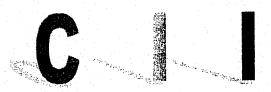


REPUBLICA DEMOCRATIC OF EAST TIMOR GABINETE OF NACIONAL PRECIDENT OF PARLIEMENT OF DEMOCRATIC REPUBLIC EAST TIMOR

PRELIMINARY REPORT



INDEPENDENT COMMISSION OF INQUIRY

OUTCOME REPORT OF THE RESEARCHER COMMISSION INVESTIGATION OF INDEPENDENT ON INCIDENT OF DECEMBER 04th 2002 AT THE NATIONAL PARLIAMENT BUILDING

I. INTRUDUCTION

A. BACKGROUND

On December 04th 2002, the whole inhabitant of specially Dili and generally East Timor were surprised by the event of damaging, during, and devastating which was done toward the building of Parliament, Government, Mosque, Shops and private house in Dili city. Within this incident chain there were two people die and 26 people were wounds.

The incident of assault toward the national parliament building was quite caused to the employee of the council members. After the mentioned incident happened all council members did not conduct their duty, as maximal because some significant agenda have to discuss by council members ought to post pone. In actuality of agendas was quite important, for instance agenda to ratify of international convention concerning to refugee.

This case was caused of the part of support equipment at the parliament office was damaged by the remonstrant people (to know inventory of secretariat which was damaged by the demonstrate we shall attach in enclosure part)

The composition is as following:

- 1). East Timor attorney general is as commission chief.
- 2). A member of UNMISET from Human Rights
- 3). Deputy of Hak Association (Law, Rights and Justice)

From the investigation result can be concluded that deliet which is done by suspect might be Demanding according to the law. The basic are Constitution, Convention of International, and constitution law criminal (KUHP), UNTAET regulations and another law instruments which is valid based on the RDTL Constitution of article 165.

B. METHODOLOGY.

Recalling the time and support equipment which limited and lack, so, to conduct this Investigation commission are used the method as follows:

1. PERIOD OF TIME

In accordance with resolution from national parliament, at the third part, so commission should quickly in period of time of 72 hours to convey the report to National Parliament. Investigation place will do in the room of director of the National Parliament that directed appoint by the deputy of president of the national parliament of Jacob FERNANDES.

To support the assignment of commission members just four person, namely:

- Longuinhos MONTEIRO, SH (East Timor Attorney General)

- Vicente Fernandes BRITO, SH (Chief of Judicial Dili District) Representative of Attorney General)

- Zelia TRINDADE, SH (Persecutor of Dili District) Representative of Attorney General.

- Silveiro Pinto BAPTISTA (Defender and Law Consultant, who works in Hak Association)

On agreement with the director of the parliament secretariat of commission member, was assisted by some persons from secretariat units, such as:

- Adelino Afonso de Jesus, as Director.

- Jóse da Costa, Deputy.

- Celice Casimiro Martins, from Secretariat Unit.

- Lina Fatima Baptista, from Secretariat Unit.

- Antonio Alexandre Soares from Technique of Public Relation
- Jóse Manuel Pinto, Superior Technique from Portugal Parliament

The assistance, which is given such as tool of type record, transcripts, translation text and transportation equipment of support which is used by commission member to conduct investigation like:

- There sets of computer available in secretariat unit.

One set of laptop, borrowed from Hak Association.
Six empty cassette, one roll film 36, and ten of small battery "alkaline" which helped from Hak Association.

- Transportation (white car, belong to Mr. Antonio Alexandre SOARES)

2. INVESTIGATION PROCEDURE

- First commission was pleased to council member as witness of victim to fill from which was available
- Commission explained what cases have to talk
- > Then carried on question.

It needs to explain that question which is proposed to council member as witness of victim was divided in two parts. General part and special general part question such, as "are you in good condition? And are you ready to become witness for commission today?

