Independent Mid-term Evaluation Mission

FINAL REPORT

ON THE

UNDP JUSTICE SYSTEM PROGRAMME IN TIMOR-LESTE

31 AUGUST 2011
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* NOTE: The UNDP Justice System Programme Update, Second Quarter Report (2011) was not available to the Independent Mid-term Evaluation Mission team prior to its submission of this Final Report.
I. Acknowledgements

The Independent Mid-term Evaluation Mission (IMEM) team is grateful to all those who contributed to this report. Special thanks go to the many people who met with the team between 26 July and 11 August 2011 and supplied it with information and documentation. The approximately 85 people that the team met represented a broad cross-section of both national and international actors including Timorese officials, representatives of UNDP and UNMIT, donors and development partners, as well as representatives of various national and international agencies and NGOs. We appreciated their candor and their thoughtfulness, as well as the constructive manner in which comments and suggestions were provided.

The team would also like to acknowledge the assistance provided by both the leadership and staff of the UNDP Justice System Programme (JSP) as well as by UNDP Country Director Mikiko Tanaka. While always respecting the independence of the Mission, they spared no effort in facilitating its work.
II. List of Acronyms and Abbreviations

AATL  Association of Lawyers of Timor-Leste
BCPR  UNDP Bureau for Crisis Prevention and Recovery
CoA   Court of Appeals
CoC   Council of Coordination
CoI   Commission of Inquiry
F-FDTL Timor-Leste Defence Force (Falintil - Forsa Defeza Timor-Leste)
ICNA  Independent Comprehensive Needs Assessment (2009)
IMEM  Independent Mid-term Evaluation Mission (2011)
IPAD  Instituto Português de Apoio ao Desenvolvimento
JRM   Joint Revision Mission
JSP   Revised Justice System Programme
JSSP  Justice Sector Strategic Plan
LTC   Legal Training Centre
MoJ   Ministry of Justice
NDP   National Development Plan
NJP   National Justice Policy
OPD   Office of the Public Defender
OPG   Office of the Prosecutor-General
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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>PNTL</td>
<td>National Police of Timor-Leste (Polisia Nasional Timor-Leste)</td>
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<tr>
<td>ProDoc</td>
<td>JSP Project Document</td>
</tr>
<tr>
<td>RCB</td>
<td>UNDP Regional Center in Bangkok</td>
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<tr>
<td>SDP</td>
<td>Timor-Leste Strategic Development Plan</td>
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<tr>
<td>TOR</td>
<td>Terms of Reference</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNMIT</td>
<td>United Nations Integrated Mission in Timor-Leste</td>
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<tr>
<td>UNPOL</td>
<td>United Nations Police</td>
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<tr>
<td>UNTL</td>
<td>National University of Timor-Leste</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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III. Introduction

The Terms of Reference (TOR) provide that the IMEM team will submit three reports with respect to its evaluation of the Justice System Programme (JSP). These include an Inception Report, a Preliminary Report with initial recommendations, and a Final Evaluation Report.

The team was completed on 26 July 2011 with the designation of its Timorese member. On the following day, the team submitted an “Inception Report” reflecting, as provided in the TOR, their “understanding of the assignment; proposed approach and methodology; and schedule of tasks” along with other pertinent details of the Mission’s anticipated work.

The IMEM team submitted its second report, “Preliminary Summary and Recommendations,” on 11 August 2011 at a debriefing meeting with the members of the Council of Coordination (CoC) and representatives of UNDP and the JSP. The report was also presented on that date at a separate meeting with donors and development partners. Both meetings were organized by UNDP to share the team’s conclusions and preliminary recommendations and to receive feedback from those in attendance. Similarly, following the departure of the international members of the evaluation team, additional comments and feedback were received.

The present submission is the third and “Final Report” of the IMEM team. It takes into account UNDP and Council of Coordination feedback as well as comments received from others. As described in the TOR, the report will highlight the “achievements, constraints, and lessons learned as well as corrective measures, where required, and including recommendations for UNDP’s continued intervention in the justice sector.”
IV. Executive Summary

A. Introduction

This is the Final Report on the UNDP Justice System Programme in Timor-Leste as prepared by the three-member Independent Mid-term Evaluation Mission (IMEM) team. As described in the mission’s Terms of Reference (TOR), the report will highlight the “achievements, constraints, and lessons learned as well as corrective measures, where required, and including recommendations for UNDP’s continued intervention in the justice sector.”

See Final Report at page 7

B. Purpose, Scope and Limitations of the Evaluation

The objective of the evaluation to be performed by the IMEM team is “to assess the relevance, sustainability and effectiveness of the JSP design and implementation strategies and to provide a basis for [Council of Coordination] and UNDP decisions on strategic programme alignment, if required. In this regard, the evaluation will examine the alignment of the JSP interventions to the Justice Sector Strategic Plan (JSSP) released by the government in early 2010.” Based on its assessment, the evaluation team is to make recommendations for the remaining project period.

See Final Report at page 14

C. Approach and Methodology of the Evaluation

The team reviewed documents relating to the Justice System Programme (JSP) and conducted meetings with a wide variety of individuals totalling approximately 85 persons. These included, but were not necessarily limited to: (1) members of the Council of Coordination; (2) the JSP staff; (3) advisors supported by the JSP in the courts, prosecution, Ministry of Justice, and public defender’s office; (4) national counterparts and senior leaders in the same institutions; (5) other UNDP country team members; (6) representatives of UNMIT and associated units; and (7) other national and international staff. The team also met with donors and development partners as well as NGOs and others involved in the justice sector in Timor-Leste. Considering the limited availability of pertinent empirical data, the findings and
recommendations set out in the present report are drawn primarily from interviews and direct observation of justice institutions and processes.

See Final Report at page 15

D. An Overview of the Justice System Programme: Past and Present

The current JSP is the third phase of the ongoing UNDP commitment to support the rule of law and access to justice in Timor-Leste. It reflects the importance of both the supply and the demand side of justice and its goals are reflected in the current Project Document (ProDoc). The ProDoc states that the aims of the JSP are to be realized through the accomplishment of the six Outcomes set out below in III. Programme Outcome Status: Findings and Recommendations.

See Final Report at pages 16 - 19

E. Justice System Programme Management

As the JSP is currently constituted, the international Senior Justice Advisor is responsible for the operation of the programme. She is assisted by an international Operations Manager who is supported by several national counterparts. Other international advisors serve on the JSP staff, including an IT Specialist, an Advisor Liaison Specialist and a Public Information Officer.

