

Special Report
October 2010

Timor-Leste Armed Violence Assessment Final Report

Robert Muggah and Emile LeBrun, editors

Edward Rees, Susan Harris Rimmer, and James Scambary, contributors



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Abbreviations and acronyms

CRS	Catholic Relief Services
DPBSC	Department of Peacebuilding and Social Cohesion
FALINTIL	Forças Armadas de Libertacao Nacional de Timor-Leste
F-FDTL	FALINTIL-Forças de Defesa de Timor-Leste
FOKUPERS	Forum Komunikasi Untuk Perempuan Timor Lorosa'e (East Timor Women's Communication Forum)
FRETILIN	Frente Revolucionária de Timor-Leste Independente
IDP	internally displaced person
ILO	International Labour Organization
IOM	International Organization for Migration
JPC	Justice and Peace Commission
JSMP	Judicial System Monitoring Programme
MAG	martial arts group
MP	member of parliament
MSS	Ministry of Social Solidarity
PNTL	Policia Nacional de Timor-Leste
POLRI	Indonesian national police
PRADET	Psychosocial Recovery and Development in East Timor
SEPI	Secretary of State for the Promotion of Equality
SGBV	sexual and gender-based violence
SSYS	Secretariat of State for Youth and Sport
TLAVA	Timor-Leste Armed Violence Assessment
TLPI	Timor-Leste Peacebuilding Institute
UNDP	United Nations Development Programme

UNIFEM	United Nations Development Fund for Women
UNMIT	United Nations Integrated Mission in Timor-Leste
USAID	US Agency for International Development
USD	US dollar
UXO	unexploded ordnance
VPU	Vulnerable Persons Unit
VSS	Victim Support Service

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I. Introduction

A little more than a decade after independence and the violence and displacement that accompanied it, Timor-Leste remains a country in transition. While it has stabilized in the post-independence period, the after-effects of the 2006 crisis continue to play an important role in the political debate and security atmosphere in the country. Communal violence remains at times a feature of life in rural areas, and small arms—left over from the pre-independence period and more recently leaked from defence and police forces—sometimes fuel both gang-related and community violence.

This report brings together research and analysis produced for the Timor-Leste Armed Violence Assessment (TLAVA) over the period 2008–10. The TLAVA was a two-year field research-based project to explore pressing security issues in Timor-Leste, with a specific focus on the dynamics of armed violence. Co-sponsored and administered jointly by the Small Arms Survey and ActionAid Australia (formerly Austcare) with support from AusAID, the project produced five Issue Briefs and two legal analyses, as well as workshops and consultations with key domestic Timorese and international stakeholders. The overarching goal of the project was to marshal existing and new research to systematically examine the gap between real and perceived armed violence in Timor-Leste, and produce accessible publications to inform interventions.

Based on consultations with stakeholders in Timor-Leste, the project focused on three specific areas:

1. an assessment of the risk factors, impacts, and socio-economic costs of armed violence in relation to population health—particularly women, children and male youths, and internally displaced persons (IDPs);
2. a review of the dynamics of armed violence associated with ‘high-risk’ groups such as gangs, specific communities in affected districts, petitioners, veterans, and state institutions, and potential triggers such as elections; and
3. the role of arms (e.g. bladed, home-made or ‘craft’, and manufactured) as a factor contributing to armed violence.

In addition to the reports generated by the TLAVA, the research team sought to ensure the transfer and exchange of skills and training for sustainable research on armed violence, and to strengthen domestic monitoring and information management capacities in the public health and security sectors to prevent and reduce armed violence.

This report is organized by thematic area, reviewing specific topics covered in the Issue Briefs, specifically the presence and control of small arms in Timor-Leste, group-related violence and state and civil society efforts to control it, and sexual and gender-based violence and recent developments in addressing it. Owing to important developments since the publication of the original Issue Briefs, researchers and contributors provided updates on these topics in 2010. While not all substantive areas of the TLAVA could be revisited, the conclusion reflects on future directions for research on armed violence in Timor-Leste. 📄

Robert Muggah and Emile LeBrun

Editors

II. Small arms proliferation and control

By Edward Rees¹



In October 2008 the TLAVA published *Dealing with the Kilat: An Historical Overview of Small Arms Availability and Arms Control in Timor-Leste* (TLAVA, 2008), the key findings of which appear in Box 1. The report reviewed Timor-Leste’s recent history, describing a militarized history in which weapons stocks were significant drivers and accelerators of violence. It found that small arms played a decisive role in the repressive tactics of the former colonial powers, countermeasures by resistance movements, and in contemporary criminal violence. Today, against a backdrop of weak public institutions, lingering—although much reduced—tension, and poorly enforced legislation and arms control standards, military and civilian-style arms continue to trigger interpersonal and collective violence.

The number of illicit weapons circulating in Timor-Leste is relatively small, as is the likely leakage from government stocks. But because of the relatively modest size of the country, and its militarized and violent past, a few weapons

Box 1 **Key findings of TLAVA Issue Brief No. 1 (October 2008)**

- The presence or rapid influx of small arms into Timorese society has triggered periodic, but nevertheless widespread, violence.
- Since the 1970s, and especially in the 1990s, weapons leakage from state stockpiles and the intentional arming of civilians by security forces have left a pool of weapons that are unlikely ever to be completely recovered.
- Although small arms and light weapons availability is not new, high levels of militarization in civilian society are a comparatively new phenomenon.
- The application of small arms has changed over time—from repression and insurrection to household defence, gang-related predation, and for intimidation.
- New transfers of arms are comparatively rare, but existing public stockpiles and patronage-led diffusion constitute the largest source of new weapons in the country.

can have a disproportionate impact in the context of political and criminal violence. A stark recent example: in possession of little more than a few dozen police and military weapons—most stolen by or ceded to his group in 2006–07—rebel commander Major Alfredo Reinado held Timor-Leste’s government and population virtually to ransom until his demise in February 2008.

Illicit small arms in Timor-Leste

In 2008 the Government of Timor-Leste conducted a major nationwide weapons collection programme named Operasaun Kilat.² In October 2008 the TLAVA published an initial analysis of the results in weapons collected, documenting 18,123 weapons and rounds of ammunition collected between 15 July and 31 August 2008, the majority consisting of bullets (9,116 rounds) and traditional arms (7,930). Since late 2008 no additional information has been released, whether in the form of tracing data on weapons and ammunition already collected, or evidence of further collection activities.

Timor-Leste continues to enjoy a situation in which illicit small arms and munitions are very limited in number and generally pose little risk. However, there are almost certainly some weapons held in Timor-Leste’s rural and urban areas, dating back to the resistance against Indonesian occupation (1975–99), as well as some that leaked into the population as a result of the 2006 crisis.³ Some weapons even pre-date the Indonesian invasion. Unverified reports persist that some veterans and former resistance groups possess weapons (CJITL, 2009).⁴ In 2008 the TLAVA also reported that some former members of Forças Armadas de Libertacao Nacional de Timor-Leste (FALINTIL), which is the armed wing of Frente Revolucionária de Timor-Leste Independente (FRETILIN), left the Aileu cantonment in 2000 with a limited number of weapons whose status remains unclear. Furthermore, the ultimate status of weapons that were confiscated by pro-independence organizations in the violent and chaotic aftermath of the 1999 referendum on independence remains unknown. New TLAVA research has uncovered reports that in 1999 the FALINTIL high command instructed Timorese former ex-Indonesian national police (POLRI) to surrender their weapons to FALINTIL. This transfer did not take place, and it is not clear how many ex-POLRI remained in the country and with what number and type of weapons and munitions.⁵

The situation continues to be one of relatively low availability of small arms and light weapons. In April 2010 the national NGO Belun, which operates an early warning system in one sub-district in each of Timor-Leste's 13 districts, reported '[t]wo sightings of guns, both reportedly in civilian hands' (Belun, 2010, p. 4). The first occurred in the Oecussi district in Suco Abani of Passabe sub-district on 13 October 2009. On this occasion the civilian—an Indonesian citizen involved in a border dispute—was reportedly in possession of an unspecified firearm (although not a home-made/craft weapon, known in Bahasa Indonesian as *rakitan*). Timorese media reports also indicate the presence of weapons in the dispute several days earlier, although held by the Indonesian military (*Tempo Semanal*, 2009a).

Meanwhile, the second sighting by Belun monitors occurred on 1 January 2010 in Ainaro Vila, in which officers of the Policia Nacional de Timor-Leste (PNTL) were reportedly advancing on a group of youths who had been fighting, and who subsequently turned on the PNTL, throwing stones, waving machetes, and, in one instance, brandishing a pistol. Two injuries were sustained in the fighting prior to the PNTL's involvement. Monitors indicate that the matter became subject to police investigation; there is no further detail on the outcomes.⁶

Another civil society report states that on 26 November 2009 two Timorese citizens in Hatolia sub-district, Ermera district, were assaulted by seven suspects:

One of the victims escaped, the other was detained, tied, and then assaulted. The suspects were alleged to have killed 5 people in 2003 at Atsabe [during a militia attack]. It was also alleged that they killed another person in the Leimea Craik area, in January 2005. One of the 7 suspects was armed with a rifle. Following this incident the suspects reportedly fled to West Timor (JINGO, 2009).

