

By UNMISSET Spokesperson's Office

Dili, 18 November 2003.

Investigation of Police Response to the riots on 4th December 2002

News conference with SRSG Kamallesh Sharma and UNPOL Commissioner Sandi Peisley on Tuesday 18th November 2003, UNMISSET HQ, Dili

Unofficial Transcript

Q: You say no-one was responsible but the people were running out of the compound and shooting at people, we saw it on television, at the hospital too, the doctors told us that there were people with bullets [in them], they took it out from their bodies, why do you say there was nothing?

SRSG: One has to be very careful in identifying the perpetrators of criminal acts. The best that the police can do is to investigate as thoroughly as possible all the types of evidence that they collected in connection with an incident, and this was done as you can see from the report. The two main types of evidence in this case are the testing of the weapons, so that you can identify the bullet and connect it with a weapon, that is one, and the other is statements that are made by witnesses which can give you evidence concerning what really happened. This was done extremely thoroughly. In the end, even though these deaths were extremely tragic, we cannot be general in our description because the cause of death has to be associated with an individual use of a weapon and if it cannot be established one cannot go beyond the evidence itself. As for your reference to the bullets being found, maybe the Commissioner would like to add something.

UNPOL Comm: Shell casings were found, collected and sent for forensic analysis. But no bullets were recovered from the bodies [of the two deceased] and that's because the bullets went in and out of the bodies. Because those projectiles could not be located, they could not be matched to a particular firearm.

Q: What was the type of firearms used?

UNPOL Comm: They were Glock pistols.

Q: Were these PNTL [Timorese police] or UNPOL guns?

UNPOL Comm: All PNTL and some UNPOL use these Glocks.

Q: [inaudible...] was there a miscommunication during the incident?

UNPOL Comm: That's the point that has been made in the report: because we don't have the actual bullet, we could not match it forensically with a particular gun.

Q: [follow-up question inaudible]

UNPOL Comm: If the bullets had lodged in the bodies of those shot, we could have matched those bullets with the firearm. But the bullets passed through the bodies.



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Q: What kind of ammunition was used by the police at the time? Did you give them real bullets or did you give them not real bullets [sic]?

UNPOL Comm: They had live ammunition, the same as they use normally.

Q: Nobody is responsible for the shootings but after a few days some RIU [Rapid Intervention Unit] were expelled – does that mean that they were responsible?

UNPOL Comm: Immediately following the 4th December last year we commenced an investigation. Six officers identified as having discharged their firearms were suspended from duty. They were suspended for discharging their firearms, some in the air and some obviously not in the air. But there was no conclusive evidence to link those officers with the deaths.

Q: Who were the witnesses who made the statements?

UNPOL Comm: Over 50 members of the community came forward and provided us with statements.

Q: Where were they [the witnesses] at the time of the incidents?

UNPOL Comm: At the incident scenes outside Police Headquarters, Democracy Field and Hello Mister.

Q: Were orders given [for police] to shoot?

UNPOL Comm: No.

Q: What action was taken against those people who did shoot?

UNPOL Comm: As I said officers were suspended for discharging their firearms. Any of you who were there would know it was a very volatile situation. There were a number of different locations where crowds had gathered, where looting and burning was occurring. The police were not at any time ordered to fire. The resources and the police who were present were making every effort to get it under control. Looking back, we can clearly see that firearms should never have been discharged. One of the very important lessons we learnt from December 4th was the need for a good, strong policy on use of force so that there could be no doubt when force should be used. The use of force receives a strong focus, extra attention in all training.

Q: Who should be responsible for December 4th?

UNPOL Comm: We've interviewed as many people as we could, people from PNTL, UNPOL, PKF, the community, and we were not able to clearly establish who was responsible for the deaths of the two people or the wounding of people. We have sent all statements, videos, interviews, forensic results, all the evidence that we had, to the Prosecutor-General. The position that we're in now is to identify lessons learnt from last December and to move forward with the development of policing here in Timor-Leste. It is regrettable that we've not been able to identify any particular individual as being responsible for this but every effort was made in attempt to do this in the course of the investigation.