Further question commission was pleased to the mentioned witness to tell the chronology of event that happened on December 04th 2002, in the area of national parliament building, in accordance with what he saw, heard, and experienced. If any information that he/she heard from another witness, so that commission request to mention the source. Commission in accordance with the chronology of event told already developed special question. But generally, to all witness commission always asked whether the witness knew all or part demonstrate only? Whether the witness saw and heard someone provoke all demonstrate to do action of thrown and insulted to all council members? Whether the witness heard the sound of shooting in around the national parliament building? Whether the witness saw the demonstrated were wound and die of shot in surrounding parliament building? (To complete it might be saw in the attach. Commission conducted Interview result with 20 witnesses of victim).

3. THE FACING HAHDICAP

The handicaps was faced by commission in conducted the assignment are as following:

Although in the mentioned revolution 3 (three) institution of independent would carry out the investigation toward the incident of December 04th 2002, at the national parliament building but so far this report commission deliver in front of the official council members, commission members from HAM (Human Rights) Unit-UNMISET never present.

LIMITATION OF TIME

The result of some council members ought to interview by commission based on the name list, which is given from secretariat unit, it could not interview yet.

- > Still any council member did not consistent with the statement of agreement which was made together on December 6th 2002, stated that ready to give statement for the commission. The mentioned constituent member was still seeking for a thousand reasons will not give statement to commission.
- > The limitation of support equipment at the national parliament secretariat unit.
- Several important proofs had taken and thrown by the security party and cleaning up service. Such as stones were thrown by demonstrate people pointed to parliament building. Some proofs had been taken and moved from the first place.

4. THE LEVEL OF EVIDENCE WANT TO ACTIEVE IN INVESTIGATION.

On this part commission wanted to prove that on incident of December 04th December 2002, at the parliament building, the suspects were known by witness of victim who was called as:

- Person who did (pleger)
- Person who order to do (doen plegen)
- Person who takes part to do (doen plegen)
- Person gave, misused authority, used violence, with persuade for doing the action.

5. THE HAME LIST OF THE WITNESS OF VICTIM WHO WAS READY TO GIVE THE STATEMENT TO COMMISSION.

- 1. The representative of Jeronimo Da Silva
- 2. The representative of Maria Avalziza Lourdes
- 3. The commander of Mario F. X. De Carvalho
- 4. The representative of Pedro dos Martins Da Costa
- 5. The representative of Jeronimo Da Silva
- 6. The representative of Salustiano Magno
- 7. The Representative of Antonio da Costa Lelan
- 8. The Representative of Antonio T. Capeda
- 9. The Representative of Afonso Hórnai
- 10. The Representative of Jacob Martins Dos Reis Fernandes
- 11. The Representative of Leandro Isaac
- 12. The Representative of Aircs Francisco Cabral
- 13. The Representative of Vidal De Jesus
- 14. The Representative of Manuel Tillman
- 15. The Representative of João Mendes Gonçalves
- 16. The Representative of Alexandre C. Real.
- 17. The Representative of Antonio Cardoso C. Machado
- 18. The Representative of Jóse Manuel Da Silva Fernandes
- 19. The Representative of Madalena Da Silva
- 20. The Representative of Jacinto De Andrade

II. THE DISCAVER RESULT-INVESTIGATION COMMISSION DISCOVERY

On team of independent commission for incident of December 7th to 10th 2002, took place at the National Parliament secretariat, had interviewed about 20person of victim namely:

- > 19 person from national parliament member and
- > 1 person from East Timor Police member

From the outcome of interview that had conducted, hence commission hereby deliver the chronology of event as well as it had discovered from 20 witness of victim.

THE CHRONOLOGY OF NCIDENT

The Chronology of Incident

The interviewed toward witness of victim of representative Maria Avalziza Lourdes, who conducted on Saturday of December 7th 2002, at 12.10-12.40 hrs and the representative of Jacob Martins Dos Reis Fernandes, who conducted on Sunday of December 08th 2002, at 14.10 to 14.50 hours. Both mentioned witness stated that on Wednesday of December 04th 2002, the National Parliament would hold the session and it had two agendas.

The first agenda was extra ordinary session to discuss the incident happened on December 03rd 2002, in the SMA 28 November. In accordance with the agreement of December 3rd 2002, between schools delegation the second agenda was discussing the international convention pertaining to refugee who would be ratified.