These represent only a sample, of which there are probably more.⁷

Despite these types of incidents, crimes committed with illicit manufactured weapons in Timor-Leste remain very infrequent, suggesting that what stocks remain are hidden, not readily available, or sourced from across the border with Indonesia.⁸

Leakage from government stocks

As noted by the TLAVA in 2008, the leakage of weapons and munitions from government stocks has had significant impact in Timor-Leste since the 1959

Box 2 **Key findings of TLAVA Issue Brief No. 1 (October 2008)**

A number of soldiers have recently been tried and convicted on weapons-related charges.⁹ However, the allegations that the defence force armed approximately 200 civilians in response to attacks led by a collection of soldiers, police, and civilians between 23 and 26 May 2006 have apparently been shelved for lack of evidence (OHCHR, 2006). In reality, the charges were directed at the highest levels of the defence establishment and as such were politically impossible—and for some undesirable—to pursue.¹⁰

Oddly enough, two civilians armed by the F-FDTL, including ex-FALINTIL Oan Kiak, were convicted of weapons charges in February 2010 with punishments of eight-and-a-half years each in prison.¹¹ In March 2010 the former leader of the Petitioners, Gastao Salsinha, and the 22 members of his group were given lengthy sentences for their role in the February 2008 attacks on President Ramos-Horta and Prime Minister Gusmão. There are indications that they will be pardoned or have their sentences commuted, however (CJITL, 2010).

In contrast, few police have faced weapons-related charges. On 27 March 2010 PNTL officers were subjected to a mass reorganization of their ranks subsequent to a testing of the entire service in early 2010. As a result, a number of police officers with weapons-related 'issues' were demoted or in some cases promoted.¹²

Viqueque rebellion, the Indonesian occupation, and during the post-independence period, most notably the 2006 crisis. During the latter crisis weapons and munitions were distributed or poorly controlled by both the Timorese defence force (FALINTIL-Forças de Defesa de Timor-Leste, or F-FDTL) and the PNTL. These actions and the resulting violence continue to play an important role in the political debate and security atmosphere in Timor-Leste.

Defence force stocks were quickly audited after the 2006 crisis. They were largely, but not entirely, accounted for, and there are no reported cases of subsequent leakage. This cannot be confirmed, as there have been no independently verified weapons audits since 2006.

Police service weapons, whose distribution was more diffuse and complicated, remain a serious issue in 2010.¹³ The most recent (March 2010) assessment of missing PNTL weapons consisted of 15–20 9 mm Glock sidearms, four to five HK33 semi-automatic assault rifles, and one 12-gauge shotgun (TLAVA, 2008, p. 9). The TLAVA can now report that the PNTL is missing fewer weapons, although it is not possible to determine if this represents figures for recovered weapons since 2008 or if it is a sample of weapons lost since 2008 (see Table 1). When queried about the detailed list below, a senior member of the National Parliament's Committee B (National Security, Defence, and Foreign Affairs) professed ignorance.¹⁴

Table 1 **Missing PNTL weapons as of 30 March 2010**

Type	Calibre	Total holdings	Lost
Shotgun	12 mm	30	1
FNC MK2	5.56 mm	66	–
F2000	5.56 mm	7	–
HK33	5.56 mm	180	3
Steyr rifle	5.56 mm	200	–
Glock 19	9 mm	2,705	13
Tear gas launcher, long	37 mm	30	–
Anti-riot launcher (F&B)	40 mm	30	–

Source: UN Police and PNTL sources

Questions persist about the leakage of unexploded ordnance (UXO) of unknown origin, and in particular grenades, both prior to and after 2006. In a small sample of NGO Security Network reports between 12 October 2009 and 25 March 2010 it was reported that 18 UXOs were recovered or destroyed (see Table 2).

Table 2 **Sample of UXO recovered or destroyed, 17 October 2009–17 March 2010**

Date	Weapon type	Location
17 October 2009	1 UXO	Metinaro, Dili district ^a
17 October 2009	1 UXO	Ermera district
19 October 2009	1 UXO	Faturberliu, Manufahi district
25 October 2009	1 UXO	Taibessi, Dili district
7 November 2009	1 mortar round	Ainaro district
23 November 2009	1 UXO	Mehara, Lautem district
3 January 2010	1 UXO	Lahane, Dili district
10 January 2010	1 mortar grenade	Metinaro, Dili district
10 January 2010	1 grenade	Taibessi, Dili district
31 January 2010	1 UXO	Aileu district

7 February 2010	1 UXO	Manleuana, Dili
11 February 2010	2 hand grenades	Zumalai, Cova Lima district
17 February 2010	1 Mills grenade	Aitaraklaran Dili district
21 February 2010	1 grenade	Lehane, Dili district
4 March 2010	1 mortar round	Ermera district
17 March 2010	2 UXOs	Lautem district

^a It exploded, killing a three-year old child and wounding its mother.

Source: JINGO (2010)

Procurement, management, and administration of weapons

Given that leakage from government stockpiles presented one of the most significant factors in arms-related insecurity in Timor-Leste, the future control of these assets is critical. As reported by the TLAVA in 2008, the procurement, management, and administration of government weapons stocks have been a major challenge to the overall security environment for some time.

Procurement

Since 2008 there has been some police and military procurement. The PNTL have procured two armoured vehicles with water cannons, and there were reports in mid-2009 that the new PNTL general commander, Longuinos Monteiro, was exploring the procurement of additional semi-automatic assault rifles from Indonesia for PNTL paramilitary units.¹⁵ The PNTL is currently recruiting 300 new police, and has plans to expand and modernize its paramilitary police units.¹⁶

In May 2010 the F-FDTL took delivery of two Shanghai Class patrol boats, purchased from China in 2008. These patrol boats are to be armed with two 30 mm cannons each (*Tempo Semanal*, 2010b). The scale of further military procurement is not clear, although it is nevertheless expected to ensue owing to force modernization being by pursued as part of the government's Force 2020 Plan for the F-FDTL.¹⁷ The construction of a naval support base on the south coast is being planned, and Timor-Leste hosted its first major military-to-



PNTL officers march during the force's 10th anniversary celebration, Dili, 27 March 2010. © Lirio Fonesca

military exercise in October 2009 when the US 11th Marine Expeditionary Unit conducted training exercises with the F-FDTL in Lautem district (*Tempo Semanal*, 2009b). During these exercises, weapons training took place with equipment of a considerably heavier calibre than that currently held by the F-FDTL.

Management and administration

The management and administration of weapon stocks continue to pose major challenges to the Timorese security sector, although some positive steps have been taken to bolster stockpile security. For example, in late 2009 the F-FDTL completed construction of a new armoury for its weapons and munitions stocks at the defence force's battalion base in Baucau district and training facility in Metinaro, 25 km east of Dili.¹⁸

The PNTL has not improved its competence in weapons controls. Based on its assessment of Timorese opposition and NGO investigations, the US State Department concluded in March 2009 that the PNTL remained 'poorly equipped and under-trained, subject to numerous credible allegations of abuse of authority' and that the paramilitary style of policing 'does not sufficiently delineate between the military and the police' (US State Department, 2009, s. 1[d]).

In late 2009 a confidential UN report stated that the

lack of proper facilities to store weapons has also accounted for the rampant mis-uses of firearms by officers who usually take their weapons home in contrary to provisions of the PNTL organic law and policies (DPKO Pre-TAM and UNMIT police component, 2009, p. 4).

Local media accounts support these claims. Following the shooting death of a young boy with his father's PNTL-issue weapon, the secretary of state for security prohibited police from taking their service weapons home when off duty. But the 'PNTL does not obey orders and many continue to bring their weapons to their homes, to parties, and to bars in Dili' (*Tempo Semanal*, 2009c).

In another incident, in early December 2009 an off-duty police officer shot and wounded a young man in Dili (*Tempo Semanal*, 2009c). Former clandestine resistance leader, now FRETILIN MP, David Ximenes subsequently called for all rifles to be removed from the PNTL, leaving them with side arms only, in addition to tear gas equipment. He also criticized the 'military style' of their policing (*Tempo Semanal*, 2009c). Another young man was shot by a PNTL officer following an incident at a party in Dili on 28 December 2009; in this case the victim died and the subsequent public outcry included street protests (*Tempo Semanal*, 2010a). Initially the PNTL suspended an officer, who was then reinstated when the PNTL suggested that a civilian used a lost police weapon to commit the crime. The case remains open.

Legal framework

In 2008 Prime Minister Xanana Gusmão tabled a National Gun Law in Timor-Leste's National Parliament.¹⁹ It was quickly shelved. It remains on the parliamentary agenda but has not been modified or seriously debated. According to some MPs there is no sign the law will be put forward for consideration at any time in the near future.²⁰ It is currently illegal for civilians to own firearms and munitions. The proposed legislation, if enacted, would introduce an owner-licensing scheme and in fact make it legal for many civilians to own weapons.

The recent 2009 Organic Law for the PNTL states that it is forbidden for police officers to own a private (non-service) firearm (RDTL, 2009). The new

legislation also prohibits PNTL members from using their weapons when off duty; service weapons must be stored at squad headquarters. However, the PNTL has an almost complete lack of adequate armouries and associated systems in place to encourage proper, responsible weapons management.

Reflections

The small arms control agenda in Timor-Leste is typically set out within the context of wider security sector reform initiatives. The UN and bilateral donors dominate these programmes, but the Timorese government perceives them as ‘foreign adventures’ In April 2010, on the occasion of the Timor-Leste Development Partners meeting, Prime Minister Gusmão dismissed the international community’s concerns about human rights abuses in the security sector (Gusmão, 2010b). He gave a somewhat more nuanced message to the police themselves during the force’s tenth anniversary parade at the Government Palace in March 2010, in which he suggested that ‘serious disciplinary problems’ must be dealt with in ‘an accurate and prompt manner’ (Gusmão, 2010a).