See Final Report at page 19

F. Context for Considering Programme Outcome Status

The context in which the JSP currently operates is different from the one that prevailed when the ProDoc was signed in 2008. Since that date, national authorities have moved forward significantly with respect to strategic training in the justice sector as reflected in the recent “Justice Sector Strategic Plan 2011-2030.” Similarly, a number of challenges that existed in the justice sector in 2008 have been addressed, although much work remains to be done. On the other hand, the ProDoc did not anticipate the winding down of UNMIT in 2012, nor could it have foreseen the current worldwide economic crisis. Despite these circumstances, the JSP implementation strategy has generally remained responsive to the evolving needs of justice institutions and ongoing developments in the justice sector.
G. **Programme Outcome Status: Findings and Recommendations**

**Outcome 1 - Skills and competencies of justice sector actors enhanced**

The core function of the JSP is to develop the capacity of those Timorese who serve in the justice system. The role of the Legal Training Centre (LTC) is fundamental to the development of human resources in this sector and it deserves continued support and assistance. Training must be designed not only for entry into a career, but also to maintain and enhance skills on an ongoing basis. The LTC must be a centre for professional excellence and should provide a wide range of both academic and practical training, as well as instruction designed to improve Portuguese language skills.

JSP support for the development of human resources in the justice sector should remain a primary focus of the programme and promotion of the LTC as the nucleus for such efforts should continue.

**Outcome 2 – Formal justice system decentralized and capacities of all District Courts to administer justice and protect vulnerable groups strengthened**

The JSP has been particularly involved in the institutional development of the courts of Timor-Leste as well as other justice institutions. Moreover, the JSP has consistently been a major supporter of international advisors in the justice sector. The transfer of skills from international advisors who perform line functions to their national counterparts should continue. The capacity development of Timorese serving in the justice sector should include not only LTC training, but peer-to-peer mentoring and other forms of assistance in which international advisors should be involved.

Significant steps have been taken since the signing of the ProDoc to advance the institutional development of the District Courts, especially those outside of Dili. Similarly, support has been given to the Court of Appeals and to the Audit Chamber. It is important, however, to build on these accomplishments.
Outcome 3 - Prosecution Service strengthened to ensure effective delivery of criminal justice

The Office of the Prosecutor General (OPG) has seen a number of developments that address the challenges laid out in the ProDoc. International prosecutors continue to be supported by the JSP and training at the LTC is provided to their national counterparts. Joint trainings and other initiatives have been taken to enhance work between the prosecution and the PNTL. The development and installation of an integrated electronic information management system should promote accuracy, transparency and accountability across the justice sector. Moreover, it should improve the linkage between local police investigations and the OPG.

See Final Report at pages 35 - 37

Outcome 4 - Capacity of Corrections Services strengthened to uphold public safety and security and meet international minimum standards for the treatment of prisoners

Since the adoption of the ProDoc, significant steps have been taken to increase security and improve infrastructure at the prisons in Becora and Gleno. The JSP supports two international prison reinsertion advisors who have been active in drafting a law relating to the execution of sentences and a Strategic Plan for Social Reinsertion. The strategic plan has been presented to the Council of Ministers and steps have been taken toward its implementation. In keeping with the JSP’s primary emphasis on developing human resources in the justice sector, its efforts with respect to corrections should focus on the Strategic Plan for Social Reinsertion.

See Final Report at pages 38 - 40

Outcome 5 - Enhanced access to justice for all and improved public confidence in justice institutions

The ProDoc reflects a renewed focus on the “demand side” of justice. As currently being implemented, it focuses on strengthening the Office of the Public Defender (OPD) as a mechanism for providing justice for all. It should also support the role of private lawyers in providing legal aid to the public. Other forms of access to justice include completing the country’s legal framework, especially with regard both to land ownership and to traditional justice. More emphasis should be provided to mobile court initiatives, which
could very well become a routine, rather than an exceptional, way in which to bring the courts closer to the people.

Ensuring access to justice is fundamental to the rule of law, as is promoting public confidence in the country’s justice institutions. Both goals must remain at the forefront of the JSP agenda, although the programme’s plans in this area require further refinement. It is necessary to identify more clearly the rationale behind anticipated activities as well as to provide a greater focus on determining priorities.

See Final Report at pages 41 - 45

Outcome 6 - CEO of the Justice System Programme established

The essential management and operational functions of the JSP are being performed and the central office of the programme provides expertise, planning and coordination in the delivery of support services throughout the justice sector. The Senior Justice Advisor and her team have provided strong leadership for the programme and the structure currently in place appears to serve the needs of the JSP and those national entities that it supports. The focus during the remaining project period should be on the continued efficient and effective management of the programme.

See Final Report at pages 46 - 47

H. The Way Forward

The report discusses the six Outcomes set out in the ProDoc and the remaining work that each will require for the balance of the project period. That said, the report also identifies the core priorities requiring JSP technical assistance, especially in light of the withdrawal of UNMIT in 2012. Moreover, it provides an indication of the future role of advisors supported by the programme.

The core priorities are:

1. Support for the Legal Training Centre as the primary institution for the training of national actors in the justice sector;

2. Continued institutional development of the courts;
3. Completion and implementation of the legal framework;

4. Support for the integrated electronic information management system; and

5. Support for mobile courts and public outreach to provide access to justice.

In order to assist the JSP in achieving its mission with respect to the six Outcomes and the five core priorities, the Timorese government must continue to make good on its current funding commitment. It is also of vital importance that international funding in support of JSP should be reinforced if not expanded.

See Final Report at pages 48 - 54

I. Conclusion

The IMEM team’s basic conclusion is that the six Outcomes continue to be relevant and provide an appropriate description of the priority areas for continued JSP support. Moreover, the Outcomes are aligned with the national priorities set out in the JSSP as well as the ICNA needs assessment of the justice sector. Just as importantly, they will serve the transitional role of the JSP in coordinating support efforts in the justice sector following the withdrawal of UNMIT in 2012.

The team also concludes that the JSP should build on its demonstrated strengths during the remaining period of the Project Document. In doing so, it should focus on what it has done best, which has been to manage the pool of knowledge and talent that it has assembled, deploying it in pursuit of core functions served by the JSP, especially capacity building and the development of human resources in the justice sector along with the institutional development of the courts and other justice institutions.

Although the JSP project period is coming to a close, the needs of the justice sector are not. Those needs continue to be met by the JSP, underscoring the importance of a renewed level of international funding in support of its work.

See Final Report at page 55
According to the TOR, the objective and scope of the evaluation to be performed by the IMEM team is “to assess the relevance, sustainability and effectiveness of the JSP design and implementation strategies and to provide a basis for [Council of Coordination] and UNDP decisions on strategic programme alignment, if required. In this regard, the evaluation will examine the alignment of the JSP interventions to the Justice Sector Strategic Plan (JSSP) released by the government in early 2010.”

The TOR continues: “The evaluation will assess the JSP progress in achieving the results envisaged in the [R]esults and [R]esources [F]ramework; document the lessons learned since its launch in December 2008; and make recommendations for the remainder of the programme to ensure continued relevance and sustainability.” In doing so, the evaluation should “help the [Council of Coordination] and UNDP, along with all other stakeholders, to better support the justice system entities through sustainable capacity development, and to support improved access to justice for the citizens of Timor-Leste.”