In accordance with the number of 81, which was received by commission of Parliament secretariat unit, determined that first agenda would commence at 09.00 o'clock for opening programme. However before agenda commenced all demonstrate from school of 28 November. Dili and some teachers and unknown person did not recognize their identity and their addresses started to assault the national parliament building based on the statement that collected from some parliament member and the parliament security chief, Sub-Inspector Marito, stated that the mentioned incident all demonstrate first came to the national parliament building they were students and teacher of 28 November school they come to attend the meeting with the member of National Parliament in accordance with the agenda which was agreed on December 03rd 2002, they come pass to direction of Lapangan Demokrasi. Within the mentioned demonstrate people there were three motorbikes, which is driven by three people who suspiciousness were schoolteacher.

When the demonstrate moved awaiting to front of hello mister all witness saw and heard the light of motorbike was on and the bugle was sounded, too. And the other students followed run behind the mentioned three motorcar. Even according to statement of witness, that all students used uniform of school, and there were some unidentified people had been in front of Parliament Building. They ran while shouting yel...yel...!!! When they arrived in front of Parliament building, and then all demonstrates commenced pull the banner and continue shouting yel...yel...few minutes later they left from parliament building and went to palace of RDTL government, passed to front of ACAIT Restaurant, when they were in the intersection of hello mister, they commenced to divide become 2 groups, first continue action protest to Headquarter of PNTL (ex kantor Korem 164 Wira Darma) and the second group commence reacted to Parliament building.

According to all witness, when the second group joined with the students group who was in front of Parliament building, and all witness did not recognize the first group of student because many demonstrate were coming so, it was difficult to identify. When the demonstrate were in front of Parliament building and they shouted to the representative who was standing and seeing the situation in out side while heard the demanding from demonstrates. Seeing the demonstrate action some representative such as representative of Pedro Dos Martires da Costa, Leandro Izaac, Antonio Cardoso Machado and others attempted to calm down the mentioned action. But the effort of these representative was fail, because the demonstrate could not restraint. Adjacent to this all demonstrate commenced throwing to Parliament Building.

Within throwing action Sub-Inspector Marito got wound on his head because of stoning, and representative of Antonio Cardoso Machado got wound because of shooting of marble. According to Sub-Inspector Marito, before the witness got wound the witness was Mr. David Diaz Ximenes was standing closed to cable which was separated the courtyard of Parliament and the courtyard of civil security park while he was shouting and directed to the representative of Leandro Izaac by using the words "(sira nee mesak mau-hu deit, sira mak neba tama avansa deit!!!)"

And at the same time the witness saw and heard the representative of Leandro Izaac shouted to Mr. David Diaz Ximenes, by using the words "Para ona David!! O bele sunu ema, o labele halo nune'e David!!"

"This is exactly problem".

Such say after DAVID DIAS XIMENES going out and a few minutes Demonstration and star enter National Parliament Building through opposite door and have action throwing and damage at National Parliament Building.

Witness from parliament members by the name Antonio Lelan collected on date 08th December 2003 from 11.00 hours to 11. 25 hours Timor Leste Time informed that "right" at that time, witness come out to hall field National Parliament would like to talk to Demonstration namely Head Master, teacher and student. At that time witness saw and hear Leandro Izac members of the parliament tight mouth with David Diaz Ximenes because the word saying by David Dias Ximenes impression incited demonstration with a word "arrested them" cut penis all of them, because situation is riot and not control, so witness work out of the scene through opposite right door National Parliament building at the time witness saw David Dias Ximenes opened gate opposite right National parliament with expressly give a opportunities for demonstration enter and star damage National Parliament building.

Were witnesses members of parliament Afonso Naronha informed to Commission on date 8th December 2002, time 13.40 - 14.20 Timor Leste Time, witness saying that "right" at that time around 5 meter witness see and hear David Dias Ximenes scream and say that you just enter all they are intelligent, Indonesian time after that he say such Demonstration attack parliament, with throwing stone, at that time witness saw a few people enter to parliament building through fence.

