 FGDs were held for PNTL personnel in Baucau, Bobonaru, Dili and Oekusi.
- 17 interviews were conducted with key municipal-level respondents, including veteran leaders, religious figures and leaders of banned groups, among others.
- 14 interviews were conducted with national-level respondents in Dili.
- 4 interviews were conducted via e-mail or Skype with international respondents.

All FGDs and interviews were recorded. Interviewees signed written consent forms on which they agreed to being recorded and quoted in this report, while FGD respondents verbally consented to the same. Three team members were present for the vast majority of FGDs and interviews, with one acting as a moderator or interviewer and the other two taking notes. After each FGD and interview, the team reviewed their notes and came to a consensus about which responses should

134 Ultimately, no FGD was held with F-FDTL personnel and no interviews were held with national-level F-FDTL personnel or national-level historical figures who are current government officials .

135 With the exception of Covalima, in which only an urban FGD was held, as a rural FGD was canceled due to poor road conditions.

be transcribed (due to their importance or lack of clarity) and which should be summarized using the team's notes. Each response was then typed into a Microsoft Excel spreadsheet, either in transcribed or summarized form.

When field research was completed, the team then conducted an initial review and editing of the data (over 2900 individuals responses) and interesting responses that were not yet transcribed were selected for transcription. The team then organized responses about similar topics/themes into 12 dedicated Excel sheets and conducted a second review of the data, during which they assigned each response one or more codes. For example, the response: "A crisis like the 2006 crisis will not happen again, because the country has learned from past mistakes" would have been coded both as 'Crisis will not happen again' and '2006 crisis serves as a deterrent to future crises'. Overall, responses were assigned to over 500 unique codes. Once coding was complete, the codes were used to develop the report's initial outline.

Roundtable discussion

The team presented preliminary research results and recommendations at a roundtable discussion at the beginning of August 2017 to gather feedback. The roundtable was attended by 30 people including representatives from:

- the Office of President
- the National Parliament
- the Office of the Prime Minister
- the Human Rights Ombudsman
- the Legal Reform Commission
- the National CHEGA! Centre
- the F-FDTL
- the PNTL
- the National University of Timor-Leste (UNTL)
- veterans' associations
- political parties
 - FRETILIN
 - KHUNTO
 - PLP
- civil society organizations
 - ACBIT
 - Fundasaun Mahein
 - JSMP

- MOFFE
- Rede Feto

General and methodological limitations

A number of limitations should be taken into consideration when judging the findings of this report.

- The most important limitation to be considered is that this research focuses overwhelmingly on perceptions about the F-FDTL and PNTL, but does not purport that these perceptions are necessarily based on accurate information. As such, avoid treating this report as an objective evaluation of the institutions, but rather as an evaluation of how they are perceived.
- The field research and quantitative surveys conducted for the purpose of this report all took place in 2016, whereas the report is being published in August 2017. Given that F-FDTL and PNTL are still new, perceptions about them are likely constantly evolving. Therefore, current events, such as the peaceful undertaking of the 2017 national elections, have likely contributed to further evolutions in public perceptions about them since the field research ended.
- Despite repeated efforts, the research team was unable to secure any interviews or FGDs with F-FDTL or Ministry of Defense personnel. Overall, the team sent five letters to the F-FDTL or Ministry of Defense to seek interviews or permission to hold FGDs with F-FDTL personnel. While the team was able to speak with people who work or worked closely with the F-FDTL, the lack of F-FDTL perspectives should be noted.
- Despite the team's efforts to invite specific stakeholders to the FGDs, in reality, 141 FGD participants were not in fact invited to participate by the team, and arrived at the FGD without being specifically selected for inclusion in the research. The team did not turn anyone away. This led to an over-representation of male respondents.
- Out of 350 total FGD participants, 85 did not speak, despite encouragement from the moderator. Given the sensitivity of the topic, some respondents who did not speak during the FGDs, then spoke off-the-record to researchers after the FGDs had concluded. In three FGDs, one participant told others not to criticize the F-FDTL or PNTL, and in two FGDs a Village Police Officer joined the FGD uninvited. This may suggest that the FGD methodology, while good at capturing a range of views, may have prevented some respondents from speaking openly.
- The FGD methodology may have further prevented female respondents from expressing themselves as much as they would have liked. Because men were more likely to speak first, some women may have kept quiet so as not to repeat what had already been said. This is evidenced by the fact that during the three female-only FGDs, women had generally stronger and more critical perspectives than in the mixed FGDs.