Most international observers and domestic civil society groups would take even bolder action. In the opinion of FONGTIL, the umbrella body for Timorese civil society, ‘human rights abuses and violations by PNTL and the growing use of military weapons and tactics’ remain causes of grave concern.²¹ While there have been some steps forward in managing arms availability and leakage, much remains to be done to ensure the control of illicit small arms, and the management of government stocks of weapons and munitions in Timor-Leste. 📌

III. Groups and gang violence

By James Scambray



In April 2009 the TLAVA published *Groups, gangs, and armed violence in Timor-Leste*, a report that reviewed the presence and roles of groups and gangs in Timorese society, their access to and use of weapons, and the security threats they pose, as well as interventions to address them (see Box 3). This section discusses the current groups and gang security situation in Timor-Leste as of April 2010, and provides an update on state and civil society inter-

ventions designed to address some of the core issues that give rise to armed violence associated with them.

Box 3 Key findings of TLAVA Issue Brief No. 2 (April 2009)

- While a range of membership, command and control arrangements, and motivations guide armed groups in Timor-Leste, they are commonly organized around patronage and kinship networks centred around a single figure, with loyalty cultivated through small-scale service provision.
- Martial arts groups (MAGs) have grown significantly in reach and influence in recent years, with an estimated total membership of 20,000–90,000 and an influence in 13 districts. Dili has become the main battleground for MAGs, and fighting is public and frequent.
- Factors influencing the likelihood of armed group violence are diverse and include pre-existing conflicts and payback killings among ethnic groups that extend back decades, property disputes, systemic unemployment, political grievances, turf rivalries, predatory crime, and self-defence.
- Manufactured small arms and light weapons do not appear to play a major role in exacerbating gang violence in Timor-Leste. Most violence is committed with low-technology weapons, ranging from stones, arrows, and crude explosives to home-made dart shooters, although pistols and assault rifles are also used.
- State responses to gangs have ranged from security force-led crackdowns to brokering ‘peace processes’ through the Prime Minister’s Office or civil society. Other interventions may also be promising, such as establishing inter-agency steering committees on youth policy and mediation, regulating and registering specific groups and their leadership, and mapping gang territories, among others.

Current security situation

The most serious recent security incident to date was the attack on a unit of the national police service, the PNTL, in Ermera. On the night of Sunday, 16 May, an armed and unidentified group exchanged fire with a PNTL patrol and attempted to take an officer prisoner. This group has been described as a collection of former Colimau 2000 members, Bua Malus, and former members of the Indonesian military.²²

This incident gave rise to a series of bizarre claims and counter-claims that the group did not exist and that the incident never happened, perhaps pointing to tensions within the police force and government. While it is now accepted that the group and the incident are real and, furthermore, that the situation is under control, nobody appears to have been arrested.

The major security story of 2010, however, was Operasaun Ninja, which the PNTL launched on 22 January in the western border districts of Cova Lima and Bobonaro, adjacent to Indonesia. The largest security operation in Timor-Leste since the attacks on the president and prime minister in February 2008, it was designed to apprehend illegal armed groups who were allegedly responsible for two killings in the area in late 2009 and early 2010. According to a news report,

[p]olice chief Longuinhos Monteiro donned full military gear to lead the operation, telling reporters that 'any ninjas who want to take us on, your final stop will be Santa Cruz cemetery' (Straits Times, 2010).

In the East Timorese context, ninjas were the black-clad masked intruders hired by the Indonesian military during the occupation to intimidate and sometimes kill independence supporters. In the contemporary setting they are feared criminal gangs skilled in burglary and reputed to have magical powers that help them evade detection or capture.

Comprising hundreds of police officers, of whom at least 120 were heavily armed paramilitary police, Operasaun Ninja resulted in the arrest of 118 people, according to the national police commissioner, only seven of whom were imprisoned. These figures are hard to verify. While the operation came under heavy criticism from civil society groups for human rights abuses (Assosiasaun HAK, 2010), no firearms were recovered. Rogerio Viegas Vicente of the leading

Timorese human rights group, Assosiasaun HAK, said, 'the police operation has created more insecurity than the alleged ninjas' (Crook, 2010). The operation was effectively wound up in March 2010, but formally ended on 23 July.²³

There are a number of explanations for the scale of the operation and the continuing government perpetuation of 'ninja' rumours. The explanation gaining the most currency is that the PNTL are trying to regain credibility. After a series of well-publicized cases of PNTL brutality and indiscipline, including the shooting of a popular youth leader on 28 December 2009, the PNTL were unceremoniously pulled off the streets. This was particularly humiliating for both the PNTL and the UN, given the fanfare accompanying the incremental 'handover' of full responsibility from the UN Integrated Mission in Timor-Leste (UNMIT) to the PNTL, begun in May 2010. This process is ongoing, with Ermera the latest district to be handed back to the PNTL (UNMIT, 2010b). Dili is one of the last districts slated for handover.

The causes of the underlying communal conflict are more diverse. Two of the groups named as suspects in the so-called ninja killings, the CPD-RDTL and Bua Malus, have both been active in the border regions since independence. Their renewed activism, which contributed to what amounts to low-level irritation, can be seen as a sign of rural discontent. Moreover, these regions have long been characterized by sporadic communal conflicts over land and retribution for the militia violence of 1999: payback traditions span four generations or more.

These are not the only regions experiencing armed violence. There are reports of persistent conflict in the western highlands district of Ainaro, and also Manatuto and Liquica,²⁴ where in late February 2010 a police roadblock seized seven air rifles, 66 swords, and a number of knives in roadside searches of cars (*Timorese News Online*, 2010d). In late January a young man was killed in Ostique village, Vemase sub-district of Baucau in the east, after a MAG clash (*Timorese News Online*, 2010a). In mid-February residents in the Babulu village of Manufahi district alleged that men wearing masks destroyed a house in their area and also in the Remexio sub-district of Aileu (*Timor News Online*, 2010b; 2010c).

There is also now conflict in approximately eight neighbourhoods of the capital, Dili, albeit primarily concentrated in the west of the city. Although

episodic, and largely concentrated in the byside area of Bebonuk, group fighting has involved up to 300 people, a level not seen since 2007. The fact that conflict has erupted again is not surprising; the Geneva Declaration Urban Violence Survey identified serious community concerns about gang violence and general insecurity in three out of the four neighbourhoods surveyed (Muggah, 2010). The Government of Timor-Leste has viewed MAG violence with sufficient concern to threaten to outlaw these groups at one point (*Timor News Online*, 2010h).

A diverse range of catalysts have influenced the violence. A killing in the Dili suburb of Mandarin in late February was attributed to a fight between returned IDP families over government resettlement payments. A fight between two secondary schools that broke out over alleged verbal abuse by students of one school against the other escalated into mass confrontations between the two schools, leading to one death.²⁵

Another likely catalyst is government moves towards decentralization, a process that influences the allocation of funds and administrative responsibility for the districts. This development has possibly sparked conflict through competitive positioning to receive these funds.²⁶ Indeed, according to another source, many of the old incumbent *chefes de suco* (village chiefs) who lost in the last *suco* (village) elections are refusing to relinquish power.²⁷

An alarming increase in rural–urban drift may also be playing a part. According to a 2009 International Organization for Migration (IOM) survey, 64 per cent of Dili *aldeia* (sub-village) chiefs reported that there had been some form of temporary or permanent migration to their *aldeias*, most likely from rural areas, between the December 2008 and February 2009 reporting period (IOM, 2009, p. 5). These chiefs reported that over 683 youths were newly residing within their *aldeias* as of January and February 2009. Most of these immigrants arrived into the two *sucos* in the west of the city, Bairo Pite and Comoro, with the highest existing rates of conflict and already high migrant populations. These two areas also have the highest number of displaced families from the 2006 and 2007 crises (IOM, 2009, p. 5).

According to another report, the rural–urban exodus may increase, as agricultural prices are falling across the country, with a corresponding rise in the price of (mostly imported) rice. These price shifts have resulted in increased poverty and a marked increase in youths leaving the rural districts for the city

(Belun, 2009, p. 4). Expectations of finding employment in the wake of Timor-Leste's construction boom fuelled by renewed commercial development, the refurbishment of government buildings, and the need for housing for the expatriate market have also acted as a magnet for rural youths.

Convictions arising from the UN Commission of Inquiry into the violence of 2006, and the attacks on the prime minister and president on 11 February 2008, have also generated tensions. Angered by the conviction of Mau Kiak, Lito Rambo (also named in the Commission of Inquiry report) has formed a new group called the Forsa Reservistas Falintil no Juventude Clandestina (Reserve Force of FALINTIL and Clandestine Youth). Rambo argues that only the small players in the 2006 crisis are being convicted. He boasts a 'fighting force' of 500, with thousands more available to fight if provoked. This group drew a crowd of around 1,000 at its first press conference.²⁸

Old tensions between the veterans and the PNTL were also recently reignited with the arrest for alleged smuggling of Cornelio Gama (also known as L7), the leader of Sagrada Familia and UNDERTIM party MP. Another veteran and UNDERTIM MP, Faustino 'Renan Selak' dos Santos, chased a police officer with a machete in Lautem district (*Timor News Online*, 2010f). A subsequent statement by the Dili district police commander that veterans were not above the law created uproar among veterans, leading to calls for a special commission of investigation (*Timor News Online*, 2010g).