Witness from members of parliament Afonso Cardoso Machado, he inform independent commission on date 9th December 2002 time 14.28 – 15.00 hours, witness say that "right"

Before 3rd December 2002 National Parliament acceptance representative form school 28th November namely student, teacher, sister student UNATIL, and CPD RDTL members namely Marcelino Caldas, Mario, Januari Soares, representative from UNATIL Student, Activist Sahe Institution for Liberation. All of them together with David Dias Ximenes, during the meeting they have agreement, for research action protest about arrested one of student 28 November on date 3rd December 2002.

Witness as Chairmen commission Education National Parliament, ready to acceptance representative form school 28 November.

But suddenly members of Parliament by the name Malena Da Silva meet with a witness in the meeting room, and she inform that at this moment situation in out side is in disorder, witness come out meet with demonstran out side of building at that time witness saw David Dias Ximenes incited demonstran with hand direction to Mr. Marito as police officer and say a word that you are Intelligence during Indonesian time, go and attack him, and after that demonstran star throwing stone to Mr. Marito. Witness informed David Dias Ximenes that stop David you not to incited demonstran, David don't do this, then witness say that he know one of the teacher from school 28 November, by the name Antonio Jose he is a Leader of demonstran.

In connection with statement Sub - Insp. Marito commission try for more research more information involved David Dias Ximenes in incident the mentioned with interview members of parliament as follows: Leandro Izac informed that right at that time around 8 - 9 meter witness saw with clear David Dias Ximenes stand on the fence right opposite parliament with scream and witness saw David Dias Ximenes saying a few word to incited demonstration with sentence "burning Parliament Building cut penis all of them, all of them were Intelligence during Indonesian time, they are only sleeping and take salary. Then he saying the word, the members of Parliament name Leandro Izac was advise him not to saying the word, members of parliament Leandro Izac informed him that bigger of God ' do not do this, during a few minuets however David Dias Ximenes don't care about that.

And about to identify of the demonstran witness did not saw all of demonstran he just saw teacher, head master, student with action to attack parliament building. At that time witness Antonio De Martires Da Costa; he trying to stop demonstrations because they are not appreciated the agreement on 3rd December 2002.

And also Marito Sub-Insp, the witness members of parliament by the name Liandro Izac they are inform that, they are as a witness of Incident 4th December 2002. Involved David Dias Ximenes, and as well as teacher 28 November and some of the CPD RDTL members.

According to the basic of Interview witness from members of National Parliament by the name Pedro de Martires Da costa collection on 7th December 2002 time 15. 00 – 15.15 he saying that right at that time witness was in the main gate National Parliament Building proposed met with demonstran. Witness saw head Master 28 November by the name Jaime Soares stand in the first line, witness met with head master.

Witness saw and hear David Dias Ximenes scream while say that "hi why you are don't tell to police don't shoot, all the police are intelligence during the Indonesian time, after Mr. David Dias Ximenes scream, then witness saw demonstarn star ferocious jump fence main gate and enter to area Parliament through security door and demonstran star opened main gate right side, National Parliament at meeting room witness saying to members of National Parliament by the name Mr. Manuel Tillman that, situation in out side is disorder, for a while witness saying such, suddenly witness saw David Dias

Ximenes together with two security enter to National Parliament met with Mr. Manuel Tilman saying that why you don't saw we are talk.

Witness from members of Parliament National Elizario Pereira, informed commission on Saturday 7th December 2002, from time 11.45 12.05 Timor Leste time. And witness Maria Avalsiza Lourdes, collection on Saturday 7th December 2002, from time 12.10 – 12.40 Timor Leste time.

The witness members of Parliament Salustiano Magno were collection on 7th December 2002, from 15.46 - 15. 59 hours. East Timor time, witness members of the Parliament by the name Geronimo Da Silva, was collection on 7th December 2002, from 15. 20 - 15. 40 hours, witness members of the National Parliament by the name Mr. Manuel Tilman, was collection in Monday 9th December 2002, 12. 10 - 12. 26 hours, TL time, witness from members of the National Parliament was collection on Tuesday 10th December 2002, from 14.23 - 14.40 TL time. All the members of the National Parliament informed that at that time they saw David Dias Ximenes entrance with security directed to National Parliament Building informed to the members of the Parliament to solved the problem in out side.