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Q: You say that from all the evidence you could not identify anybody. Does that mean that UNMISSET is not responsible for what happened on the 4th of December, you've sent the case to the Prosecutor-General and that's it?

SRS: I think I should emphasise that very exceptional incidents which are a combination of circumstances which temporarily overwhelm the law and order agencies in any capital are a global feature which happen in any country from time to time, even those which have very sophisticated law and order agencies. It's also important to remember that this happened six months into independence, at a time when the programme of professionalisation and development of PNTL was at a formative stage. Just before this incident, at our suggestion, an assessment team had come and identified areas where we had to work harder but unfortunately all the results of that strengthening were not in place. But even so, in the course of the day we managed to control the disturbances. And the important thing is that, learning from that incident, we tried and strengthened all the procedures in a way that has the state developed, and now we are more than a year into independent Timor-Leste, and next time a challenge of this nature is met, the response that you have is more robust and more satisfactory from the point-of-view of the government and the people. We're confident that, as a result, this would be the case. So it is important to bear this context of the stage of the development, of the stage of the professionalisation programme, in mind.

Q: You didn't answer my question: who in the end is responsible?

SRS: What I was trying to explain was that there are certain situations, many urban situations, that the police and other law and order agencies get temporarily overwhelmed by the circumstances which they have to face. It is not necessary to ascribe responsibility because in the nature of the event itself, it is a very exceptional event, you try to meet and control it in the best way you can and try and get over the problem as quickly as you can.

Q: Can you say that with the measures taken it won't happen again?

SRS: One can never say that law & order agencies are going to meet only one challenge in the history of a nation. But it has to be recognised that since this incident, there has been convincing stability in Dili which was the site of the disturbances and I've no reason to believe this form of stability will not continue. What you can work on is your capability, since you've got some control of the outside world but the outside world can still surprise you which is a lesson from all societies all over the world, what you can work on is your capabilities, your systems, and the response, techniques, mechanisms so that whenever this challenge should come your way, you are able to confront it and control it in the shortest time possible. I believe we have made a very good advance in this respect.

Q: There were allegations by MPs that on the day you stood in Parliament, watching as Hello Mister [supermarket] was burning. They also said that they wanted to interview UNPOL officers during the [Parliamentary Commission of] Inquiry but they claimed immunity. They said this is a failure of the UN. How do you respond to this?

SRS: The SRS role is not an operational role; the SRS in any mission is in charge of the functioning of that mission and the various wings of that mission which are about ten or twelve. The role the SRS in a situation is to give the guideline and



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the clearance to the Head of the agency concerned to take the action, whatever action is necessary in the situation. On that occasion, as soon as I came to the office and I saw what the situation was, I did two things immediately: I told the UNPOL Commissioner that he must take whatever action was required to get on top of the situation without needing to waste time in having a process of consultation with me, and I also told him that he could take the support of the Force Commander so that the peacekeeping force could also be deployed towards the same purpose. And I spoke to the acting Force Commander to that effect. After having given the clearance as far as operational responsibility is concerned to the agencies that are involved, my immediate concern was to look after the welfare of the parliamentarians because I could see there was a threat from the crowds to the Parliament building. In fact my visit to Parliament was not to observe the scene but to safeguard the welfare of MPs. I met them, I spoke with them, then by mutual agreement they came and settled down in our conference room because I thought was the safer thing to do at that point in time. They stayed in our building for as long as it was necessary and after that we arranged for them to be dropped at their residences under secure conditions.

As for what members of UNMISSET can or cannot do, it is nothing peculiar to UNMISSET, this is a condition which applies to all UN missions all over the world who sign what is called a Status of Mission Agreement with the host governments and their actions are directed and regulated by this agreement, so there is nothing specific about this action at all.