Extortion levels still continue to present problems for businesses in Dili. One business was recently repeatedly targeted from early to late February 2010 until it employed local gang members as staff and security.²⁹ In 2009 researchers carried out 48 interviews around Dili with all types of businesses, including taxi drivers, shopkeepers, and bus drivers. While most agreed that the extortion problem had abated since the end of the 2006 and 2007 crises—when people took advantage of the general environment of lawlessness—nearly all reported that they had heard of other businesses experiencing this problem, or had experienced it themselves in the current period (Muggah, 2010, p. 51). Researchers conducting the interviews believed that many of the business-people interviewed were too scared to relate their own first-hand experiences and so were recounting these experiences as second-hand.

Some areas appeared to be more affected than others. In Perumnas, one of the four sample areas for the focus groups undertaken by the Geneva Declaration Urban Violence Survey, almost all businesses were currently experiencing constant levels of theft, threat, or criminal damage. The most affected were reportedly Chinese businesses, suggesting a possible element of racism and social jealousy. Some small Chinese pharmacies have since acquired round-the-clock security, a considerable expense for small family businesses and certainly a burden for other small-scale vendors (Muggah, 2010, p. 52).

Government interventions

A number of government interventions under way are relevant to addressing armed violence in Timor-Leste. These consist primarily of broad ‘peace-building’ efforts that seek to address the underlying issues that give rise to violence, and include reintegrating IDPs, engaging youths for positive change in communities, and diffusing property conflicts, among others.

IDP reintegration process

In January 2008 the Timorese Ministry of Social Solidarity (MSS), in partnership with the UN Development Programme (UNDP) and a range of international development agencies, began the process of reintegrating IDPs. As part of this process, the MSS and UNDP conducted an intensive dialogue process to facilitate the return of IDPs to their villages. According to a source within the MSS, this process is now complete.³⁰

There have been a number of criticisms of the process, however. Many of those involved report that under pressure from international donors, the government has rushed the process without the necessary preliminary sensitization both of the IDPs to prepare them for return and of the villages to which they will be returning.³¹ One report claimed that the MSS mediation process was largely ineffective, as it focused too heavily on information about government legislation rather than on the issues that gave rise to the tensions in the first place (Norwegian Refugee Council IDMC, 2008, p. 6). Another criticism was that mediation sessions were held at the *suco* level rather than at the *aldeia* level, thereby not addressing those *aldeias* actually affected by

the conflict.³² The same source also stated that while attempts had been made to mediate the conflict of 2006, no attempt had been made to mediate the conflict of 2007, which was between completely different adversaries and over different issues.³³

While the government and the other key agencies involved such as the IOM and UNDP have sought to put a positive spin on the acceptance of IDPs back into their communities, in some areas the reality is somewhat different. According to one source associated with the return process in the Bairo Pite area, 30–40 per cent of returned IDPs are experiencing conflict.³⁴ This figure is supported by the Geneva Declaration Urban Violence Survey. Conducted in four areas in Bairo Pite or adjacent to it, most focus groups reported ongoing tensions with IDPs as a source of current or future conflict. This is especially true of those who may have been involved in criminal acts as a result of gang conflict in 2007. While many of the returned IDPs were driven out of their homes in 2006 due to east–west tensions and property disputes, the 2007 conflict was largely an internecine family and gang conflict. Focus groups held during a mid-2009 project in Bairo Pite indicate that gang violence, rather than east–west rivalries, was the primary source of communal tensions (Muggah, 2010, p. 55).

The MSS now claim that all transitional shelters have been closed.³⁵ However, towards the end of 2009 about 40 per cent of people living in transitional shelters stated that they were afraid to return home, while another 10 per cent said their homes were being occupied by others. There is no legal framework for property restitution and compensation for returnees and no effective land and property law to determine ownership (Norwegian Refugee Council IDMC, 2008, p. 5). Although the government has promised to build permanent housing for the IDPs, it is not clear when this policy will be implemented (Jesuit Relief Services, 2009). The government has promised to allocate land for these IDPs, but even its own Department of Land and Property has reportedly resisted this attempt.³⁶

The situation for IDPs continues to be one of considerable uncertainty. Many have now used their recovery package to buy food or even consumer articles, and some complain they have not received any assistance at all. While the MSS claims that about half of houses have been rebuilt, it admits that there are no reliable figures to support this claim.³⁷ One report published in 2009

found that only about 9 per cent of the approximately 6,000 houses destroyed had been rebuilt; most returnees preferred to live in damaged or even burned-out shells of houses (Belun, 2009, p. 4). A 2009 IOM survey of *aldeia* chiefs stated that in Dili alone at least 3,547 homes remained damaged or destroyed (IOM, 2009). One of the authors of the Belun report believed that a year later the situation had not really changed.³⁸

There are serious questions about the long-term sustainability of the return process. The underlying causes of the conflict (especially land titling, as described above) have not been resolved and there is a lack of funding for a long-term national recovery strategy. Care of these IDPs is now largely NGO driven and thus localized within these NGOs' zones of operation. Two of the international NGOs involved in assisting and monitoring the return process, Austcare and Concern, have now ceased their operations in Timor-Leste. The capacity of the state to provide basic protection services to the IDPs or the general population is extremely limited and many fear that once the return process is finished, the issue will be forgotten (Norwegian Refugee Council IDMC, 2008, p. 10). Such a scenario would provide fertile ground for future conflict.

National Youth Policy

In November 2007 the Government of Timor-Leste approved the nation's first National Youth Policy; and in November, seven optional strategies for its implementation were outlined. This policy officially recognizes the role of young people in nation building, and outlines how government ministries and NGOs can work together to harness young people's potential. As part of this policy, the government has allocated a National Youth Fund to be used to finance the initiatives of youth groups and associations. The optional strategies for the National Youth Policy implementation include:

- mobilizing young people to serve in their communities;
- establishing linkages between education and future employment;
- raising literacy through non-formal education;
- paying attention to the disabled;
- promoting civic education and participation; and
- providing work opportunities and encouraging entrepreneurship.

The policy is to be implemented by the Secretariat of State for Youth and Sport (SSYS), but there have been a number of criticisms of this body. One internal report finds that the SSYS has not yet established its credibility and authority with other government agencies, and that there is little shared ownership across directorates where effective coordination is required to achieve results. The report also claims that the SSYS lacks the capacity to formulate policy and provide advice, and lacks mechanisms to process payments and funding applications, an essential part of the delivery of the National Youth Fund.³⁹ The SSYS is also seen by many as heavily politicized, and deeply divided between appointees of the previous and the current government.

On 8 September 2008 the MSS dialogue teams were launched. The teams are a joint initiative of the MSS and UNDP. The dialogue teams were slated to be an integral part of the 'Hamutuk Hari'i Konfiansa' (Building Trust Together) pillar of the 'Hamutuk Hari'i Futuru' (Building the Future Together) National Recovery Strategy. They work closely with local authorities to promote dialogue to help alleviate the concerns of IDPs expected to move from the camps and those who are living in the receiving communities, as well as to avoid and mitigate potential conflicts. The dialogue teams work closely with partner agencies such as the IOM, Catholic Relief Services (CRS), CARE, Belun, and Jesuit Relief Services.

The MSS has also been giving training to community leaders in dialogue facilitation. The training is currently taking place in three areas of Dili, but in the next phase there is a plan to set up a peacebuilding department under the aegis of the Ministry of Social Assistance with support from the MSS.⁴⁰ The MSS has also been conducting peacebuilding training for the PNTL and F-FDTL with assistance from CRS.⁴¹

National Property Cadastre

In July 2008 the Ministry of Justice launched the new National Property Cadastre, a comprehensive database of claims to land ownership that could eventually form the basis for a national registry of land rights in the country. This data-collection project is being undertaken with support from a US Agency for International Development (USAID)-funded five-year, USD 10 million initiative that aims to collect claims to land ownership across the country for the

purpose of land registration and land administration (Ministry of Justice, 2008). The time required to develop this project will be considerable. While there have been preliminary steps to extend the project to other areas, the initial data collection was conducted in two pilot areas that do not have a high rate of contestation over land. There are no immediate plans to extend the project to Dili.

Civil society interventions

Several recent civil society interventions are worth noting. Like the state efforts described above, they work to promote broad peacebuilding and economic development goals that could mitigate tensions that lead to violence.

House of Youth: On 2 November 2008 the House of Youth opened in Audian, Dili, for leaders of rival gangs and MAGs to meet and talk in a neutral space, but it has reportedly closed due to lack of funding (LUSA, 2008).

World Bank USD 2.1 million East Timor Youth Development Project: This project's stated aim is 'to promote youth empowerment and inclusion in development by expanding the capacities of and opportunities for youth groups to initiate and participate in community and local development initiatives'.⁴² As part of this programme, in coordination with other donors, including AusAID, the Asian Development Bank, and the European Commission, the World Bank is preparing a large-scale workfare programme that would seek to create short-term youth employment opportunities. According to a World Bank source, this process was half-completed as of February 2010.⁴³

USAID Preparing Us for Work project (Prepara Ami ba Servisu): This is a USD 5 million, three-year skills development programme for Timor-Leste's out-of-school youths. The Education Development Center, a US-based non-profit education research and development organization, is implementing the programme (USAID, 2008).