In that time one of the security saying a word that Prime Minister Mari Alkatiri resignation from position as Prime Minister.

After a few minutes David Dias Ximenes leaving Parliament National, and demonstarn star entrance National Parliament building and star damage properties, according to statement members of Parliament by the name Antonio Tilman Cepeda was collection on 8th December 2002, time 11.28 – 11.45 East Timor time, members of the Parliament by the name Jacob Martins Dos Reis was collection 8th December 2002, time 14. 10 – 14. 50 hours, members of the Parliament by the name Aires Francisco Cabral was collection on 9th December 2002, 12. 59 – 13. 15 hours.

All the members of the Parliament informed that actually they are in said of the building, when demonstarn has action situation not on control they try to protected them self.

That according to the witness on above mentioned truly at that time of Parliament saw David Dias Ximenes guide demonstran, entrance National Parliament building and situation no control the demonstran star damage National Parliament building.

Conclude A. Conclusion

After analysis reality in scene to incident 4th December 2002, at Parliament building so Independent Commission take points as follows:

1. That the indication has been third connotation expressly using the opportunities in demonstration with expressly would like disturbing Government authority and Republic Democratic Timor Leste.

For expressing right the mentioned, suggested to have research for all

important units competence.

2. It happened Criminal action, damage, threatening, riots; it was done by the connotation will involved support although planning it can be punishment according to East Timor constitution.

3. That is very late security from UNPOL & PKF to prevent Criminal until

impact damage heavy category threatening and riots.

4. That it was fund element politic incident 4th December 2002, at National Parliament.

B. Recommendation

With all limited which have by this Commission well, it from authority although from time in researching to looking for the reality incident on date 4th December 2002, at Parliament National. So the Commission recommendation as follows:

1. In order National Parliament will recommendation to government and competence organization independent others urgently star research criminal investigations cases where direction for action damages and threatening members of National Parliament and riots Parliament building. Purposed report to Court according to procedure in East Timor.

2. In order National Parliament recommendation the government urgently looking for identify, analysis with solve problem politic, where in increasing the social community according to the priorities we have.

3. In order urgently recommendation the Government coordination with UNPOL & PKF purposed function power according to Mission in East

Timor, basic UN regulation no. 1410.

4. In order to recommendation Commissioner PNTL for full attention to members of PNTL who duty at Parliament summery others members support accordingly with procedure standardization protection which valid in organization department National police, with permanent procedure concerning about specially section belongs to Government or Institution others independent.

5. In order to Parliament recommendation to all media relation local and International for announce concerning about 4th December 2002, or

Parliament activities exactly & proportional, create.

6. Leaders of Parliament on agreement planning meeting more to Commission complete purpose, this reports if necessary.

COMMISSION INDEPENDENT RESEARCH INCIDENT 4TH DECEMBER 2002. IN NATIONAL PARLIAMENT BUILDING.

Undersigned

Longuinhos Monteiro

Silverio Pinto Batista

Vicente Fernandes E Brito

Zelia Trindade

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Attachment Contents

- 1. National Parliament resolution no.... / 2002 concerning type independent investigation commission;
- 2. Statement of victim
- 3. Contents of the properties damage
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- 5. Statement witness members of the parliament by the name Antonio Cardoso
- 6. Contents witness name not yet interview

Translated by Domingos Elisito Do Espirito Santo Oliveira

REPORT OF INDEPENDENT COMMISSION OF INQUIRY ON 4 DECEMBER 2002 INCIDENT

Summary

Introduction

On 6 December 2002 National Parliament decided to set up an independent commission with the task to investigate the 4 December 2002 incident in the National Parliament building.

The following composition of the commission was set up based on a resolution passed by the Parliament:

- 1. Prosecutor General of Timor-Leste as the Head of Commission
- 2. A representative from UNMISET (Human Rights Unit)
- 3. A representative from HAK, Human Rights Association

From the investigation, it is concluded that the offenses carried out by the doers can be brought to justice.