7.2 FGD AND INTERVIEW RESPONDENT DEMOGRAPHICS

Sex	Aileu	Ainaru	Baukau	Bobonaru	Covailima	Dili	Ermera	Lautem	Likisa	Manatutu	Manufafe	Oekusi	Vikeke	International	Total
Female	3	2	25	6	5	17	4	9	3	5	12	5	13		109
Rural	2	1	12	2		1	2	6	2	3	9	5	6		51
Urban	1	1	13	4	5	16	2	3	1	2	3		7		58
Male	24	26	39	19	16	49	15	17	18	16	10	16	7	4	276
Rural	7	13	26	7		13	11	9	7	8	1	1	4		107
Urban	17	13	13	12	16	36	4	8	11	8	9	15	3		165
Grand Total	27	28	64	25	21	66	19	26	21	21	22	21	20	4	385

Employment or Affiliation	Aileu	Ainaru	Baukau	Bobonaru	Covailima	Dili	Ermera	Lautem	Likisa	Manatutu	Manufafe	Oekusi	Vikeke	International	Total
Civil Society	1		2	1	1	15		3		1	2	1	3		30
Community/Traditional Leader	5	8	4	4	1	4	7	3	8	1	2	2	1		50
Disaffected Group			16			1		1							18
High-Level National Government Official (current or former)						8		1							9
International														4	4
Martial/Ritual Arts Group	1	6	2		1	9			5	2			1		27
Petitioner/Former F-FDTL				1			1			2					4
PNTL		1	17	8		14	1					6			47
Public servant		1	2	1	1	1				1		3			10
Religious Actor	2	1		1		1		1		2	1		1		10
Veteran/Clandestine	13		12	2		9	1	9	3	2	2	2	2		57
Village Council member (excluding leaders)	3	1	2	6	4	2	5	3	6	4	3	3	1		43

7.3 FIELD RESEARCH QUESTIONS

The following is a list of all FGD, interview and perception survey questions used during data collection.

Interview and FGD questions

Questions that were originally asked in English to international respondents are marked with *. Questions asked in both English and Tetun are marked with ^. The rest of the questions were asked in Tetun and have been roughly translated to English.

- Before independence there were various opinions about whether or not to establish a Timor-Leste military. Do you think Timor-Leste needs a military?
- Between formal and traditional law, which do you prefer to resolve problems?
- Do people follow the PNTL's orders because they recognize the authority of the PNTL or because they fear that the PNTL will use physical force against them?
- Do PNTL and F-FDTL members get contracts from the government or have other economic interests? What do you think about this?
- Do the PNTL treat all people the same in their day-to-day work and in their recruitment process?
- Do veteran's issues affect the PNTL? If so, how?
- Do you think that a link exists between the payment of veteran's pensions and the internal security situation in Timor-Leste? Do veteran's issues in general affect the PNTL and F-FDTL? If so, how can the potentially negative implications of these linkages be mitigated?*
- Do you think that a link exists between the payment of veteran's pensions and the internal security situation of Timor-Leste?
- Do you think that the manner in which the PNTL and F-FDTL were established (for example, the initial recruitment processes) continues to affect East Timorese citizens' perceptions about the legitimacy of both institutions today? Why or why not?*
- Does the F-FDTL leadership influence state and government decisions? If so, what do you think about that?
- Does the F-FDTL treat everyone the same in recruitment and promotion?
- Has the decision to ban some groups - for example, some martial arts groups and CPD-RDTL and KRM - made Timor-Leste calmer?
- How do you see the PNTL and F-FDTL's interventions now compared to that of the police and military during the Indonesian occupation?
- How do you see the PNTL/F-FDTL now compared to during the 2006 crisis?
- How will the future development and perceived legitimacy of the PNTL and F-FDTL be affected by the leadership transition from the older to the younger generation?*
- If you are unhappy with the state, are you automatically unhappy with the security sector institutions? And vice versa?
- In normal situations, when there is no war to fight, what should the F-FDTL be doing? What could it do in the future?
- Is F-FDTL the rightful successor of FALINTIL, which fought for independence?
- Other researchers have said that the government policy of providing pensions to veterans is a means to 'buy the peace'. What do you think about that?
- Up to the departure of UNMIT in 2012, what were the key successes and failures of the international actors that contributed to the development of the PNTL and F-FDTL?*