The programme provides minimally educated rural men and women aged 16–30 with off-the-job instruction and on-the-job training. In groups of 50, youth participants will work together for one year in Timor-Leste's districts,

outside the capital Dili. Over a three-year period, at least 50 groups, or 2,500 young men and women, will benefit from this programme.

The programme is designed to strengthen the skills of young people in the areas of work readiness, financial literacy and entrepreneurship, technical work, leadership, and other life skills.

International Labour Organization (ILO) youth employment initiative: The ILO is implementing a multifaceted youth employment initiative worth a total of USD 31.2 million. There are three main components.

The Skills Training for Gainful Employment Programme includes capacity building of the Timor Secretariat of State for Vocational Training and Employment; the creation of a national network of training providers; and community empowerment through integrated skills and enterprise training (Secretariat of State for Vocational Training and Employment, 2009a).

The Investment Budget Execution Support for Rural Infrastructure Development and Employment Generation is to contribute to employment generation, poverty reduction, economic growth, and peace building through the rehabilitation, construction, and maintenance of rural infrastructure using labour-based (equipment-supported) work methods (ILO, 2009).

The Youth Employment Promotion Programme was designed to assist the Secretariat of State for Vocational Training and Employment in the preparation and implementation of tools and programmes in the areas of training, entrepreneurship development, and labour-intensive works to facilitate the productive access of young women and men to the labour market. One plank of this programme will be the creation of the National Labour Force Development Institute, which aims to develop a competency-based education and training system (Secretariat of State for Vocational Training and Employment, 2009b).

According to one ILO source, these programmes are at a mid-stage of completion. The source expressed reservations, however, about whether the government had the capacity to budget adequately for the continuation of these programmes once it fully takes ownership from the ILO. He added that project progress was being hampered by a lack of coordination among departments and that the government itself was not stipulating to foreign investors that they use local labour hired from the ILO employment centres.⁴⁴

CARE International urban outreach and peacebuilding programme: In response to the 2006 violence in Dili, CARE started a community outreach programme in the Bairo Pite area, the neighbourhood around the CARE compound. A key part of this programme was the Community Activities for Local Mitigation, Empowerment and Reintegration project (CARE International, 2008).⁴⁵

CARE mapped the area with local youth groups and the local government before funding small-scale community initiatives that aim to promote peace and strengthen communication among communities in Bairo Pite. Activities have included peace education workshops using theatre, logistical support for meetings, community sports events, community peace murals, a national youth peace camp, tree planting, gang reconciliation activities with church leaders and government, and cultural shows promoting national unity.

While sections of Bairo Pite that have previously suffered conflict have been peaceful since 2007, it is difficult to gauge if this is the result of CARE's programmes or not. Local communities in the Ai Lok Laran and Perumnas areas effectively evicted a violent gang from their midst in January 2007 and have since enjoyed relative peace, but there is still conflict along the boundary between this community and where these gang members have since moved to. Conflict also continues to afflict the Hudi Laran and Surik Mas areas of this sub-district, although rarely of the same scale and intensity as the group fighting that characterized the 2006–07 period.

Department of Peace Building and Social Cohesion: Commencing in 2010 as part of a UNDP-supported and -implemented three-year programme, the eight dialogue teams involved in the Hamutuk Hari'i Konfiansa pillar of the National Recovery Strategy will become integrated into a new Department of Peace Building and Social Cohesion (DPBSC). Five units will be formed: a dialogue and mediation unit, a community strengthening unit, a monitoring and evaluation unit, and two regional units based in Baucau and Ermera (UNDP Timor-Leste, 2010).

The DPBSC will be under the remit of the MSS and will aim to consolidate achievements in the areas of conflict management and promote longer-term peace building in communities. The strategy will involve four key components:

1. institutionalizing peacebuilding mechanisms and procedures in the national government;
2. strengthening conflict resolution capacity and mechanisms at the community level;
3. enhancing women's participation and role in peace building; and
4. conflict-sensitive development.

Active Non-Violence Movement: Implemented over the period 2007–08 by the Dili Justice and Peace Commission (JPC) of the Dili Catholic Diocese, this national programme trained youths in active non-violence principles. The JPC also worked with over 21 gangs from six parishes of Dili to train them in peace promotion and supported them to conduct a range of neighbourhood renewal projects such as street cleaning and tree planting (JPC, 2010).

Timor-Leste Peacebuilding Institute (TLPI) Project: Also implemented by the JPC, the TLPI Project is an annual training course aimed at fostering dialogue and networking for peace. First run in 2007, the TLPI Project focuses on capacity building for leaders in conflict-prone areas of Timor-Leste and other actors working in conflict resolution, including the MSS dialogue teams, the Ministry of Justice, the PNTL, the F-FDTL, political parties, international and national NGOs, religious leaders, and gang leaders (JPC, 2010).

The latest TLPI programme was conducted in March 2010, and the next one is planned to take place in June 2011.⁴⁶

Laletek (Bridge) Project: Implemented by CRS, the stated objective of the Laletek Project is to address the divisions among people across seven *sucos* in Dili by increasing understanding and improving constructive engagement among opposing groups. The project is being held in 18 *aldeias* across seven *sucos* that CRS has identified as being among the most problematic in terms of communal friction and gang activity: Becora, Camea, Mascarinhas, Bidau-Santana, Fatu-Hada, and Comoro and Bidau Santa Ana (CRS, 2009).

As part of the project, CRS will work with *aldeia* chiefs and *suco* council members to develop a simple conflict-mapping system for early identification and tracking of *aldeia*-level violent conflicts. Support will also be provided to *suco* and *aldeia* chiefs to conduct conflict-mitigation dialogues. In targeted

aldeias, opposing groups such as gangs and MAGs will be engaged in active non-violence training and dialogue processes.

The project will be unique in that it is one of the few peacebuilding projects to include informal actors such as youth groups, non-traditional leaders, gang members, and MAGs as part of community reconciliation; their exclusion in the past has often derailed peace processes.

The baseline study was completed in June 2010 and the project is now progressing towards the *aldeia* conflict-mapping stage.⁴⁷

Federation of Traditional Self-Defence Arts in Timor Leste: This is a new national network of MAGs, chaired by Aniceto Neves, former head of the HAK Association Peacebuilding Programme. An earlier attempt was made in 2005, with the support of the Asia Foundation, to set up an umbrella body, the Martial Arts Communication Forum, but this ended when funding dried up and renewed fighting broke out among groups in 2006.

Reflections

The government and the international community have taken a number of important steps over the last few years. The closing of the refugee camps, for example, and the resettlement of the IDPs is a major achievement, as are attempts to regulate MAGs and engage them in dialogue. The full implementation of the National Youth Policy and a raft of related youth-oriented programmes could also do much to combat youth alienation and correct the drift from rural areas to the city.

However, broad national programmes such as these tend to have only a temporary effect and often do not reach those most in need. The rushed nature of the IDP return process, for example, which might appear to have been initially successful, has left many wounds unhealed. While training and employment programmes might go some way to addressing youth disadvantage, this is not the only source of communal conflict. Additionally, superficial, generic approaches to peace building that do not account for local realities and often complex, multi-layered issues have already proven to be unsustainable. While there have been some worthwhile programmes aimed at gangs and MAGs, these have tended to be low budget and short term.

There are already growing signs of tension, especially over the period late 2009–10. Reminiscent of the build-up to the outbreak of violence in 2006, there is now low-scale MAG conflict in familiar points of communal tension in the districts and in the capital, Dili. Growing activity by unknown armed groups has also been reported in a number of districts, in a similar pattern to 2005, with a serious clash between the police and one such group as recently as June 2010. Payback cycles generated by such conflict always have the potential to spark a wider conflagration.

If there is not to be a return to further conflict, there needs to be a much more localized, evidence-based approach to peace building that addresses the often multi-layered sources of conflict or the deeper structural issues such as property disputes and justice. There is also a need for more sustained, ongoing programmes targeted at young men at risk such as gang or MAG members. There is also a vital need for the kind of mass demobilization programmes for youth combatants implemented in other post-conflict countries that provide training or education, and, above all, that provide formal recognition for their participation in the independence struggle. 📌

IV. Sexual and gender-based violence

By Susan Harris Rimmer



In November 2009 the TLAVA published *After the Guns Fall Silent: Sexual and Gender-based Violence in Timor-Leste* (TLAVA, 2009). The report considered the scale and magnitude of sexual and gender-based violence (SGBV) directed against women and girls in Timor-Leste in both the pre- and post-independence periods; the impunity that pervades the country around SGBV and impedes progress on the issue; and the systematic failure of the security and justice system to tackle violations (TLAVA, 2009, p. 1). Key findings from this report appear in Box 4.

Box 4 **Key findings of TLAVA Issue Brief No. 5 (November 2009)**

- Women and girls continue to face a high incidence of SGBV in the post-independence period, as well as prevailing cultural norms that act as an impediment to their full partnership in society and government.
- Documentation of, acknowledgement of, and compensation for previous sexual crimes against women during the occupation are far from complete, and hinder collective healing and understanding of SGBV.
- Traditional and formal justice mechanisms have failed women and girls on SGBV, while key legislative reforms on intimate partner and family violence languished in parliament until 2010.
- There is a strong need for routine SGBV monitoring by government, police, hospitals, and service providers, and improved collection of data to inform policy measures.
- The work of the UN Police Vulnerable Persons Unit (VPU) within the PNTL should be expanded and further resourced, with outreach to all districts.
- The strong commitment to the prevention of SGBV from several of Timor-Leste's key civil society organizations is commendable, and developing capacity in service delivery, monitoring, and public education should be supported by the Timorese government and multilateral and bilateral donors.

