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Timor-Leste: New police not yet capable of maintaining law and order and protecting human rights

Despite significant progress, the National Police Service of Timor-Leste (PNTL) remains a fragile and underdeveloped institution which is not yet adequately trained, equipped, or sufficiently well-supported, to maintain law and order in a manner consistent with international human rights standards, Amnesty International said in a report published today.

The international human rights organization's findings are reinforced by serious failings in the police response to public disturbances in the towns of Dili and Baucau late last year in which three people were allegedly shot and killed by the police. Several dozen others were injured during these events. There are also reports of individuals being arbitrarily detained and of beatings of detainees by PNTL officers.

"We believe that these incidents are only the visible signs of deeper problems in the police and the broader criminal justice system of which it is a part. These problems include: an incomplete legislative and procedural framework; inadequate training; lack of effective oversight; a lack of understanding of the rule of law; and the absence of a judiciary capable of effective implementation of the law," Amnesty International emphasized.

There are additional concerns that the credibility and the impartiality of the PNTL could be undermined by political interests, disputes over recruitment policies and a lack of clarity between the role of the police and the military.

The United Nations (UN), which has overseen the establishment of the PNTL and retains executive authority for policing in Timor-Leste, committed to establishing a credible, professional and impartial police service. This has not yet been achieved.

Despite the many and serious concerns, there nevertheless remains a window of opportunity for successful remedial action to be taken before the problems become institutionalised. Some important steps have already been taken, such as the establishment a PNTL Institution Strengthening Committee which began work in April 2003. However, with less than one year before the UN's peacekeeping operation in Timor-Leste is due to end, time is short.

Amnesty International urges the UN and the Timor-Leste government to accelerate their efforts to strengthen the PNTL and for the donors to continue their support for this work. Particular attention should

be given to the following areas:

Legal reform - review all laws applicable in Timor-Leste to ensure that they are consistent with international human rights standards;

Procedures - train all PNTL officers in new procedures, including on the use of force and firearms and arrest and detention procedures;

Recruitment - maintain targets for the recruitment of women and ensure that female officers are mainstreamed into the service. Urgently agree fair and transparent policies on the recruitment of ex-combatants;

Pay and conditions - set salaries at a level which protect PNTL officers against economic pressures, which could encourage corruption and human rights violations;

Non-discrimination - promote a working environment within the PNTL which is non-discriminatory, where under-represented groups feel comfortable and where good management practice deals effectively with sexual and other forms of discrimination;

Training - undertake a comprehensive review of all existing training materials to ensure that human rights are integrated across the curriculum. Police trainers should be carefully selected for their skills and experience in the practical implementation of human rights law and standards in policing;

Oversight and accountability - establish an independent, effective, civilian police oversight mechanism. All allegations of human rights violations should be immediately, thoroughly and independently investigated and, where allegations prove founded, should be treated as criminal offences;

Use of force and firearms - all PNTL officers should undergo remedial training in the use of force and firearms. Storage of firearms should be improved so that they are fully secured and a review of equipment issued to PNTL should be undertaken to that officers are adequately equipped for their self-defence and do not become over-reliant on firearms;

Arrest and detention procedures - all PNTL officers should undergo further practical training in the rights of suspects in detention. Particular attention should be paid to the rights of children, which have been violated on several occasions in police custody;

Custody facilities - an inspection of police custody facilities should be undertaken and where they do not meet UN standards measures should be taken to improve them;

Division of roles between the police and military - clarify in law and practice the division of roles between the PNTL and the Timor-Leste Defence Force (F-FDTL).

Background

The Democratic Republic of Timor-Leste (formerly known as East Timor) gained its independence on 20 May 2002. Since October 1999 it had been administered by the UN following a ballot in which the vast majority of the population voted to end Indonesian rule of the territory. Among the tasks with which the UN Transitional Administration in East Timor (UNTAET) was mandated to carry out by the Security Council was the establishment of a national police service.

On independence, UNTAET was succeeded by the UN Mission of Support for East Timor (UNMISSET). Although its mandate is more limited, it is still responsible for interim law enforcement and public security and for providing assistance in developing the PNTL.

For the full text of the report "The Democratic Republic of Timor-Leste: A new police service: a new beginning", please see:

<http://web.amnesty.org/library/index/engasa570012003>

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