### JOINT CIVIL SOCIETY DECLARATION

# on the Joint PNTL - F-FDTL Operation Implementing Parliamentary Resolution No. 5/2014 and Council of Ministers Resolution No. 8/2014

## 22 April 2014

As is now well-known, the Timor-Leste National Police (PNTL) have been conducting operations against CPD-RDTL (Democratic People's Council – RDTL) and KRM (Maubere Revolution Council) in all thirteen districts, in accordance with Parliamentary Resolution No. 5/2014, published on 3 March 2014, regarding "illegal groups".

We have observed that PNTL has been disseminating information to the community regarding the resolution as well as conducting raids on CPD-RDTL bases throughout Timor-Leste, ordering the removal of flags and flag poles, and the surrender of uniforms, CPD-RDTL documents and membership cards. The police have also arrested the leader of KRM and conducted further operations to bring members who have fled to Mount Matebian to face justice. NGO monitoring finds that most CPD-RDTL and KRM members have already surrendered to police, turning in relevant materials in their position, and are fully cooperating with the PNTL in all thirteen districts.

Nevertheless, this conflict has involved thousands of community people, reopening issues from past conflict. For this reason, there must be comprehensive efforts to re-integrate these people into the community and to prevent similar incidents arising in the future. Consequently, we from civil society express the following concerns and demands:

- 1. We, as civil society, are seriously concerned about these two resolutions against KRM and CPD-RDTL. Even if some people have committed crimes, including members of these two organisations who have been arrested, pre-trial detention (prizaun preventiva) should not be used as a substitute for justice in the courts. Timor-Leste has a Penal Code and, according to the Constitution, only individuals can be accused of criminal acts, not entire groups. Moreover, Timor-Leste's Penal Code is the proper mechanism for convicting criminals; not a political decisions through resolutions, like those decided by politicians.
- 2. We are concerned that the current resolution sets a worrying precedent for the future, which the State could also apply to other community group in our country who have different views from the Government, or that the State will pass further political resolutions according to politician's wishes rather than following the laws and justice system in effect in our country.
- 3. We believe that all citizens have the right to freedom of expression, based on our Constitution, Penal Code and international conventions which Timor-Leste has decided to make part of our domestic law. All citizens have a right to form groups and speak publically; this is not a crime and, there is no way to condemn them for this, as our politicians are currently doing. We also understand that there is no law requiring citizens to carry their electoral cards when in public places, so the police operation requiring citizens to produce their electoral cards at checkpoints violates the law.
- 4. Nevertheless, we, as civil society, want to congratulate all ex-members of CPD-RDTL who have shown their maturity by fully cooperating with PNTL and F-FDTL and turning themselves in, together with their weapons and attributes thereby complying with the law, and reintegrating themselves into the community. This indicates their respect and devotion to the people and our nation, and contributes greatly to stability in Timor-Leste.
- 5. We also respect the professionalism demonstrated by PNTL and F-FDTL in this joint operation. However, we still demand that PNTL and F-FDTL carry out operations in Baguia, Quelicai, Laga and other places with continuing professionalism, honoring the human rights of any suffering people.
- 6. We demand to His Excellency, the President of the Republic, as the State organ with the role of ensuring national unity and stability, to develop a strategy for national dialogue with resistance people and veterans, in order to facilitate reconciliation between these warriors and the settling of political differences which arose during the resistance. This is important to prevent similar occurrences in the future. Our current reality clearly demonstrates that so far the State has focused exclusively on

- reconciliation with the enemies of independence, neglecting reconciliation between our own fighters, which has led to polemics from CPD-RDTL, KRM and others.
- 7. We demand that veterans and all national liberation fighters continue to show their heroism rather than falling into this political trap. We hope that veterans should continue to be heroes, honoring our people and the martyrs' dreams, to which they also contributed, to achieve freedom of "independence and a good life."
- 8. We demand the Courts to deliver justice according to the Penal Code and the Constitution of Timor-Leste, recognising that only individuals, not entire groups, can be convicted of crimes. The Courts must discharge their mandate independently, not condemning people in a political way, and cannot use pretrial detention as a substitute for justice in the courts.
- 9. We demand that the Government develop a comprehensive plan to reintegrate ex-members of CPD-RDTL, KRM and other groups into the community. This reintegration plan is important to prevent further community conflict after the joint PNTL and F-FDTL operation. An integrated plan must include facilitating dialogue with rural communities to reduce tension and the spread of rumours. This dialogue must clarify the Government's position, discuss the roles of citizens and the State, and identify any confusion which has arisen in relation to this operation based on Resolution No. 5/2014.
- 10. We demand National Parliament to debate the *Chega!* Report and implement its recommendations in order to strengthen reconciliation among Timorese people and resolve remaining tensions from past conflict. In this way, National Parliament should also approve the draft law on the post-CAVR Memorial Institution, the land laws; and the law on reparations for victims; all of which remain sitting before Parliament.
- 11. We demand to Civil Society, the Catholic Church, and religious leaders to fulfil their role as independent intermediaries so as to reinforce confidence in the community and among politicians so that they can facilitate community dialogue to address conflicts which arise in our society.
- 12. We demand that the Ombudsman for Human Rights and Justice (PDHJ) actively monitor human rights issues arising during the implementation of these resolutions and the joint operation between PNTL and F-FDTL.
- 13. Civil Society is also ready to monitor the joint operation to ensure that this operation is carried out with full respect for everyone's human rights.

#### Signatories to the declaration:

- 1. Belun
- 2. Fundasaun Mahein
- 3. Ba Futuru
- 4. La'o Hamutuk
- 5. ETCRN (East Timor Crisis Reflection Network)
- 6. TLMDC (Timor-Leste Media Development Centre)
- 7. Forum Tau Matan
- 8. Ita Ba Paz
- 9. NGO Forum
- 10. Rede Feto Timor-Leste

## Endorsers after it was issued

- 11. HAK Association
- 12. Judicial Systems Monitoring Programme (JSMP)
- 13. CEPAD

(There has been some miscommunication about who has signed this statement and who has not. According to Belun, the above list is accurate as of 8 May 2014.)