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Viewing cable 06DIL1313, EMBASSY DILI VIEWS ON POST-UNOTIL MISSION

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S E C R E T SECTION 01 OF 05 DILI 000313

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PACOM FOR POLAD
NSC FOR HOLLY MORROW
USUN FOR GORDON OLSON AND RICHARD MCCURRY
DEPT FOR IO, EAP/MTS, AND ISN/TREC

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TAGS: KPKO PREL PGOV PHUM AU PO MY TT
SUBJECT: EMBASSY DILI VIEWS ON POST-UNOTIL MISSION

REF: A) 05 DILI 168 B) 05 DILI 82 C) DILI 293

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CLASSIFIED BY: Curtis Ried, Political Officer, US Embassy Dili,
Department of State.
REASON: 1.4 (a), (b), (d)

¶1. (U) Summary: This message discusses possible components of a follow-on United Nations mission in East Timor after the expiration of the anticipated two-month extension of the United Nations Office in Timor-Leste (UNOTIL). Whether or not the mission is conducted under Chapter VII authority and whether or not includes UN peacekeepers, among its most important tasks will to provide effective operational policing, as well as police training that integrates practical skills with human rights protection and appropriate levels of force. The timely establishment of a robust police force will provide the security necessary for the UN to organize and administer national elections in co-operation with the appropriate Timorese institutions. The mission should also include country-wide human rights monitoring; assistance to the judicial system that is different from and better than the assistance provided during UNOTIL; and thoughtful policy and technical guidance to help the

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GOET accomplish goals such as disarming the civilian population and restructuring the military. End Summary.

Peacekeepers/Chapter VII

¶2. (U) Whether the next United Nations mission in East Timor should include "blue helmets" rather than simply extending a UN blessing to the coalition forces presently on the ground, and the related question whether the mission should be under Chapter VII authority, are matters on which the United States will be consulting closely with Australia and other countries whose forces are involved in the coalition presently on the ground in East Timor. While these questions are of the highest importance, they may make more of a difference to the nations whose forces are involved than they do to the people of East Timor. This message addresses the other possible components in a post-UNOTIL mission: an international police force, election administration and/or assistance, and other elements designed to promote human rights, good governance, and the rule of law.

International Police Force and Unified Training Program

¶3. (SBU) The Australian-led Joint Task Force (JTF) has acted quickly to establish regular patrols and is responding far more quickly to acts of violence in Dili than was the case a week or two ago. JTF officials have made it clear, however, that while the troops on the ground are filling the policing function as best they can, it is important that this function be assumed as soon as possible by an international police force. The Australian Federal Police (AFP) (augmented by a small police contingent from New Zealand) and the Portuguese Republican National Guard (GNR) have been coordinating effectively at the operational level to begin providing policing services in their respective sectors. The pending arrival of up to 250 Malaysian police officers will double the number of foreign police officers in Dili. As these units become more familiar with conditions in Dili, and assuming they continue to co-ordinate effectively, they should be able to complete the task of restoring order within the capital.

¶4. Beyond the initial task of restoring a sense of security in Dili, international police forces will need to turn to the task of restructuring and retraining East Timor's national police service (PNTL). AFP officials have indicated that, after a thorough vetting process, there are plans to integrate PNTL officers into AFP patrols and administrative structures. Pending the establishment of a UN successor mission it is important that one country, presumably Australia, take the lead

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in engaging with the PNTL. During a visit today to PNTL Headquarters, EmbOfs learned that more than half of Dili District PNTL officers are reporting for work on a daily basis although they are not permitted to conduct police work or even to wear their uniforms outside the police compound. Much of the former command structure appears to remain intact, police officers in all twelve districts other than Dili are carrying out their duties more or less normally, and PNTL officers in Dili are anxious to resume their responsibilities.

¶5. (SBU) The successor mission to UNOTIL should have two police components. The first will be the operational force that should have executive authority over police operations throughout the country. After years of ineffective policing, it is important that the units chosen to participate in this international police force be selected carefully, without the regional balancing and intra-UN logrolling that appears to have influenced the composition of previous UN police (UNPOL) forces in East Timor. Each and every UNPOL contingent must come from an exemplary police force whose record in the home country is fully consistent with international standards regarding human rights protection and appropriate levels of force. This is important not only to ensure that police operations are effective, but also to foster a sense of trust among the Timorese public for the international police force and for the retrained PNTL that will resume operations after the international force departs. An emphasis on lightly-armed

community policing should guide the operations of the international police force. (Note: Although some discussions of policing under a new UN mission have suggested a "rapid reaction force" as a separate element in such a mission, it would be better that rapid-reaction elements be integrated along with other elements in a single international force under a single command.)