Finally, the TOR provides that, based on its assessment of the relevance, sustainability and effectiveness of the JSP design and implementation strategy, the evaluation team is to make recommendations for the remaining period of the JSP.
VI. Approach and Methodology of the Evaluation

The TOR outlines a variety of working methods available to the Mission team. The first of these is to review documents relating to the JSP in particular and the justice system in general. In this regard, various materials were studied including the JSP Project Document (ProDoc), the Justice Sector Strategic Plan for Timor-Leste 2011-2030 (JSSP), the report of the Independent Comprehensive Needs Assessment (ICNA) and other items made available by the JSP, along with materials independently obtained by the team.

In addition to reviewing the pertinent documentation, the members of the team conducted meetings with a wide variety of individuals totalling approximately 85 persons. These included, but were not necessarily limited to: (1) members of the Council of Coordination; (2) the JSP staff; (3) advisors for the JSP in the courts, prosecution, Ministry of Justice, and public defender’s office; (4) national counterparts and senior leaders in the same institutions; (5) other UNDP country team members; (6) representatives of UNMIT and associated units; and (7) other national and international staff.

Beyond the interviews referenced above, the team also met with donors and development partners. Similarly, the team interacted with NGOs and others involved in the justice sector in Timor-Leste. The team made a concerted effort to engage as many interlocutors as possible, with both national and international elements being broadly represented.

The availability of empirical data relating to the justice sector in Timor-Leste remains limited. Nonetheless, to the extent such information was supplied, the team used such data to assist in evaluating the programme’s success in achieving the outcomes stated in the ProDoc. Recognizing that the bulk of the input it received came from interviews and direct observation of justice institutions and processes, the findings and recommendations of the team are drawn primarily from those sources.
VII. An Overview of the Justice System Programme: Past and Present

Past

The UNDP Country Programme for Timor-Leste contributes to the goal of consolidating peace and stability through a variety of means, with support for democratic governance being a primary focus of its efforts. Support for the justice sector, in turn, constitutes the largest project within the province of the UNDP Governance Unit.

The current Justice System Programme is the third phase of the ongoing UNDP commitment to support the rule of law and access to justice in Timor-Leste. The initial “Strengthening the Justice System in Timor-Leste” Programme was launched in 2003 by the national authorities of the newly independent Timor-Leste and UNDP, together with UN system and development partners. The JSP of 2003 was aligned with the country’s then-operative “National Development Plan” (NDP 2002-2007) as well as its “Stability Programme” (SP 2003). The first JSP thus addressed justice sector issues reflecting Timor-Leste’s status as a post-conflict society and newly emergent nation.

Following the adoption of a “National Justice Policy” (NJP 2005-2010) the JSP was revised and a second project document entitled “Enhancing the Justice System to Guarantee the Democratic Rule of Law: Strengthening the Justice System in Timor-Leste” was signed in December 2005. A Council of Coordination consisting of the President of the Court of Appeals, the Prosecutor General and the Minister of Justice, was established as a coordination mechanism to oversee the implementation of the programme.

Not long thereafter, Timor-Leste experienced a period of internal conflict involving the army (F-FDTL) and the national police (PNTL). The crisis of 2006 and its aftermath affected the entire country and greatly burdened the ability of the JSP to realize its long-term goals. Instead, resources were redeployed to respond to the need for crisis response and recovery. As conditions improved, in July-August 2007 an eight-member independent, external evaluation team made a series of recommendations calling for significant changes in the scope, structure and size of the programme. Following up on that evaluation, in May-June 2008, a Joint Revision Mission (JRM) comprising of governance experts from the UNDP Regional Centre in Bangkok (RCB), conflict/crisis practitioners from the UNDP Bureau for Crisis Prevention and Recovery (BCPR) in Geneva and independent experts on justice sector reform came to Timor-Leste.
Following the completion of the mission, the JRM presented its findings and recommendations to the CoC and development partners. Thereafter, the CoC authorized UNDP to proceed with substantive revisions in the programme, as reflected in the current Project Document (ProDoc). The ProDoc provides for a revised project under the title, “Enhancing the Democratic Rule of Law through Strengthening the Justice System in Timor-Leste,” commonly referred to as the Justice System Programme (JSP).

Present

The ProDoc describes the goal of the JSP as aiming to achieve the “[s]trengthened institutional capacity of the justice system of Timor-Leste to uphold the rule of law and improve access to justice through legal empowerment of the poor and disadvantaged.” As such, the JSP includes a focus on the “demand” side of justice. The aims of the JSP are to be realized through the accomplishment of six Outcomes set out in the ProDoc:

Outcome 1: Skills and competencies of justice sector actors enhanced

Outcome 2: Formal justice system decentralized and capacities of all District courts to administer justice and protect vulnerable groups strengthened

Outcome 3: Prosecution Service strengthened to ensure effective delivery of criminal justice

Outcome 4: Capacity of Corrections Services strengthened to uphold public safety and security and meet international minimum standards for the treatment of prisoners

Outcome 5: Enhanced access to justice for all, and improved public confidence in justice institutions

Outcome 6: CEO of the Justice System Programme established

The ProDoc provides in Outcome 6 for a strengthened JSP Chief Executive Office intended to focus on strategic policy, planning, monitoring and evaluation, and budget management. For the implementation of the five remaining outcomes, the ProDoc also contemplates five program support units to be established under the Chief Executive Office: (1) Capacity Development, (2) Justice Decentralization, (3) Prosecution, (4) Corrections, and (5) Access to Justice and Conflict Prevention.
According to the ProDoc, the Council of Coordination serves as the Project Steering Committee of the JSP. The CoC was originally established as a coordination mechanism for the three pillars of the justice system (Judiciary, Prosecution and Ministry of Justice). In March 2008, however, the CoC was institutionalized under the new Organic Law of the Ministry of Justice (MoJ) and was formally recognized as the national coordination mechanism for the justice sector. In that capacity, in November 2008 the three members of the CoC, along with the UNDP Resident Representative, signed the ProDoc, which states that “ownership of the Programme lies with the Council of Coordination.”

The role of the UNDP is to implement the JSP with funding supplied from a variety of sources, including the national government, the UNDP itself and other development partners. In addition to funding the JSP, a number of donors have also pursued bilateral assistance programmes intended to complement existing support efforts in the justice sector.

Since the signing of the ProDoc in November 2008, three further initiatives have come about that require consideration when assessing the JSP and its alignment with justice system priorities. The first is the “Independent Comprehensive Needs Assessment of the Justice System of Timor-Leste” (ICNA), which was issued in October 2009. The ICNA was initiated following a Report of the Secretary General (S/2006/628) and Security Council Resolution 1867 (2009), both of which underscored the need for an independent, comprehensive needs assessment of the entire Timorese justice sector.