- What are some positive aspects of the work of the PNTL and F-FDTL?
- What can citizens of Timor-Leste do to help the PNTL do their work?
- What contribution have international actors made to the PNTL/F-FDTL? Did their contribution fit with the priorities of Timor-Leste?
- What do you think about the government's use of the F-FDTL in maintaining internal security?^
- What do you think about the PNTL and F-FDTL's interaction with the population during the joint operations?
- What do you think about the PNTL and F-FDTL's work together during the joint operations?
- What do you think about the process that was used to write the Constitution? Are the East Timorese people adequately represented in the Constitution?
- What do you think about the processes that led to the establishment of the PNTL/F-FDTL?
- What do you think about the recruitment and promotion processes of the PNTL/F-FDTL?
- What factors affect the trust and confidence of citizens in the PNTL/F-FDTL?
- What factors have positively/negatively affected East Timorese citizens' trust and confidence in the PNTL/F-FDTL?*
- What is the community's reaction to PNTL interventions? Do they give you respect? Run away? Listen or not listen? What do you do first when you arrive? Is there a difference between serious and less serious situations?
- What is the role of the PNTL/F-FDTL? Are they fulfilling their role?
- What legal and/or institutional reforms would improve citizens' perceptions of the legitimacy of the PNTL and/or F-FDTL?^
- What opinion do you think the public has about the PNTL/F-FDTL's work?
- What weaknesses exist in the PNTL and F-FDTL as institutions?
- What would help the PNTL conduct their work in the community? From both the PNTL's side and the community's side? What rules or procedures could be improved to help facilitate your work?
- When can the F-FDTL be involved in maintaining internal security?
- When can the PNTL use force in its interventions?
- When PNTL personnel see that a close family member or friend is involved in a problem to which they are responding, what should they do?
- When the new generation replaces the older generation in the PNTL/F-FDTL, what implications will there be for the development of the institutions?
- When you or your family are victims of a problem with another person, do you prefer the PNTL or another actor to resolve the problem?
- Will the 2006 crisis happen again?

Perception survey questions

Respondents answered perception survey questions by telling enumerators whether they strongly disagreed, disagreed, neither disagreed nor agreed, agreed, or strongly agreed with the question statements.

- Timor-Leste needs a military to protect it from external threats.
- Timor-Leste needs a military to protect it from internal threats.
- Timor-Leste does not need a military.
- The F-FDTL is the rightful successor of FALINTIL, which fought for independence.
- The F-FDTL should be able to give orders to the government.
- The F-FDTL is a highly disciplined organization.
- The F-FDTL sometimes gives orders to the government.

7.4 BIBLIOGRAPHY

- Aloyo, Eamon. “Fostering a sense of legitimacy.” *Beyond Intractability*. <http://www.beyondintractability.org/userguide/legitimacy-educators>. (accessed 28 July 2017).
- Armstrong, Nicholas J., Jacqueline Chura-Beaver and Isaac Kfir. “Security sector reform in Timor-Leste: Missed opportunities and hard lessons in empowering the host-nation.” PK-SOI Papers (US Army, 2012).
- Atli, Altai. “Societal legitimacy of the military: Turkey and Indonesia in comparative perspective.” *Turkish Journal of Politics* 1, no. 2. (2010): p.5-22.
- Belun. “Culture and its impact on social and community life: A case study of Timor-Leste.” (Dili: Belun, 2011).
- Belun. “The social impact of the current administrative processes for veterans payments.” (Dili: Belun, 2014).
- Belun and The Asia Foundation. “Tara Bandu: Its role and use in community conflict prevention in Timor-Leste.” (Dili: Belun and The Asia Foundation, 2013).
- Bradford, Ben, Aziz Huq, Jonathan Jackson and Benjamin Roberts. “What price fairness when security is at stake?: Police legitimacy in South Africa.” *Regulation and Governance* 8, no. 2. (2013): p. 246-268.
- Bradford, Ben, Jonathan Jackson and Mike Hough. “Police legitimacy in action: Lessons from theory and practice.” In *The Oxford Handbook of Police and Policing*, ed. Michael D. Reisig and Robert J. Kane (Oxford: Oxford University Press, 2013).
- Brinkerhoff, Derick. “Introduction.” In *Governance in Post-Conflict Societies: Rebuilding Fragile States*, ed. Derick Brinkerhoff (New York: Routledge, 2007).
- Centre for International Governance Innovation. “Security sector reform monitor: Timor-Leste No.2.” (CIGI, 2010).