Â¶6. (SBU) The second policing component in the next UN mission should be a robust and unified training program. Retraining the PNTL will be one of the most important responsibilities of the successor mission and one that will need to be scrutinized closely by the diplomatic community. In previous UN missions, the PNTL was trained by foreign police units from an array of countries with different standards of ethics and varying modes of operation and structures. Moreover, some of these units had less-than-exemplary human rights records in their home countries. See Refs A and B. The new training program should be conducted by either by one country's police force or by a very small number of like-minded foreign police units to ensure continuity and in training. As with the operational police contingents, it is vital that the international trainers come from police units whose doctrines and practices fully incorporate human rights protection and the use of no more than appropriate levels of force in all situations --- units who can deliver the training appropriate for a reconstituted East Timorese police force that would be lightly armed and engage primarily in community policing. Past tendencies to promote the establishment of heavily armed specialized units must be actively resisted. Although recent events do show that East Timor needs a highly-trained riot control unit and an effective and well-equipped border protection force, it is particularly important that these units be trained by international units with good records of not using excessive force. See Refs A and Â¶B.

Â¶7. (S/NF) There have already been overtures from the GNR to begin training the Rapid Intervention Unit (UIR). The UIR, formerly known as the Special Police Unit (SPU), has been plagued by an institutional culture of machismo and related bad habits that some international and Timorese observers attribute in part to training the SPU received from GNR during previous UN missions. See Ref A

Election Administration and/or Assistance

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Â¶8. (SBU) Last year's local elections administered by the GOET with the assistance of the United Nations Development Program (UNDP) and bilateral donors were successful on the technical level, but there were credible accusations that GOET resources were used to assist candidates of the ruling Fretilin party and that GOET leaders may also have engaged in intimidation of non-Fretilin candidates and voters. Barring a dramatic change in the political situation between now and early 2007, the national parliamentary and presidential elections will take place in an atmosphere of tension, of distrust, and quite possibly of fear. Recent credible allegations of involvement by the Prime Minister in illegal activities to ensure his government and party remain in power, together with the Government's insistence that all election functions should be administered directly by the executive branch with a minimal role for the constitutionally mandated independent election commission, cast doubt on the current Government's willingness and ability to administer free and fair elections.

Â¶9. (SBU) Foreign Minister Jose Ramos-Horta's recent message to the UNSC addressed this problem by requesting that the national elections be not only "organized" but also "administered" directly by the UN mission. Although there have been indications that Prime Minister Alkatiri does not concur with this position, it has the status of an official request to the UNSC by GOET. The United States should move quickly to build UNSC consensus to comply with this request, which would greatly enhance the prospects for a free and fair election that has the confidence of the Timorese people. International administration of the election should be carried out in close cooperation with

the Timorese authorities --- and particularly with the independent election commission --- and should be done in a way that builds on the training received by national election officials during the local elections. Special attention should be given to ensure that East Timor is left with capable and ethical electoral institutions, including the technical secretariat that handles the logistical aspects of elections as

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well as the independent election commission.

Political Affairs, Human Rights, and Rule of Law

¶10. (SBU) UNOTIL has had difficulties in quickly accessing information about developments in the far-flung areas of the country, particularly alleged violations of human rights. In a country where the news media often provides inaccurate information and telecommunications are unreliable, it is often difficult to debunk rumors without making time-consuming reconnaissance trips to remote areas. In light of the upcoming elections and planned nationwide presence of UN election officials, Embassy would recommend that several political affairs and/or human rights unit offices be opened in strategic towns across the country. Under the United Nations Transitional Administration in East Timor (UNTAET) and the United Nations Mission of Support in East Timor (UNMISSET) mandates, similar offices provided a critical information resource for the UN, the diplomatic community, and GOET.

¶11. (S/NF) Both GOET and the leadership of UNOTIL believe it is important that a successor mission include assistance to the judicial system, including international judges, prosecutors, public defenders, and other judicial system personnel. As with police training, it is important that international assistance to the judicial system be different from and better than the assistance that has been provided under UNOTIL and previous missions. While it is true that East Timor's court system is fragile and inefficient, the UNOTIL- and UNDP-financed program designed to cure these problems has in fact made them far worse.