In February 2010, the Council of Coordination approved the “Justice Sector Strategic Plan 2011-2030” (JSSP), an initiative of the Ministry of Justice intended to reinforce coordination and to harmonize activities of key justice institutions based on a shared vision and a common strategic direction. Separate from the JSSP, in 2011 the Government presented to Parliament the “Timor-Leste Strategic Development Plan 2011-2030” (SDP). The SDP is broad in scope and articulates a forward-looking perspective for national development in a variety of areas, including the justice sector.

In recognition of the fact that the original ProDoc pre-dated both the ICNA and the JSSP, subsequent JSP annual work plans for 2010 and 2011
reference both documents and contain new sets of outputs and planned activities relevant to each.¹

VIII. Justice System Programme Management

The Project Document (ProDoc) anticipates the formation of a Chief Executive Office (Outcome 6) to be headed by a national Chief Executive Officer who will be supported by an international Justice Advisor. Despite strenuous recruitment efforts by the JSP, no national CEO has yet been designated and to date the international Senior Justice Advisor has been responsible for the operation of the JSP. This is consistent, however, with the ProDoc, which provides that “the Justice Advisor will perform the functions of the CEO until a national professional is identified and recruited.”

The Senior Justice Advisor is assisted by an international Operations Manager who is responsible for human resources, budget and finance, procurement and related matters. The Operations Manager, in turn, is supported by several national counterparts, including a finance officer, a finance assistant, an administration officer and a procurement clerk. Similarly, as provided in the ProDoc, there is an international IT Specialist who works in collaboration with a national IT support officer. The numerous JSP advisors located in various justice sector institutions are assisted by an Advisor Liaison Specialist. There is also an international Public Information Officer whose role is to support the informational and outreach aspects of the JSP mandate. Additional national staff assist at the JSP and provide services as drivers and in other similar capacities.

¹ Although changing circumstances require flexibility, the use of annual work plans to modify the outputs originally contained in the ProDoc presents a number of challenges discussed infra at pages 21-22.
IX. **Context for Considering Programme Outcome Status**

The context in which the JSP is currently operating is different from the one that prevailed when the Project Document (ProDoc) was signed in 2008. Since that date, the national authorities have moved forward significantly with respect to strategic planning in the justice sector. The new “Justice Sector Strategic Plan 2011-2030” and also the “Timor-Leste Strategic Development Plan 2011-2030,” both of which post-date the ProDoc, articulate a vision proposed by national leaders with which the ProDoc should be aligned.

Just as important, the ProDoc did not anticipate the winding down of UNMIT in 2012. Similarly, it could not have foreseen the current worldwide economic crisis, which is likely to impact commitments made by donors and development partners.

Since 2008 other, more favourable, changes have also occurred in the legal scenery against which the ProDoc must be viewed. Steps have been taken to complete the country’s legal framework. All four District Courts are operational and serve the public on a routine basis. The number of Timorese judges has expanded, as has the number of other national actors in the justice sector. The Legal Training Centre (LTC) has progressed to the point that it is widely recognized as the flagship for training and development in the justice sector. Finally, a failed electronic case management initiative in the courts is being replaced with a more comprehensive integrated information management system that will eventually link all major justice institutions in the country.

At the same time, significant challenges remain. An important piece of legislation, relating to the ownership of land is still awaiting approval by Parliament, and there is no legislation pending with respect to customary justice. Similarly, a juvenile justice law is still to be drafted and a proposed law for the protection of children (Children’s Code) remains in circulation. Although the four District Courts operate on a routine basis, access to justice – especially for those in more remote areas – remains problematic. Similarly, valid concerns continue to exist regarding the degree to which women, children and other vulnerable groups can be said to have access to justice. Additionally, despite the continuing development of human resources, more work needs to be done as internationals leave line functions and nationals are increasingly seen, as they should be, as the primary actors in the justice sector. The perennial concern about language issues also remains, although
progress has been made in Portuguese language training for nationals operating in the justice system.

In these circumstances, the challenge has been to ensure that the JSP implementation strategy remains responsive to both the evolving needs of justice institutions and ongoing developments in the justice sector. Recognizing that fact, the leadership of the JSP has demonstrated an ability to adapt to changing conditions, especially those not contemplated at the time the ProDoc was signed. Rather than treat the ProDoc as a rigid framework that deprives the programme of necessary flexibility, the leadership of the JSP has respected the spirit of the ProDoc, while remaining nimble in responding to the needs it must address.

A good example of this approach can be found in the 2010 and 2011 JSP Annual Work Plans. Following the issuance of the Independent Comprehensive Needs Assessment (ICNA 2009) the JSP prepared its 2010 Annual Work Plan using a variety of different outputs than those originally called for in the ProDoc. After the approval of the Justice Sector Strategic Plan (JSSP 2010), the 2011 Annual Work Plan further modified the JSP implementation strategy with additional revisions in the outputs relating to each of the six Outcomes. As would seem appropriate, the 2011 Annual Work Plan containing the referenced modifications was agreed to and signed by the three members of the Council of Coordination, the Public Defender General and the UNDP Country Director.

2 See Annex B – “Comparative Lists of Outputs” at p. 57.

3 It is unclear whether the execution of the 2011 Annual Work Plan by the signatories to the ProDoc effectively amends the latter document. The ProDoc refers in several places to the need to revisit and review its contents (see, e.g. “7. Exit Strategy” at p. 28) but the procedure for modifying the original ProDoc is not apparent. The team flags this issue in the event some additional step may be required to amend the ProDoc beyond that which has already been taken.
X. Programme Outcome Status: Findings and Recommendations

Preliminary

It is the purpose of this section to review the six Outcomes described in the Project Document and to make recommendations as to each. Before doing so, however, two observations must be made:

The first is that a number of outputs and activities that will be discussed serve more than one outcome. For example, the use of mobile courts helps to decentralize the justice system and assists District Courts in administering justice in remote areas. Support for mobile courts thus arguably falls within the scope of Outcome 2, “Formal justice system decentralized and capacities of all District Courts to administer justice and protect vulnerable groups strengthened.” At the same time, mobile courts serve those who are unable to access one of the four district courts and can thus be said to promote the goals of Outcome 5, “Enhanced access to justice for all and improved public confidence in justice institutions.” In the current JSP configuration of outputs, mobile courts are addressed under Outcome 5, dealing with access to justice.

For purposes of its review and recommendations, the team has accepted the JSP determination as to the localization of outputs and activities within the overall framework of outcomes.

The second point relates to the question of which set of outputs and activities are the subject of this evaluation. The team raises this point in light of the discussion in the previous section regarding the new set of outputs contained in the 2011 Annual Work Plan of the JSP. Although many of these outputs coincide with those to be found in the 2008 ProDoc, many do not. For purposes of its evaluation, the team treats the 2011 Annual Work Plan as the operative document for the identification of those outputs currently associated with the six Outcomes.