This section discusses recent developments in SGBV data collection and the several positive changes that have recently occurred in the quest to eradicate SGBV in Timor-Leste, precipitated in part by the UN Security Council debate over the extension of UNMIT. The TLAVA takes SGBV as encompassing a range of harms, including rape, marital rape, and attempted rape; sexual violence, including assault, abuse, and harassment; sexual exploitation and trafficking; forced marriage; intimate partner and family violence; and harmful cultural practices.

Developments in SGBV data

Despite the attention to SGBV in Timor-Leste since 2000, routine surveillance and data collection have generally been incomplete and often anecdotal. The main information sources are complaints registered by police, patients presenting themselves to hospital emergency rooms, court reports, and findings generated by NGOs and related service providers. Publicly generated data is typically unreliable or unavailable for public research—e.g. the numbers of charges and arrests for SGBV offences.

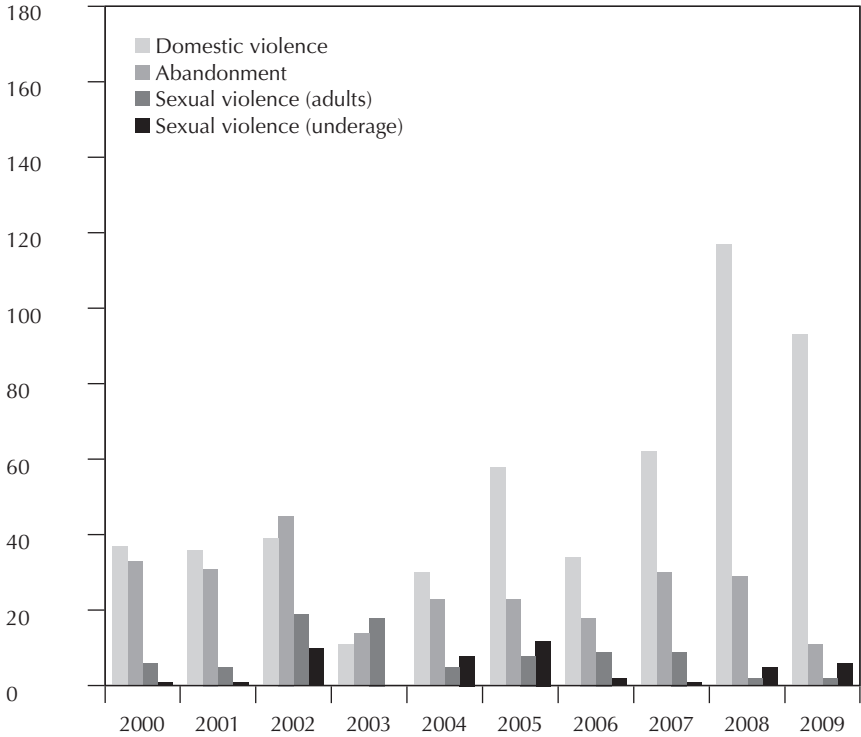
Two of the most useful sources of data on SGBV are the VPU, established in 2000 within the PTNL, and the service providers Forum Komunikasi Untuk Perempuan Timor Lorosa'e (FOKUPERS)⁴⁸ and the NGO Psychosocial Recovery and Development in East Timor (PRADET). FOKUPERS and PRADET administer referral and safe-house programmes and maintain statistics on women contacting their services. A third source is found in court statistics on numbers of cases and judgements collated and published by the Timorese legal NGO Judicial System Monitoring Programme (JSMP).

There have been significant gains in acquiring accurate and comparable data in 2010. Firstly, the JSMP ran a study from October 2008 to August 2009 finding that of the 152 clients of their Victims Support Service (VSS), 73 (48 per cent) were victims of domestic violence or physical assault (JSMP, 2009a, p. 18; 2010).

Secondly, FOKUPERS updated its total 2009 statistics on SGBV. These were published as an appendix to the UNDP/UN Development Fund for Women (UNIFEM) parliamentary briefing prior to the reading of the draft Domestic Violence Law (UNDP and UNIFEM, 2010). The data shows a continuation of the high levels of domestic violence that were recorded in 2008 (see Figure 1).

Figure 1 **Incidents of SGBV, 2000–09**

Number

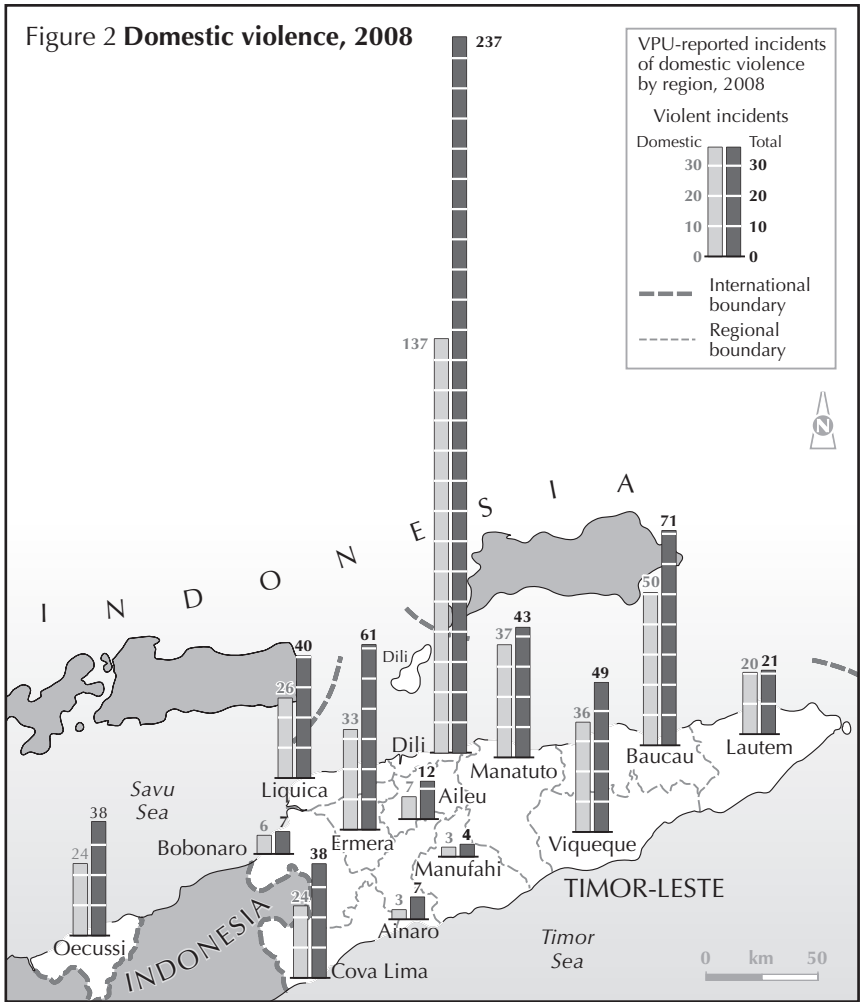


Source: UNDP and UNIFEM (2010)

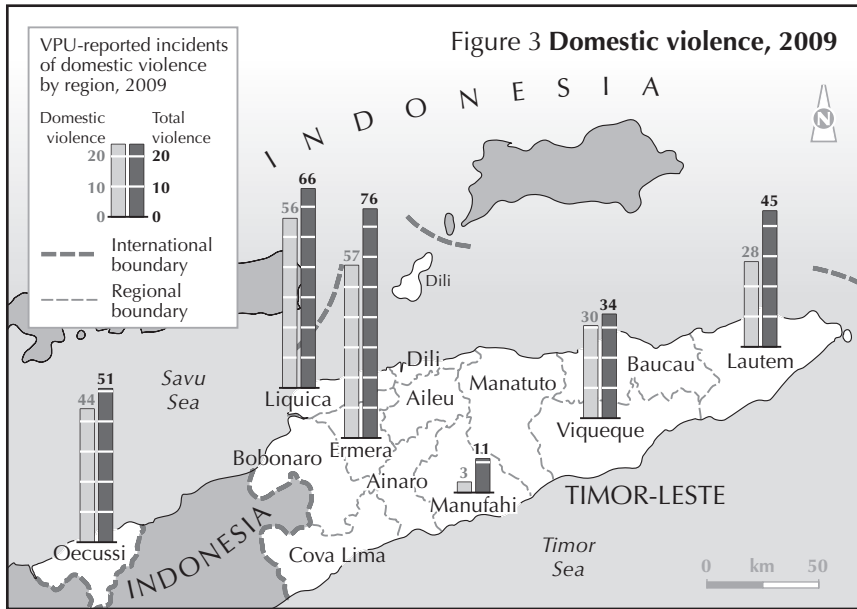
Thirdly, the VPU of the PNTL updated its 2008 and 2009 data (see Figures 2 and 3). The updated figures revise upwards the number of cases previously reported for 2008 and show persisting high levels for 2009. This data confirms that domestic violence was the most prevalent crime reported to the VPU in all districts in these years. Based on new 2009 data from Ermera, Lautem, Liquica, Manufahi, Oecussi, and Viqueque, 218 of the 283 crimes reported to the VPU involved domestic violence (UNDP and UNIFEM, 2010).