Obstacles

Some staff of National Parliament Secretariat assisted the Commission, which only has four members, in carrying out its work.

Obstacles faced by the Commission during its duty are:

- 1. Even though the National Parliament's resolution mentioned that the commission had three independent bodies to do the investigation, until the time this report was completed, the member of commission from Human Rights Unit of UNMISET was never present.
- 2. Some Members of Parliament (who supposed to be initially interviewed) were not questioned due to the limit of time.
- 3. Some Members of Parliament were not consistent with their agreement for giving their testimonies. They presented excuses in not doing so.
- 4. Limited supported materials at the Secretariat of Parliament
- 5. Some important proof materials had been taken and removed by the security officers and the cleaners such as stones used by the demonstrators to throw at the Parliament building.

Findings

The commission has managed to interview 20 witnesses:

- 19 Members of Parliament
- 1 member of Timor-Leste Police Service

On 4 December, based on the Parliament's agenda, the legislative body would conduct two sessions:

- Special Session on the 3 December incident in 28 November High School as agreed upon by the school delegation and the Parliament;
- Session on International Convention for Refugees

When the Parliament was about to start its session at 9 AM on December, the demonstrators from 28 November High School, some teachers of the school and unidentified persons attacked the National Parliament building.

The incident prohibited the Parliament to carry out its work as usual.

Most of the interviewees, when giving their testimonies, mentioned that David Diaz Ximenes, Head of Civilian Security Division, Ministry of Internal Administration was involved in instigating the demonstrators by uttering the following inflaming words:

- 1. THEY ARE ALL [INDONESIAN] INFORMANTS. THERE THEY ARE! COME IN AND GO FORWARD!
- 2. BURN THE PARLIAMENT! STRIKE THEM ALL. THEY ARE ALL INFORMANTS. THEY JUST SLEEP, DOING NOTHING, AND JUST RECEIVE MONEY!
- 3. ARREST THE LEADERS, AND STRIKE THEM ALL!
- 4. JUST GO IN [THE PARLIAMENT]!, THEY ARE ALL INFORMANTS.

Conclusion

1. There is an indication that the third party took advantage of the demonstration to challenge the existence of the Government. To reveal the truth, it is recommended that competent Government bodies should conduct an over-all investigation;

2. There has been criminal offenses such as attack, beatings, looting done by some persons, be it spontaneous and planned ones. These actions should be brought to

justice.

3. Security elements: both UNPOL and PKF were slow in dealing with the brutal act;

4. There was a political motive behind the 4 December incident.

Recommendation

1. It is recommended that the Government and other competent independent institution should immediately start with the investigation on the criminal actions aimed at destroying and beating up the member of Parliament;

2. The Parliament should ask the Government to seek, identify, analyze as well as

solve political problems based on the scale of priority:

3. Government needs to immediately coordinate with UNPOL and PKF to consolidate their function and the role according to its mandate in Timor-Leste based on Security Council's resolution number 1410.

4. Commissioner of TLPS needs to pay special attention to members of TLPS working at the Parliament by adding the number of members and other supporters according to the standard procedure in the national police as well as implementing a permanent procedure on how to secure the capital and vital government institutions and other independent ones;

5. The Parliament needs to recommend to both local and international media to cover 4 December or/and other activities of the Parliament as accurately as possible. By

doing so, it will create a positive outlook.

6. The leadership of Parliament, based on the agreement of the plenary session, can give some extra time to the Commission in order to complete this report if it is necessary.

INDEPENDENT COMMISSION OF INQUIRY ON 4 DECEMBER INCIDENT AT NATIONAL PARLIAMENT BUILDING

Longinhos Monteiro

Silveiro Pinto Baptista

Vicente Fernandes E. Brito

Zelia Trindade

Immediate Events Leading to the Incidents on 4 December 2002

'28th November 1975' School – 3 December 2002

About 1.15 pm, on 3 December 2002, the arrest of a student at the '28th November 1975' School, suspected of being involved in a murder, resulted in a violent response by other students at the school. During the incident, PNTL officers were injured when they were hit with stones thrown by students, two (2) motorcycles were destroyed and police car windows were broken. In response, PNTL officers and one (1) UNPOL officer used their firearms and fired warning shots in the air to disperse the crowd, and the arrested student was taken into custody to Dili District Police Station.