- Democratic Republic of Timor-Leste. “Constitution of the Democratic Republic of Timor-Leste.” (Dili: 2002).
- Fundasaun Mahein. “Polítika ministériu defeza no siguransa periodu 2007-2012.” Mahein Nia Hanoin no. 2 (Dili, Fundasaun Mahein, 2012).
- Government of Timor-Leste. “Decree-Law No. 9/2009, Organic Law of Timor-Leste’s National Police (PNTL).” (Dili: Government of Timor-Leste, 2009). Government of Timor-Leste. “Força 2020.” (Dili: 2007).
- Hood, Ludovic. “Security sector reform in East Timor, 1999–2004.” *International Peacekeeping* 13, no. 1. (2006): p. 60-77
- Ingram, Sue. “Building the wrong peace: Reviewing the United Nations Transitional Administration in East Timor through a political settlement lens.” SSGM Discussion Paper 4 (Canberra: Australian National University, 2012).
- International Crisis Group. “Timor-Leste: Stability at what cost?” Asia Report no. 246 (Dili/Brussels: ICG, 2013).
- International Crisis Group. “Timor-Leste: Time for the UN to step back.” Asia Briefing no. 116 (Dili/Brussels: ICG, 2010).
- International Crisis Group. “Timor-Leste: Security Sector Reform.” Asia Report no. 143 (Dili/Brussels: ICG, 2008).
- Jackson, Jonathan and Ben Bradford. “Police legitimacy.” (London: National Policing Improvement Agency, 2009).
- Kingsbury, Damien. “Challenges of constructing postcolonial unity: Timor-Leste as a case study.” *Asian Politics & Policy* 4, no. 1. (2012): p. 15–32.
- Kocak, Deniz. “Timor-Leste: The continuing challenge of police building and security governance.” Security Sector Reform Resource Centre, 19 August 2014. <http://www.ssrresource-centre.org/2014/08/19/timor-leste-the-continuing-challenge-of-police-building-and-security-governance>, (accessed 28 July 2017).
- Leach, Michael. “Longitudinal change in East Timorese tertiary student attitudes to national identity and nation building, 2002-2010,” *Journal of the Humanities and Social Sciences of Southeast Asia and Oceania* 168, no. 2-3. (2012): p. 219-252.
- Mazerolle, Lorraine, Sarah Bennett, Jacqueline Davis, Elise Sargeant and Matthew Manning. “Legitimacy in policing: A systematic review.” Campbell Systematic Reviews (The Campbell Collaboration, 2013).
- Marx, Susan and Gobie Rajalingam. “Timor-Leste 2016 Tatoli! Public Opinion Poll.” (Dili: The Asia Foundation, 2017).
- McDougall, Derek. “The failure of security sector reform to advance development objectives in East Timor and the Solomon Islands.” In *Back to the Roots: Security Sector Reform and Development*, ed. Albrecht Schnabel and Vanessa Farr (Geneva: DCAF, 2012).
- Nevins, Joseph. “Timor-Leste in 2006: The end of the post-independence honeymoon.” *Asian Survey* 47, no. 1. (2007): p. 162-167.

- Nolan, Cillian. “After Xanana: Challenges for stability.” In *A New Era: Timor-Leste after the UN*, ed. Sue Ingram, Lia Kent and Andrew McWilliam. Canberra: ANU Press, 2015.
- Pereira, Agio. “Timor-Leste: Transition from peacekeeping to peacebuilding: An East Timorese perspective.” *Civil-Military Working Papers no. 10* (Australian Government Asia Pacific Civil-Military Centre of Excellence, 2010).
- Scambary, James. “Anatomy of a conflict: the 2006-2007 communal violence in East Timor.” *Conflict, Security & Development* 9, no. 2. (2009): p. 265-288.
- Sunshine, Jason and Tom R. Tyler. “The role of procedural justice and legitimacy in shaping public support for policing.” *Law & Society Review* 37, no. 3. (2003): p. 513-248.
- Svoboda, Eva and Eleanor Davey. “The search for common ground: Police, protection and coordination in Timor-Leste” (London, Overseas Development Institute, 2013).
- Tankebe, Justice. “Public cooperation with the police in Ghana: does procedural fairness matter?” *Criminology* 47, no. 4. (2009): p. 1265-1293.
- Timor-Leste Commission for Reception, Truth and Reconciliation, “Chegal!: The Final Report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR).” (Jakarta: STP-CAVR, 2005).
- Timor-Leste Education Project. “Introduction to the laws of Timor-Leste legal history and the rule of law in Timor-Leste.” (Dili: Stanford Law School, 2013).
- Trindade, Josh. “An ideal state for East Timor: Reconciling the conflicting paradigms.” (Dili: 2008).
- United Nations. “Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste.” (Geneva: UN, 2006).
- Wassel, Todd and Gobie Rajalingam. “A survey of community-police perceptions in Timor-Leste 2015.” (Dili: The Asia Foundation, 2015).
- Wilson, Bu. “Smoke and mirrors: The development of the East Timorese police, 1999-2009.” (Canberra: Australian National University, 2010).
- Wilson, Bu and Nelson Belo. “The UNPOL to PNTL ‘handover’ 2009: What exactly is being handed over?” (Canberra: SSRC Conflict and Peace Forum, 2009).
- Valters, Craig, Sarah Dewhurst and Juana de Catheu. “After the buffaloes clash: Moving from political violence to personal security in Timor-Leste.” (London: Overseas Development Institute, 2015).