See Annex B – “Comparative Lists of Outputs” at p. 57.
Outcome 1 - Skills and competencies of justice sector actors enhanced

Background

The core function of the JSP is to develop the capacity of those Timorese operating in the justice system. At the outset of the programme, only judges, prosecutors and public defenders had access to certified legal training. That situation has since changed markedly with training being made available to a wide range of actors in the justice sector, including private lawyers, notaries, interpreters, justice officials and legal drafters at the Ministry of Justice. Moreover, Portuguese language training has been made more widely available. The continuing efforts to build the capacity of national actors in the justice system is consistent with Goal 7 of the JSSP, which is to see that “all justice sector personnel are provided with the necessary competencies, skills and knowledge” to perform their functions.

The role of the LTC as the core institution for training and the development of human resources is well-established and it deserves continued support and assistance. The LTC is recognized by Goal 8 of the JSSP as needing to become “a centre of excellence, able to supply all professionals in the legal area who are needed by the justice system.”

Outputs

The following outputs are currently associated with Outcome 1.

1.1 Legal Training Centre is fully institutionalized and LTC premises fully equipped for optimal working conditions

1.2 Reference and pedagogical material is available through the creation of the LTC library

1.3 LTC scope of action is expanded to new areas to cover the needs of the justice sector

1.4 Skills and competencies of existing judicial actors is improved through further education

1.5 LTC implement a gender equality policy and increase the focus on Human Rights mainstreaming
1.6 Strategic partnerships for training and certifications established with universities and other legal training centers

1.7 Assist in the development of a human resources plan for the LTC including identification and recruitment of the Chief of Training Department

1.8 Support to the oversight and accountability mechanisms established for justice institutions

**Findings and Recommendations**

**Human resource development as a priority**

Human resource development is one of the five thematic areas outlined in the JSSP, which recognizes the need to provide justice institutions with “necessary and sufficient human resources to carry out their mandates.” The key component of JSP activity going forward should be to continue its support for capacity building in the justice sector. Such development should include not only training designed for career entry, but also ongoing training designed to promote a standard of excellence during the professional life of each person working in the justice sector. The Legal Training Centre serves as the nucleus for such efforts and will continue to require the assistance and support of the JSP.

**Training**

There is a widespread consensus that it is in the interest of Timor-Leste that all line functions in the justice sector eventually be performed by the Timorese themselves. Progress in that direction has been made over time, and the approach of UNMIT’s closure in 2012 and the expiration of the JSP project document in 2013 should provide an additional impetus toward that goal. Considering the proximity of that date, however, it is likely that support of the type currently provided by JSP will need to be extended beyond 2013.

For the Timorese to take effective ownership of the justice process, it is essential that Timor’s human resources in the justice sector continue to be

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5 JSSP at p. 38.
developed through training. Capacity building must thus include training designed for entry into a career, as well as ongoing training. This is a priority not only for judges, but also to ensure an adequate number of other justice sector professionals as well, including prosecutors, public defenders, private lawyers, justice officials, notaries and legal translators. The same applies to those operating in allied institutions such as the Ministry of Justice (MoJ) and the national police (PNTL).

**Legal Training Centre**

As already stated, the Legal Training Centre (LTC) is the primary institution for the training of national actors in the justice sector. It thus should promote a consistent standard of professional excellence among those it serves. Moreover, it has a role to play in ensuring inclusiveness and should take appropriate steps to encourage women to apply for entry into training programs that will lead to careers in the justice system.

Also critical for professional development, the LTC provides Portuguese language training for its various justice sector constituencies. It also has undertaken to do the same for actors in allied institutions, including the prospective members of the criminal investigation police, social reinsertion officers, and auditors who will serve in the audit chamber. As to the other official language of Timor-Leste, the LTC has been a centre for the development of legal Tetum, an important initiative that should continue.

The JSP has played a significant role in developing the LTC into a credible institution that is central to ensuring the quality of the human resources in the justice sector. The work of the JSP-supported international advisor to the director of the LTC has been critical in that regard. Similarly, faculty members recruited and supported with the assistance of the JSP have been critical to accomplishing the core mission of the LTC in developing the capacity of those serving in the justice sector. It is vital that the quality of the international faculty remain high, while at the same time efforts should be made to increase the number of national faculty members in appropriate subject areas. Similarly, it is important to ensure the availability of trainers who have practical experience and who have (or who can develop) an appreciation of the challenges facing the Timorese justice sector. Finally,

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6 The JSP is currently in the process of recruiting a successor to the current international advisor. Considering the critical role of the LTC in the overall development of the justice sector, the team wishes to underscore the importance of this position and the need for the recruitment of a highly qualified individual for the post.
instruction in deontological and ethical matters must be paramount and should be considered as essential subjects for training.

The LTC provides an excellent example of an area in which the JSP is positioned to build on its successes. While maintaining its current level of support for training focused on career entry, the JSP could further assist by recruiting and supporting faculty to provide ongoing, complementary training for those already performing line functions in the justice sector. Similarly, the use of short term experts in particular fields to focus on the practical side of work in the justice system would also be of great value to those who have already started their careers. In that regard, for example, the JSP could assist the LTC to enter into cooperation agreements with counterpart institutions elsewhere in the Portuguese-speaking world and elsewhere. Indeed, in 2008 the Ministries of Justice in Timor-Leste and Portugal entered into an agreement promoting the use of joint initiatives, including those involving the legal training centres of both countries.

The number of constituencies that the LTC serves within the justice sector presents an opportunity for the centre to offer joint training programs. The LTC is well placed to congregate the necessary parties such as judges, prosecutors, public defenders and private lawyers when it would serve to bring about a more efficient delivery of training. An example of such an initiative exists in the joint trainings now being undertaken between prosecutors and police at the PNTL training facility.

Finally, the current set of outputs also focuses on the development of the LTC law library into a research and reference centre both for students and those already in a legal career. In this regard, consideration will be given to adopting a legal research database and to developing a digital library. This initiative could also include the court decision database that is now under way with the assistance of several international judges. Such efforts would benefit greatly from a closer cooperation between the LTC and counterpart institutions abroad. It is clear that the successful expansion and further professionalization of the law library will reinforce the position of the LTC as a centre of learning.

Support for oversight and accountability mechanisms

Throughout the ProDoc, reference is made to the importance of monitoring and evaluation. Needless to say, those processes are necessary for any program to maintain a close watch on its own operations. Indeed, the JSSP highlights monitoring and evaluation as “fundamental components in
the implementation of a strategy or plan, and [which] aim to measure progress achieved.”

The scope originally given to such processes under the ProDoc, however, was quite broad and suggested that the JSP as an international organization should be monitoring and evaluating national institutions that by right must be independent. Not only would such scrutiny infringe on the institutions involved, but also it would invade the province of the Superior Councils that pertain to judges, prosecutors and public defenders. Indeed, inspection services also exist for the two former groups, while the public defenders await one of their own.