The students and teachers from the school, led by the Head Master and Deputy Head Master then marched to the GPA to complain about the treatment of the arrested youth. A meeting was held with Government officials and an agreement was reached that the students would present a paper to Government airing their concerns. According to the UNPOL Dili District Commander, Mr. Antonio Silva, who was present at that meeting:

"The meeting concerned the arrest of the student from school, without the express permission of the headmaster. I explained to those present at the meeting, that the student was arrested this way because it was a serious matter and we had concerns that the student may disappear into hiding.⁶"

About 4.45 pm, after the agreement was reached at the meeting, the crowd dispersed and the students, in a state of considerable agitation, returned to school.

About 5.00pm, the UNPOL Dili District Police Commander advised that the students might gather again to present the paper airing their concerns. In response, and as a precautionary measure, the Special Police Unit ("SPU") now known as the Rapid Intervention Unit ("UIR") was placed on standby at its compound.

While the SPU was on standby, UNPOL and PNTL members made efforts to establish and verify information received that a group of about eight (8) students would attend Parliament to present their paper.

⁶ UNMISET/UNPOL Dili District Commander, Antonio SILVA, 31 Aug 2003

Incidents on 4 December 2002

UNPOL HQ – 4 December 2002

About 9.45 am, a number of students attended the GPA and demanded a meeting with Government Ministers regarding the previous day's incident. The meeting failed to materialise and consequently the students threw stones. In response to the students throwing stones, PNTL, UNPOL and SPU members dispersed the crowd with tear gas and a number of warning shots.

About 10 am, on 4 December 2002, an organised group of about 100, believed to be mostly students, marched toward the UNPOL HQ demanding the release of the arrested student mentioned above. This was despite the arrested student being held at Dili District Police Headquarters.

"One can assume that the students took this action to complain directly to the police UNPOL Commissioner."

The mood of the originally peaceful demonstration turned violent when the students started throwing rocks at UNPOL HQ building and staff. The protesters also attempted to enter the main gate of UNPOL HQ.

Police attempted to stop the crowd throwing stones, but due to the large amounts being thrown by students, were unsuccessful. However, police were successful in preventing the demonstrators from entering UNPOL HQ.

More students arrived and about 300 students gathered outside UNPOL HQ. It was not possible for police to control the crowd and some PNTL and one (1) UNPOL member discharged firearms in response to the number of stones being thrown. At first the shots were only as a warning, however, shortly afterwards PNTL officers were seen firing toward the crowd.

The students then moved and stood about 200 meters from UNPOL HQ and continued to throw stones.

About 9.40 am a "cease fire" agreement between students and UNPOL was brokered, but lasted only a few minutes. About 9.45 am, the SPU arrived at UNPOL HQ to assist in security of the area, and to provide support to PNTL and UNPOL.

Around this time, part of the crowd was seen moving towards the GPA and Parliament.

The demonstrators then attempted to return to UNPOL HQ area on two or three occasions. During these occasions, crowd participants were throwing stones from a number of directions, including from the college fields. The demonstration was violent

⁷ Ibid, 1 Sept 2003.

and people were being physically hurt, with the demonstrators attempting to storm UNPOL HQ.

The stone throwing suddenly stopped and the demonstrators were seen carrying a male person who was bleeding. This person was later identified as being an 18-year-old Timorese student, Honorio Ximenes ("Ximenes"). A police line was formed at the front gate. The demonstrators placed Ximenes in front of where the police had formed a line. Police tried to negotiate with the demonstrators for approval to provide medical assistance to the bleeding Ximenes.

About 10.45 am, an ambulance arrived at the scene, but the demonstrators refused to allow Ximenes to be taken away. A PKF Doctor and the UN Deputy Forces Commander, Mr. Justin Kelly, were allowed to inspect Ximenes' body and confirmed he was dead.