I would like [before I leave for the airport] to mention that yesterday I met the Prime-Minister and I gave him a copy of the report, it was an extremely cordial meeting. [Ed. The SRSG then read a short statement on the PM's comments]: we both agreed that the investigations could not provide the level of clarity on the lootings that took place which we both would have desired. This was because of factors that have been mentioned in the Executive Summary. We cannot go beyond the evidence. [I told the Prime-Minister] that UNMISSET undertook an extensive review of means through which the training, professional experience and management of the police is being enhanced to facilitate a swifter response. [The Prime-Minister] shared my confidence that, over the years, the measures introduced for greater professionalisation of the police force, enhanced training, including in the promotion and protection of human rights, better accountability, disciplinary and oversight mechanisms, and promotion of technical expertise, will enable it to become a force that will be a source of pride for all. [The Prime-Minister] also said he would encourage UNMISSET and United Nations to take all possible steps in this direction. If required, United Nations should give consideration to maintaining a small police presence in the country even after 20 May 2004 for this purpose. [He] was satisfied that the situation in Dili has been entirely stable since the unfortunate events of December 4 and that our state of readiness now to meet such contingencies is vastly enhanced.

Q: Is this the final report, especially as it is inconclusive?

SRSG: What we are calling the report, there are several elements to what we have done. We have sent a summary of investigations to the Prosecutor-General and this consists of evidentiary material, statements of witnesses and so on. Apart from that there is an executive summary which has been made available. The report given to the Prosecutor-General is obviously a report for his use only and there is also a communication – because the executive summary is a summary which has been sent to me by the UNPOL Commissioner recommending that this can be given over to the



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government – while giving it to the government I have written a letter to the Prime-Minister and this is also part of, all of this put together is what we are describing as the final report.

[Ed. SRSB thanked journalists and left for the airport]

Q: Is UNPOL protecting its own personnel?

UNPOL Comm: The whole process of investigation was independent [Ed.: meaning no-one directly involved was part of the investigation team]- both the criminal and Professional Standards investigations. All evidence was collected, all statements, all forensic evidence has been forwarded to the Prosecutor-General. That includes the investigation plan, all actions that were taken to investigate this matter. Any suggestion that the result wasn't an open investigation, professionally undertaken, is just not right. UNPOL are here to assist in the development of PNTL, if we undertook an investigation that was not open and transparent then we are not going to meet our goals.

Q: Will the Prosecutor-General take the investigation forward?

UNPOL Comm: This is a matter for the Prosecutor-General.

Q: Does this summary of investigations mean that UNPOL has ceased its investigations into this?

UNPOL Comm: As far as UNPOL are concerned, yes, they are complete, there is no further evidence that has been brought forward or evidence that we have that we can investigate further to take the matter further. If there was, we'd be following it.

Q: Why did it take you so long?

UNPOL Comm: As we've explained at the beginning it was a very complex process involving many interviews, tests, forensic analysis. An investigation of this magnitude, that involves separate locations, could not be done quickly.

Q: Was it not because UNPOL were dragging their feet?

UNPOL Comm: It does not mean that at all.

Q: Was there any evidence of militia involvement?

UNPOL Comm: No.

Q: In the introduction [to the report] you quote a paragraph saying a member of East Timor Service was inciting demonstrators, who was he?

UNPOL Comm: The quote comes from the Parliamentary Commission of Inquiry, their report is included in the appendices.

Q: Is this investigation a success or a failure? [Ed. similar question: Are you satisfied with the results?]

UNPOL Comm: The ideal result of any investigation is to be able to establish who committed what. In this investigation, for a number of reasons, we've been unable to do that. To ask whether I'm satisfied – I would have liked the result to be more definitive. Can I change it? No. We can only go on the evidence, the information, we have. As I said we'd have liked it to be more definitive – it isn't, we must now move forward.



MEDIA BRIEFING NOTE

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