Perhaps in recognition of the fact that the ProDoc overstepped in this regard, several current outputs, including 1.8, offer to provide support to the Superior Councils to assist them in the performance of their oversight responsibilities. Although a national actor in the justice system, such as a judge, remains accountable through the Superior Council, he or she is not answerable to the JSP in the same way.

This is not to say, however, that the JSP cannot engage in a self-appraisal of its own activities. Nor should it suggest that international advisors cannot be required to abide by guidelines for their mentoring functions, in which they should be closely supported by the JSP. Support for the mentoring and training competencies of international advisors does not intrude on their professional independence, nor do rules of conduct relating to their advisory duties as distinct from their line functions. The line between the two can often be a fine one, and any doubts should be resolved collaboratively between the national oversight institutions and the JSP.

The outputs under several other outcomes continue to use the term “monitoring and evaluation,” although ostensibly with respect to “quality of service” issues. Thus, associated with output 2.4 is the planned activity of “[d]eveloping guidelines for monitoring and evaluation of justice service delivery.” The exact scope of what is contemplated by this description is not immediately apparent. Similar language appears in output 3.5 relating to the “[q]uality of prosecutorial service [being] ensured through monitoring evaluation.” Output 4.5, which relates to the monitoring and evaluation of the quality of correction services, more clearly provides for assisting Correctional Services with its own performance guidelines applicable to prison staff.

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7 JSSP at p. 42.
The original problems associated with the monitoring and evaluating national institutions appear to have been avoided in the current outputs. That said, what is meant by monitoring and evaluating “quality of service” in the justice sector has not yet been made clear.

**Conclusion**

JSP support for the development of human resources should remain a primary focus for the programme and the promotion of the LTC as the nucleus for such efforts should continue. The current outputs under Outcome 1 are appropriate.
**Outcome 2 - Formal justice system decentralized and capacities of all District Courts to administer justice and protect vulnerable groups strengthened**

**Background**

At the time the ProDoc was signed, national and international judicial actors were based exclusively in Dili and commuted to the districts on a part-time basis. In part this reflected the lack of living and working conditions at the District Courts involved. It was thus a priority, reflected in Outcome 2, to see that both national and international actors were deployed to all District Courts on a full-time basis. Similarly, it was important to ensure that necessary infrastructure, along with logistical and administrative support, was provided. An additional concern addressed within Outcome 2 was the importance of supplying adequate interpreter and translator services with respect to all proceedings at the District Court level. The original ProDoc also noted with concern that case management was ineffective, with the then-existing electronic case management system (CERTO) being only partially implemented.

**Outputs**

The following outputs are currently associated with Outcome 2.

2.1 The technical needs of the district national actors are supported

2.2 Institutionalized presence of justice services at district level is increased and supported by international presence

2.3 Improved and harmonized logistical and administrative support to the justice institutions at district and central levels

2.4 Quality of service delivery at central and district level ensured through monitoring and evaluation
Findings and Recommendations

Institutional development of the courts

The JSP has been particularly involved in the institutional development of the courts of Timor-Leste. Among other forms of support, the JSP has assisted in the deployment of international judges and other court actors. The programme has also provided support to Timorese judges and other nationals operating in the court system. At the same time, the JSP has assisted with national interpreters, who provide translation services in the courts. Complementing all this is the support provided by JSP to the LTC, which is the hub for the education and training of those who serve in the courts.

The institutional development of the courts is a domain in which JSP has experienced a number of successes upon which it can build.

International advisors and national counterparts

UNDP, through the JSP, has consistently been a major supporter of international advisors in the justice sector. This support must continue, especially as public prosecutors and public defenders seek to cover more districts and are constrained in doing so by the lack of international advisors to assist with that process. Within the judiciary, on the other hand, the time will soon arrive when the performance of line functions by international judges in the District Court can be reduced.

As those advisors begin to move out of the performance of line functions, they will be in a position to supply a significant amount of added value by taking on a more active role in the professional development of their national counterparts. Although this approach could eventually be implemented in all institutions in the justice sector, the team believes that the District Court judges of Timor-Leste would particularly benefit from such an approach. The proximity of national and international judges at that level provides an opportunity for international advisors to support the ongoing professional development of their Timorese colleagues on a peer-to-peer basis.

International judges are recruited to perform line functions in the courts, which is viewed as their primary function. Although such work by international judges is, of course, important, it does not directly contribute to the professional growth of their Timorese colleagues. Rather, it amounts to a lost opportunity to assist in their development as judges. The team heard from many sources that the press of work necessarily requires international
judges to focus on their line functions. As a result, little time remains for them to mentor their Timorese counterparts on a one-to-one basis. Indeed, the team was informed on more than one occasion that Timorese judges are mindful of that fact and hesitate to present questions to their international colleagues that would otherwise be the subject of peer-to-peer mentoring.

Given their service alongside their Timorese colleagues, international judges are in a unique position to identify issues of practical concern to their national counterparts. Not only does that fact supply a variety of mentoring opportunities, but it also provides a basis for helping to shape continuing judicial training at the LTC.

As international judges move away from the performance of line functions, they thus should focus more on assisting in the professional development of their Timorese counterparts. Indeed, they should be involved in all areas of judicial training. As international judges come to be increasingly freed from their line function responsibilities, to the extent that their positions are not otherwise eliminated, they should also be available to provide ongoing training at the LTC. The use of international judges as trainers at the LTC is not without precedent. A judge currently sitting on the Court of Appeals teaches at the centre and another international judge is being recruited both to serve on the Court of Appeal and to provide legal training at the LTC.

Linking the international judges to the LTC for that purpose will help to avoid any gaps that might develop between the centre and the actual training needs of Timorese judges. By increasing the involvement of international judges at the LTC, instruction will thus better promote the ongoing professional development of national judges. Moreover, it will reinforce the linkage between training at the centre and assistance provided on a peer-to-peer basis.

**District Courts**

The JSP has played a significant role in supporting the development of the four District Courts to the point that they are all open and function on a full-time basis. The conditions at the District Courts outside of Dili have improved significantly and housing for various court actors, including judges, has improved to the point that international judges reside permanently in Baucau and Suai. Considering the much smaller case load in Oecusse, both national and international judges serve there on a regular, but part-time basis.
International judges, as needed, will continue to be recruited with JSP support. The eventual goal, however, should be the performance of all line functions by Timorese judges, with international judges helping with their professional development both on a peer-to-peer basis and as faculty at the LTC.

It is a sign of progress that the Timorese District Court judges are widely considered to be professionally able to perform all judicial line functions without the direct assistance of international judges. There remains a question, however, whether there is an adequate number of Timorese judges to operate all four District Courts without the use of international judges. Although the number of Timorese judges is technically sufficient to staff all four courts, various developments have reduced the number of judges that will be available for that purpose. Thus, the number of District Court judges has recently been reduced by the appointment of one of their number to the Court of Appeals. Moreover, the President of that Court has announced plans to recruit two more District Court judges to serve on the Court of Appeals, and the prospect exists for the eventual recruitment of another judge to serve on the Audit Chamber.