The VPU data likely undercounts actual SGBV incidents. For example, VPU statistics for Bobonaro in 2008 reveal a low level of family violence in six out of a total of seven cases of SGBV reported to the VPU (UNIFEM and UNDP, 2010). But a baseline survey carried out by the Asia Pacific Support Collective

Timor-Leste in Cova Lima and Bobonaro districts in 2007, released in 2009, found that communities in Bobonaro felt that domestic violence was a private matter that should not be discussed in public (APSCTL, 2009, p. 18). The TLAVA Issue Brief explored some of the cultural reasons why many victims of SGBV in Timor-Leste may not report cases or seek treatment (TLAVA, 2009), and those challenges persist today.



Source: UNIFEM and UNDP (2010)



Source: UNIFEM and UNDP (2010)

Improved data on SGBV may soon be available. A new and extensive USAID-funded MEASURE Demographic and Health Survey has been conducted in Timor-Leste, which includes a module on gender-based violence. The survey was in the field in 2009 and the final report is due out in October 2010. Timor-Leste will also have to annually update the UN Secretary-General’s Database on Violence Against Women (UN, n.d.), which will provide researchers and advocates with an additional dataset.

Civil society initiatives

Civil society organizations in Timor-Leste remain the primary actors on SGBV matters. The referral network to essential services such as health, housing, and counselling for victims of SGBV is working well, at least in Dili. Most activity in 2009–10 has focused on legislative changes and awareness-raising activities as part of the ‘16 Days to End Violence against Women’ campaign (25 November), National Women’s Day (3 November), and International Women’s Day (8 March), with activities supported by UNMIT and UN agencies.

There is still discontent among civil society advocates over particular provisions of the new Penal Code, Criminal Procedure Code, and Law for the Protection of Witnesses. For example, the JSMP states that the provisions relating to abortion in the Penal Code do not accord with international law and human rights principles, including the principle of non-discrimination, since the article governing abortion makes it a criminal act in all but exceptional circumstances (JSMP, 2010, p. 2). The JSMP also raises concern over the Penal Code provisions dealing with sexual abuse, advising that further clarification is needed to take account of situations in which both victim and perpetrator are minors (JSMP, 2010, p. 3). Finally, Article 125 of the Criminal Procedure Code is felt to create dilemmas for victims of intimate partner and family violence because of extensive immunities for family members from giving testimony in criminal cases (JSMP, 2009b).

Access to justice is still a major roadblock for SGBV victims, as described in detail in the TLAVA Issue Brief (TLAVA, 2009). The VSS of the JSMP has committed to long-term police training, conducted jointly with the Prosecutor's Office. The goal is to introduce investigation methods that emphasize upholding the rights of the victim in accordance with the Criminal Code and the Criminal Procedure Code. The VSS has also conducted training for local authorities, women's groups, and youth groups in more than ten sub-districts on elements of the Criminal Code and the Criminal Procedure Code (JSMP, 2009b, p. 3).

In 2009 the JSMP continued to advocate for people seeking justice for SGBV-related offences in the formal court system. The JSMP identified capacity shortfalls in the justice system as a key hurdle in its *Overview Justice Sector in Timor-Leste 2009* (JSMP, 2010, p. 17). The Independent Comprehensive Justice Needs Assessment of Timor-Leste report commissioned by UNMIT supported this claim (UNMIT, 2009, pp. 30–38). The government has been engaged in a consultative process to develop the first draft of the Justice Sector Strategic Plan for Timor-Leste, which should address the question of capacity. It is expected to be adopted in late 2010.

Government initiatives

The government has increased its focus on SGBV issues recently, primarily through the health and justice sectors, and through legislative reform. The

office of the Secretary of State for the Promotion of Equality (SEPI) disseminated the concluding observations of the first Constructive Dialogue of Timor-Leste with the UN Committee on the Elimination of All Forms of Discrimination Against Women (held on 30 July 2009 in New York) to the Council of Ministers and to ministry and district gender focal points during November and December 2009. The SEPI secretary, Idelta Rodrigues, attended the Commission on the Status of Women in March 2010. She is focusing her work around the 2008 Dili Declaration, with a special focus in 2010 on women's education.

Status of legislative reform

The most significant development in 2010 is progress towards the passage of the Law on Domestic Violence through the National Parliament after many years of inaction. Parliament received the legislation in January 2010 after a four-year drafting period and five-year consultation period. National Unity Party leader and MP Fernanda Borges, along with members of Committee A of the National Parliament, held a seminar on domestic violence on 3 February 2010, which was well attended by stakeholders. Borges stated that '[p]arliament needs to conduct its own consultations in order to have a better feel of the needs of the people' (UNMIT, 2010a).

Debates at the workshop focused on the definition of domestic violence. In the draft legislation, domestic violence is defined as any act or series of acts committed in a family situation by one member against another that result in physical, sexual, and psychological harm or suffering, which includes economic abuse, intimidation, battery, assault, coercion, harassment, and arbitrary deprivation of liberty. Missing from the draft is a mechanism to empower authorities to issue a protection order before a case reaches the courts (e.g. an apprehended violence order).⁴⁹ Vicente Gutierrez, one of the two vice-presidents of the National Parliament, stated that the law was 'revolutionary', adding that '[w]e are proud of our culture but there are elements in it that need to be change[d]' (UNMIT, 2010a).

The Law Against Domestic Violence (Proposta Lei Kontra Violência Doméstika, No. 31/II/2009) was finally tabled for debate on 19 March, which continued on 22 March 2010. The law was passed by parliament in general terms (*aproval*

jeneralidade') with 40 votes for approval, none opposing, and two abstentions. Parliament also voted to send the law to the Committee for Constitutional Affairs, Judiciary, Public Administration, and Local Government (Committee A) for review and revisions. This vote was more contentious, with several MPs supporting a general plenary review. As a compromise, it was decided that the law would be sent to Committee A, but if the committee disagrees about any section of the law, then it will go back for plenary review. This represents a significant achievement for the long gestation period of this law.

Part of the renewed energy on SGBV issues is due to the UN Security Council debate in February 2010 on the extension of UNMIT's mandate. The secretary-general's report covered the period from 24 September 2009 to 20 January 2010, and had a much stronger emphasis on justice issues and the high incidence of SGBV in Timor-Leste than previous reports (UNSG, 2010, para. 87). The report also found that 'institutions are still fragile, including those in the security and justice sectors' (para. 172) and that the 'need for fully functioning Vulnerable Persons Units cannot be overstated' (para. 47).

This emphasis on SGBV is reflected in the resulting UN Security Council Resolution 1912 (UNSC, 2010). The Security Council voted unanimously on 25 February to extend the UN peacekeeping mission in East Timor for one year, but to reduce its police contingent ahead of a possible pullout in mid-2011. The Timor-Leste government indicated that it wanted a withdrawal by 2012 (Lederer, 2010).

The resolution calls on UNMIT to continue support to the PNTL and the wider security sector to deal with the 'special needs' of women (UNSC, 2010, paras. 7 and 15). It requests the secretary-general to include in his reporting to the Security Council reports on

progress on gender mainstreaming throughout UNMIT and all other aspects relating to the situation of women and girls, especially on the need to protect them from gender-based violence, detailing special measures to protect women and girls from such violence (UNSC, 2010, para. 15).

Finally, the resolution reinforces that the UN has a zero-tolerance approach to sexual exploitation and abuse by UN personnel, including peacekeepers (UNSC, 2010, para. 16).

In terms of transitional justice issues, there has been little progress, and the Security Council resolution is silent on this point. President Ramos-Horta reiterated his views before the UN Human Rights Council on 11 March 2010 that ‘in the efforts to bring about peace between long-standing rival communities, often we have to compromise on justice’ (Ramos-Horta, 2010, p. 5). There is not enough public debate over whether the people who are compromising most on justice in present day Timor-Leste are those non-elite men, women, boys, and girls who are still suffering from SGBV.

Reflections

As the TLAVA noted in 2009, reducing SGBV in Timor-Leste requires significant individual, community, and societal shifts, all of which are long term. The country’s unique history and its cultural tolerance for male-perpetrated violence in a highly traditional, patriarchal society pose deep challenges to obtaining justice for the victims of SGBV. As a recent UNDP/UNIFEM parliamentary briefing bluntly put it: the lives of Timorese women are controlled by men (UNDP and UNIFEM, 2010). Cultural attitudes are entrenched and will be difficult to overcome. Reforming legal norms is an essential first step and an indication of the society’s intention to change.

To that end, progress in the last 12 months towards the enactment of the Domestic Violence Law has been encouraging. Although it is not yet law, civil society pressure and the leadership of MPs suggest that this may soon occur. Should the law be enacted, efforts to implement it thoroughly and monitor its effectiveness will be required. Ideally, all SGBV cases should be dealt with in the formal justice system, but this requires that the system be equitable and accessible to victims. This is not yet the case. 🗨️

V. Conclusions

The TLAVA project has aimed to contribute to a greater understanding of the dynamics of armed violence in Timor-Leste by focusing on a number of key contributing factors, including the presence of small arms remaining from the independence crisis, ongoing leakage from military and police stocks, communal conflict, and socio-political turmoil involving dissident military figures and local political leaders. The project has adopted a wider optic regarding who is a risk of violence, including intimate partner and family members.

In 2008 the TLAVA found that the type and availability of small arms was ‘entering a qualitatively new phase’ (TLAVA, 2008, p. 1). While no longer present in large numbers, weapons are dispersed among the civilian population in an uncontrolled fashion. Despite the country’s small size, simmering mistrust combined with a small number of uncontrolled weapons can create significant insecurity. Communal conflicts in the border regions, particularly the western lands and in Dili, confirm this. In Dili, group conflicts have recently involved more antagonists than documented since 2007.