The centerpiece of this plan was mandatory classroom training for the Timorese judges and other judicial officers --- administered exclusively in the Portuguese language which at the time few of them understood --- followed by a written

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examination. In December 2004 the results of the examination were announced: all 21 judges, including several who were by all accounts doing an excellent job, had failed. These judges, along with almost all the Timorese prosecutors and public defenders, were then required to vacate their jobs and complete another 18 months of training. About half of the judges have completed the training and will now be able to return to the bench as "probationary" judges. During the absence of the Timorese judges from the bench, the caseload formerly handled by 21 Timorese judges has been assigned to a much smaller number (ranging at various times from 2 to 5) of international judges, all from Portugal and other Lusophone countries. Although Judge Ximenes (himself a Portuguese judge of Timorese extraction), Prime Minister Alkatiri, and some UN advisors have taken the position that the international judges have improved the quality and quantity of judicial decision making, the public perception is that the judicial system has slowed to a crawl and that most of the international judges have made no effort to understand the people whose cases they are deciding. The recent return of the Timorese judges and other judicial officers, even as "probationers," see Ref C (Dili 293), should increase public confidence in the legal system. International assistance to the judicial system should concentrate on helping the Timorese judges and other officers to do their jobs, not on convincing them that they lack the capacity to do so, and advisors to the judicial system under the new mission should not/not be limited to judges and other officials from Lusophone countries.

¶12. (SBU) The relationship between the new mission and the international "commission of inquiry" into violence committed in East Timor since April 28, 2006, and the relationship of both these entities to possible follow-up mechanisms for truth and accountability for serious crimes committed in 1999, will be

discussed in septel.

Disarmament, Demobilization, and Reintegration Program

¶13. (SBU) In light of the proliferation of weapons and increased recalcitrance of the various armed groups, including "civilians" (many of whom are ex-independence fighters who have been aligned with the armed forces (FDTL) during the recent conflict) or dissident members of the security forces, it appears increasingly unlikely that GOET will be able to manage the necessary disarmament program alone. Although the international forces currently on the ground have recovered a number of weapons possessed by police officers and "civilians," these efforts have been confined primarily to Dili, and many weapons are believed to remain hidden in Dili and elsewhere. The complete disarming of dissident and pro-government groups will be a long process. A program to accomplish this should include not only disarmament but also mechanisms to ensure the members of these groups are effectively demobilized and reintegrated into civilian life.

¶14. (C) During a meeting with EmbOffs today, Foreign/Defense Minister Ramos-Horta agreed that a disarmament, demobilization, and reinsertion (DDR) program would be a useful component of a follow-on mission. He discussed the possibility of conducting exchanges whereby weapons could be traded for livestock, food, agricultural tools, etc. The Foreign Minister indicated that a disarmament program was long overdue in East Timor as the population had never been effectively disarmed of old Falintil guerrilla weapons. The Minister also highlighted the important point that, in order for the armed groups and individuals to be confident enough in their physical security to hand over their weapons, the international forces on the ground must be visibly present throughout the country and must work to establish a sense of community security.

Military/Defense Advisors

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¶15. (C) There have been productive discussions between the President, Foreign/Defense Minister Ramos-Horta, and FDTL commander General Taur Matan Ruak regarding a possible restructuring of FDTL. During a meeting with EmbOffs, Defense Minister Ramos-Horta stated that he felt the size of the military should be reduced. The Government has made important steps in this regard by recently adding line items to the budget that would provide housing and pensions for veterans. As many FDTL soldiers are former guerrilla fighters who will soon reach retirement age, it is likely that a significant portion of the FDTL can be effectively demobilized through such programs. Although no decisions have been made, Ramos-Horta discussed a previous initiative that would enhance FDTL's capacity to serve as a maritime security force, perhaps give it some function with respect to land border security, and divide the remaining forces into two specially trained battalions, namely a peacekeeping battalion and an army corps of engineers. Such an initiative would transform the current conventional infantry into specialized units that would perform productive work throughout the country and provide noncombatant assistance during crises such as natural disasters. In light of these positive initiatives, Embassy would recommend the follow-on mission include a small unit of military/defense advisors. As with the officers providing police training, particular care should be taken to select military/defense advisors with high ethical standards, commitment to human rights and to civilian control of the military, and experience in defense policy development.
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