About 11.20 am, information was received that the demonstrators intended to carry Ximenes' body around the city. Police moved forward under a hail of stones and recovered Ximenes' body, which was then taken to the Military Hospital. Following the removal of Ximenes, the crowd again attacked the UNPOL HQ building.

President Gusmao then arrived and attended the front of UNPOL HQ and it appeared that one, of two groups of the crowd, did not recognise President Gusmao. This may have been because the students in that group of the crowd had their line of vision obscured, or it was too far away to identify him. Consequently, and additionally to the President's Close Personal Protection Team, UNPOL provided further security to protect President Gusmao and it consisted of additional UNPOL members providing close protection.

About midday, President Gusmao stood in the main building of UNPOL HQ, until he was allowed to speak. President Gusmao then spoke to the crowd and said he would meet officials from the demonstration to discuss their concerns.

It was later established that three (3) persons were injured by gunshots and they were as follows:

- Nelson De Jesus
- Antanasio Monis
- Carioa Fernandes

Parliament House

It is believed that as a consequence of the students not being able to meet Government ministers at the GPA about 9.45am, about 10.20 am, a group of demonstrators breached security and forcibly entered Parliament House and vandalised a number of offices. Police from Becora Station were notified of the disturbance and attended Parliament House to assist PKF secure the premises. On arrival, about 9.30 am, police found that a

stone had injured one of the National Representatives, Mr. Antonio Cardoso, and a number of offices had been damaged.

Police then provided assistance to PKF members who had begun to secure Parliament House.

About 12.30 pm, President Gusmao arrived in front of Parliament and demanded access so that he could meet with other Government Officials and some crowd participants in the GPA. With some difficulty, police facilitated the entry of President Gusmao and a number of the crowd he nominated to a Government Building. President Gusmao then proceeded to hold a conciliation meeting for about two hours.

Vicinity of UNPOL HQ and Colmera Area

The incidents that occurred at UNPOL HQ were possibly used by certain elements within the crowd to incite further incidents in the Colmera Area. The protest outside UNPOL HQ developed into a riot that culminated into a series of arsons and lootings that occurred in different parts of the city. This began about 1.00 pm at Hello Mister Supermarket, which was looted and burnt. Following the Hello Mister Supermarket, the Gloria Store located in the Colmera area was looted and burnt. The Border Control Office and Harvey Travel were also looted and the stores in the vicinity of the ANZ Bank were endangered.

At various times during the day different police vehicles patrolled the area and shots were fired to disperse the crowds from the street, resulting in seven (7) persons being injured by gunshots.

The seven (7) injured in the Colmera area were:

- Jose Luis
- Alarico Da Costa
- Jose M. A Dos Santos
- Marcelino Soares
- Alvaro Martins
- Rafael Almeida
- Carlito Da Concicao

Comoro Area

As the day progressed the situation became uncontrollable for police with different groups destroying and looting at various areas simultaneously throughout Dili. One such area was Comoro, where the house of the Prime Minister Mari ALKATIRI was looted and burnt, and the Micro Financial Bank in front of Comoro Market was looted.

About 80 protestors throwing rocks also attacked the Comoro Police Station. Fifteen (15) PNTL and three (3) UNPOL members were trapped inside the station's compound and after burning two motorbikes, the protestors threatened to burn the compound. This placed the police members in a considerable amount of danger.

SPU members arrived and both PNTL and SPU members fired their weapons in order to disperse the crowd, resulting in three (3) persons being wounded by gunshots.

In the vicinity of the Comoro Police Station, the following persons were wounded:

- Hermengildo Correia
- Marcal Ximenes
- Joao Baptista

Democracy Field

During the rioting on 4 December 2002, the Resende Hotel was looted and ransacked. When police from Dili Station arrived at the scene they called for back up assistance. About 6.00 pm, on arrival of the back up vehicle the looters ran away toward the vicinity of Democracy Field. In the vicinity of Democracy Field, SPU fired shots and this resulted in the death of Manuel Da Silva ("Da Silva").