As a result, instead of having 17 national judges to sit at the District Court level, the number of available judges will soon be reduced to 13. A new class of candidates will be entering the LTC in September 2011, with the possibility of as many as 15 additional judges becoming available as a result. But the judicial graduates of the program will not be in service until 2014, rendering the removal of all international judges from line functions potentially problematic in the interim.

The eventual goal at the District Court level should nonetheless be the elimination of all international judges from the performance of line functions and their full-time replacement by Timorese judges. Moving in that direction, however, should not preclude international judges from assisting with the development of their national counterparts on a peer-to-peer basis or from serving as faculty and providing instruction at the LTC.

That said, whenever the removal of international judges from the performance of line functions is deemed feasible, there will still be two circumstances in which they would nonetheless be called back into judicial service:

(a) In exceptional cases, should the number of national judges on occasion be insufficient, an international judge may be required to exercise judicial line
functions. Such circumstances could include training abroad, an extended illness or some other excused absence.

(b) Article 3 of Decree-Law No. 13/2005, promulgating the Code of Criminal Procedure, provides that the legal framework for the prosecution of serious crimes pursuant to UNTAET Regulation No. 2000/11 and No. 2000/15 remains in effect. Accordingly, international judges will continue to serve on panels for the trial of defendants charged with crimes against humanity and related offenses. This occurred recently when a special panel of the Dili District Court consisting of one national judge and two international judges tried and convicted former Mahidi militia member Domingos Noronha (aka Domingos Mau Buti) for three murders committed in 1999.

Court of Appeals

The JSP is assisting with the recruitment of an additional international judge to serve on the Court of Appeals, who will also function as a trainer at the LTC. The JSP currently supports two other international judges on the court, one of whom also teaches at the LTC.

Audit Chamber

The “Audit Chamber”8 will play an important role in administering the state budget and ensuring proper processing and transparency in state spending. Technical help in bringing the court into existence was supplied by a JSP advisor and the JSP will remain involved in the recruitment of an international audit court judge. Indeed, planned activities under the current output 2.3 call for JSP support for the development of the court. At a point a national counterpart will be recruited to serve alongside the international judge. Auditors have already been recruited, with a number of them going to Portugal for training and others remaining in Dili where they are receiving Portuguese language training at the LTC. Moreover, support is foreseen for this project from the European Union through IPAD.

8 Although commonly referred to as the “Audit Court,” that term is a misnomer. As set out in Section 123.1 (b) the Constitution of Timor-Leste, the name for the court, once fully constituted, is the “Tribunal Superior Administrativo, Fiscal e de Contas.” Considering that only the audit function is currently being brought into existence, the term used in the JSSP (Goal 3, p. 50) for the entity under development is the “Chamber of Auditors.”
Court interpreters

In the field of human resources, a concern also exists that national expertise in interpreting, once developed, may be shifted to another institution or to the private sector. This would be extremely detrimental to the proper functioning of the justice system. As with those having IT expertise, incentives should be developed to retain qualified individuals performing interpretation and translation services. Options such as developing court interpreter positions as part of a specialized career within the justice system should thus be considered. Similarly, payment by UNDP of an additional allowance for such experts is another possibility, if financially feasible. However this matter is addressed, JSP support for interpreter and translator service is indicated in the current outputs under Outcome 2.

Conclusion

Significant steps have been taken since the signing of the ProDoc to advance the institutional development of the District Courts, especially those outside of Dili. Similarly, support has been given to the Court of Appeals and to the Audit Chamber. It is important, however, to build on the accomplishments achieved to date and to ensure that they are sustainable. Accordingly, the subject matter of Outcome 2 remains of great significance.
Outcome 3 - Prosecution Service strengthened to ensure effective delivery of criminal justice

Background

An important element of the ProDoc is Outcome 3, which provides for the strengthening of the Prosecution Service to ensure the delivery of criminal justice. In this regard, the ProDoc calls for the implementation of an overall prosecution strategy and a strengthened working relationship with the PNTL. It also focuses on reducing the inventory of pending cases, including those relating to the Commission of Inquiry (CoI). Some progress has been made in each of these areas, and Outcome 3 merits continued JSP support.

Outputs

The following outputs are currently associated with Outcome 3.

3.1 Support to the implementation of the Prosecution strategy

3.2 Measures to reduce prosecution backlog implemented

3.3 Strengthened working relationship between prosecution and police, especially at the district level

3.4 Support provided for Commission of Inquiry (CoI) cases pending

3.5 Quality of prosecutorial service ensured through monitoring and evaluation

Findings and Recommendations

The Office of the Prosecutor General (OPG) has seen a number of developments that address the challenges presented in the ProDoc. International prosecutors are in part supported by JSP and their national counterparts receive training at the LTC, although the overall number of national prosecutors should be increased. This would create a greater parity between the number of judges and prosecutors, a dynamic that should be extended to public defenders as well.
In a number of cases there have been joint trainings involving both prosecution and police. In other respects the linkage between prosecution and police has also begun to improve and the electronic case management system that is under way should promote accuracy, transparency and accountability in the reporting of information from PNTL to the OPG. Similarly, internal record-keeping and administrative oversight within the OPG will improve once the new information management system becomes fully operational.

The establishment of a group of criminal investigation police should enhance the level of investigative expertise and facilitate subsequent prosecutions, although the results of such a development are most likely to be seen in the longer term. An international prosecutor is assigned to the investigation and prosecution of remaining Commission of Inquiry (CoI) cases, although a number of investigative constraints have hampered those efforts. These include the overall complexity of the pending cases, the lack of forensic capacity in the OPG, and the reticence of witnesses.

Development of an electronic case management system

The ProDoc noted with concern that the electronic case management system then under development (CERTO) was not yet fully operational. That system has since been abandoned and is being succeeded by an integrated information management system that is in the process of being developed and implemented. The eventual goal is to link all major institutions within the justice sector.

The new system will affect all justice institutions and is mentioned in a number of planned activities falling under several of the six Outcomes discussed in this report. Such a system will be of particular value in linking the PNTL with the OPG. Accordingly, the team discusses this initiative in conjunction with its consideration of Outcome 3.

The development and ongoing installation of the new integrated information management system was a project sponsored by the Justice Facility in which the JSP has played a vigorous supportive role. Once fully installed, the system will be able to track cases from their original point of entry, whether it be at the PNTL or the OPG, by means of a single case number that will follow the case through to its ultimate conclusion. Although the project faced a number of challenges, it has proceeded in a measured way and has been well received by various institutional users. Several concerns have been articulated around questions of power supply as well as
equipment and IT support in the future, yet none of these issues have become obstacles to the continued roll out of the system.