The state response to real and perceived (illegal) weapons holdings continues to be highly militarized and publicly divisive, as the PNTL’s *Operasaun Ninja* has demonstrated. The security sector suffers from persistent questions about its institutional and programmatic capacity and legitimacy. It also continues to act as a potential conduit of arms from legal to illegal weapons holders. While improvements have been made in the management of state weapons stocks, considerable concern about leakage to civilians remains.

The PNTL, especially, has been singled out for the need to improve its capacity to inventory and its ability to exercise stricter oversight over its weapons. As of early 2010 it appeared that the PNTL could not account for 20–30 small arms and light weapons; fewer than previously reported but still worrisome. Improved security sector transparency is also needed to permit politicians and the public to accurately assess improvements in weapons management.

State and international prevention efforts have so far focused on broad-based interventions, such as the recently completed project to reintegrate IDPs. But there is evidence that they have not met their targets and that tensions remain. The long-term sustainability of any gains remains in doubt. A number of development-oriented projects are also under way, but process and outcome evaluations are not yet available.

Legal reform has also been mixed. While the domestic violence law appears to be progressing, the picture is not as clear regarding the proposed National Gun Law. A number of aspects of the law are problematic. Firstly, the intended consequences of the proposed law are potentially counterproductive to security. Civilian gun possession is currently illegal, and the new law would legalize and legitimize civilian gun ownership. A 2008 TLAVA analysis found that, given concerns over the presence of small arms in the country, 'it is curious that the Prime Minister of Timor-Leste is looking to adopt legislation that would potentially increase the number of firearms in circulation' (Parker, 2008, p. 11).

Secondly, while the draft law contains many elements consistent with emerging international civilian gun control norms, it contains a number of weaknesses and worrisome omissions, including on the types and number of firearms that might be possessed by civilians (Parker, 2008, p. 11). The law would remove current ambiguities as to which state agencies are authorized to award gun licences, giving the commander of the PNTL this unique privilege. But it would also lower the threshold for obtaining licences to use and carry arms, since it omits the requirements that such licences be granted only 'in exceptional circumstances' and that the licensed activity is in the 'public interest'. Finally, the lack of public and civil society consultation on the law has also raised questions about the intent of the draft law's backers.

TLAVA researcher Ed Rees wrote as follows in 2008:

Ultimately, a domestic debate on a distinctly 'Timorese' approach to controlling arms is much needed. While Timorese solutions will undoubtedly be more sustainable than international ones, they also require steady and reliable political leadership to prevent the recurrence of previous mistakes (TLAVA, 2008, p. 10).

This remains as true in late 2010 as it did then. 📌

Endnotes

- 1 The author would like to thank Loron Triste.
- 2 *Kilat* is Tetun for gun.
- 3 For more on the 2006 crisis, see TLAVA (2008).
- 4 The CJITL (2009) reports that the PNTL arrested three CPD-RDTL militants in Baucau for possession of illegal weapons (a pistol or pistols), on the basis of information provided to it by the International Stabilization Force.
- 5 TLAVA interview with former head of FALINTIL Communications and Logistics in the Aileu cantonment in the period 1999–2001, 1 April 2010.
- 6 Email communication with Belun staff, 9 April 2010.
- 7 Radio Televisaun Timor Leste, 22 February 2010 (summary by Alberico de Costa Junior, Timor-Leste Media Development Centre). The Liquica district police commander, Orlando Gomes, says his officers have seized seven air rifles, 66 swords, and a number of knives in roadside searches held within the district.
- 8 TLAVA interviews with Timorese journalists on 28 March 2010 and Timorese private security operators on 30 March 2010 suggest that the Timorese security and intelligence personnel were dispatched to Bobonaro and Ermera districts around 13 March 2010 as a result of information suggesting the presence of an armed group in the area.
- 9 Four F-FDTL soldiers and officers were convicted and sentenced in 2009 for the murder of nine PNTL officers on 25 May 2006. They are held in a military prison in Tasi Tolu, Dili. Human rights groups claim that these individuals are often not actually ‘in custody’.
- 10 Reporting is quite confused, given the political sensitivity of the issue. For example, the headline of *Suara Timor Lorosae* on 9 March 2010 was ‘2006 Crisis, Some Leaders Authorised F-FDTL to Distribute Guns’; the following day it was: ‘Evidence not Strong, Prosecutor General Archives the F-FDTL Distribution of Weapons to Civilians Case’.
- 11 Oan Kiak was not remanded into custody, but rather sought refuge at the residence of Cornelio Gama, formerly a FALINTIL commander known as Elle Sette, and now a member of parliament (MP) as president of UNDERTIM, a political party based in Baucau district.
- 12 According to a PNTL promotions list, 27 March 2010. Former Sub-Inspectors Angelo Quelo and Artur Avelar Borges formed part of a pro-Western unit armed by former Police Commissioner Paulo Martins with Steyr semi-automatic rifles. Borges was involved in the attack on General Matan Ruak’s house on 24 March 2010. As of 27 March, Quelo (badge 10031) is a chief inspector in the PNTL, while Borges (badge 10405) is a principal agent.
- 13 For example, former PNTL Sub-inspector Abilio Mesquita was dismissed from the PNTL in 2008. According to Timorese private security sources, Mesquita retains his PNTL 9 mm Glock sidearm, which he continues to use in the commission of extortion activities in Dili’s Audian district (TLAVA interviews, Dili, 28 March 2010).
- 14 TLAVA interview with MP, Dili, 25 March 2010.
- 15 TLAVA interviews with PNTL officers, bilateral advisers, and Timorese civil society, March 2010. Also see *Tempo Semanal* (2009c).

- 16 The PNTL's premier paramilitary police unit, the Battlhao Ordre Publiku, formerly the Unidade Intervensau Rapido, currently numbers around 175, and there are plans to expand it to 300, probably requiring additional weapons procurement (DPKO Pre-TAM and UNMIT police component, 2009).
- 17 On 7 April 2009 Secretary of State Julio Tomas Pinto informed the Timor-Leste Development Partners meeting that on 27 September 2008 he signed the Force 2020 Implementation Instructions. The Force 2020 Plan is available on the East Timor Action Network website: <<http://www.etan.org/news/2007/06forcas.htm>>.
- 18 TLAVA interview with F-FDTL officer, Dili, 2 April 2010.
- 19 For an analysis of the draft gun law, see Parker (2008).
- 20 TLAVA interviews with three members of Committee B (National Security, Defence, and Foreign Affairs) of the National Parliament, from both the opposition and the governing coalition, Dili, March 2010.
- 21 Statement by NGOs Timor-Leste and Development Partners meeting, 7 April 2010.
- 22 See, for example, *Timor News Online* (2010e).
- 23 Email exchange with Gordon Peake, senior policy adviser to the Timor-Leste Policy Development Programme, 13 September 2010.
- 24 Interview with Andrew Marriott, adviser, Belun, Dili, 5 March 2010.
- 25 Interview with Radio Timor Kmanek journalist Victoria Lopes, Dili, 5 March 2010.
- 26 Interview with Gary Grey, head, UN Political Affairs, Dili, 5 March 2010.
- 27 Interview with Catherina Maria, Catholic Relief Services (CRS) coordinator, Conflict Management Team, Dili, 4 March 2010.
- 28 Interview with Gary Grey, head, UN Political Affairs, Dili, 5 March 2010.
- 29 Interview with manager of Tiger Fuel, Dili, 4 March 2010.
- 30 Interview with Jose Belo, programme officer, UNDP/MSS, Dili, 5 March 2010.
- 31 Interview with Richard Bowd, CARE International, Dili, 17 July 2009.
- 32 The same claim has often been made about donor-led mediation processes generally.
- 33 Interview with village chief, Dili, East Timor, 25 July 2009.
- 34 Interview with Richard Bowd, CARE International, Dili, 17 July 2009.
- 35 Interview with Jose Belo, programme officer, UNDP/MSS, Dili, 5 March 2010.
- 36 Interview with Catherine Maria, CRS coordinator, Dili, 8 July 2009.
- 37 Interview with Jose Belo, programme officer, UNDP/MSS, Dili, 5 March 2010.
- 38 Interview with Andrew Marriott, adviser, Belun, Dili, 5 March 2010.
- 39 Interview with SSYS official (name withheld for confidentiality reasons), Dili, 5 March 2010.
- 40 Interview with Catherine Maria, CRS coordinator, Dili, 8 July 2009.
- 41 Interview with Jose Belo, programme officer, UNDP/MSS, Dili, 5 March 2010.
- 42 See <<http://web.worldbank.org/external/projects/main?Projectid=P106220&theSitePK=40941&piPK=64290415&pagePK=64283627&menuPK=64282134&Type=Overview>>.
- 43 Author communication with World Bank official, 2 March 2010.
- 44 Interview with ILO project officer, Dili, 4 March 2010.
- 45 Also taken from interviews with programme adviser, Dili, 17 July 2009.
- 46 Email exchange with Catherina Maria, CRS programme director, 14 September 2010.
- 47 Email exchange with Catherina Maria, CRS programme director, 14 September 2010.
- 48 East Timor Women's Communication Forum.
- 49 Julia Davey, UNMIT legal adviser, advocated at the workshop for the inclusion of such a mechanism (UNMIT, 2010a).

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