The long-term success of this initiative clearly depends on the development of national human resources, especially where the contract with the system developer ends in two years. As a result, it will be necessary to develop IT and training staff within the courts and other justice sector institutions, including the OPG and the PNTL. The IT Specialist Adviser for JSP has been active in this regard and in supporting the implementation of the system. Moreover, UNDP and the Ministry of Justice signed an IT assistance program for the 2010-2013 time period that covers the implementation of the electronic case management system.

In the field of human resources, a concern exists that national IT expertise, once developed, may be shifted to another institution or to the private sector. This would be extremely detrimental to the continued operation of the case management system. Incentives should thus be developed to retain individuals with the required expertise. Options such as developing IT positions as part of a specialized technical career have thus been discussed. Similarly, payment by UNDP of an additional allowance to such experts in the short term is another possibility, if financially feasible.

The period between now and 2013 will be a critical one for the installation and successful implementation of the electronic case management system. JSP should continue its successful collaboration with the national authorities and the Justice Facility in supporting this important effort.

**Conclusion**

Outcome 3 is an area in which continued JSP support is merited with respect to both international staff made available to the OPG and IT support for the case management system. Similarly, JSP assistance to the LTC is of direct assistance to the OPG, which benefits from the training provided to its national prosecutors and related staff.
Outcome 4 - Capacity of Corrections Services strengthened to uphold public safety and security and meet international minimum standards for the treatment of prisoners

Background

Outcome 4 calls for a Corrections Service that will uphold public safety and security while also respecting the rights of prisoners. In addition to strategic planning, this outcome identifies the need to improve infrastructure and security, as well as the conditions in which inmates are held. At the same time, attention is given to the development of social reintegration initiatives for prisoners. Although significant progress has been made with respect to these issues, Outcome 4 describes an area that requires continued JSP support, especially with respect to the development of human resources necessary to implement the strategic plan for social reintegration services.

Outputs

The following outputs are currently associated with Outcome 4.

4.1 Implementation of Strategic plan for Corrections and improvement of Prison Services capacities

4.2 Improved security infrastructure in all prisons

4.3 Social reintegration initiatives for inmates implemented in all prisons

4.4 Inmates with access to health, sanitation, recreation and legal advice

4.5 Quality of Correction Service ensured through monitoring and evaluation

Findings and Recommendations

Correctional services and prison conditions

The ProDoc elaborates a variety of activities relating to strategic planning in corrections services along with the development of human resources, infrastructure, and improved conditions relating to prisoners. In a number of respects, the recommendations under this outcome reflect concerns following the crisis of 2006 and subsequent inmate escapes.
The security issues presented in 2008 have largely been addressed, with significant steps being taken in terms of improved infrastructure and enhanced security. The JSP largely provided for the installation of security fencing at Becora prison, along with other physical improvements. Similarly, infrastructure improvements at the prison in Gleno were also facilitated by the JSP. Since those two initiatives, however, the JSP has limited its involvement, in collaboration with its UNMIT counterparts, to initiatives directly involving conditions relating to prisoners.

The team visited Becora prison and was generally impressed by the conditions within the prison. Inmates appeared to be in good physical health and interacted appropriately with visitors. The prison kitchen was well equipped and adequately stocked. Posted menus indicated daily offerings that met or exceeded minimum requirements. The prison premises were generally clean, open and accessible and no inmates were seen to be further confined within the institution. Prison workshops were in operation and inmates were quick to demonstrate their handiwork, particularly in a shop that prepared and assembled prison clothing. Other facilities were also in evidence, such as classrooms, a library and a visiting centre for family members.

Two concerns were presented, however. The first related to the incarceration of a juvenile whose continued confinement apparently related to an ongoing mental condition. Similarly, a small number of adults were in evidence who had been charged with crimes, but whose condition suggested the existence of a mental disease or disorder. Although an institutional setting other than a prison would likely be a more proper placement for such individuals, the individuals involved appeared to be cared for appropriately within the constraints presented by Becora prison. Moreover, there was no evidence that they had been subjected to any adverse treatment based on their individual situation.

The prison administration, including guards, was helpful toward visitors and interacted appropriately with prisoners. Prisoner records were maintained in a transparent fashion and there was no suggestion that inmates were being warehoused or that their eligibility for release was either ignored or that the parameters of their committed sentences had been exceeded.
**Social reinsertion services**

The JSP supports two prison reinsertion advisors at the Ministry of Justice. Both advisors have been active in pursuing the tasks assigned to them. One has contributed to the drafting of a law relating to the execution of sentences, which is an important piece of legislation under advisement at the Ministry of Justice. A second has drafted a Strategic Plan for Social Reinsertion, which is a significant initiative. The availability of a social reinsertion service is viewed as critical in the areas of sentencing, probation, and parole. Moreover, it is critical to the development of non-custodial alternatives to prison. The strategic plan developed by the JSP advisor has been warmly received and has been presented to the Council of Ministers.

This initiative provides another illustration of how the JSP can build on its strengths. The eventual implementation of the social reinsertion plan will require the development of human resources, which JSP can support in a variety of ways. The first group of social reinsertion officers has already been recruited and is now taking Portuguese language lessons at the LTC. The JSP Prison Reinsertion Advisor, in turn, will be providing initial training for prospective officers within the Ministry of Justice, after which the candidates will go to Portugal for training by the directorate general of that country’s social reinsertion service. In sum, the realization of the plan for social reinsertion is dependent on JSP support for developing the capacity of Timorese nationals to serve in the reinsertion framework.

**Conclusion**

In keeping with the JSP’s primary emphasis on developing human resources in the justice sector, JSP efforts with respect to corrections should focus on the Strategic Plan for Social Reintegration. Accordingly, at this time the team suggests that support for Outcome 4 should lie primarily in this area. To the extent that the JSP is supporting the implementation of the integrated information management system, in which the prison service is also participating, that support should continue.
Outcome 5 -  Enhanced access to justice for all and improved public confidence in justice institutions

Background

The ProDoc reflects a renewed focus on the "demand side" of justice, with Outcome 5 calling for an increase in access to justice for all. To that end, it focuses on providing legal representation to those in need of such services. Emphasis is thus placed on legal aid as supplied not only by public defenders and private lawyers, but also by paralegals and law students. In conjunction with such efforts, the outputs originally proposed in the ProDoc call for increased efforts to disseminate information to the public geared to promoting legal literacy. It is also within the scope of Outcome 5 to strengthen the synergies between formal justice institutions and traditional/customary mechanisms.

Outputs

The following outputs are currently associated with Outcome 5.

5.1 OPD strengthened as a public mechanism to provide justice for all

5.2 Justice mechanisms provided where no decentralized services exist

5.3 Awareness of the role and functioning of the formal justice sector increased

5.4 Strengthen synergies between formal justice institutions and traditional/customary local institutions

Findings and Recommendations

Supporting the Office of the Public Defender

The current iteration of Outcome 5, as elaborated in the outputs contained in the 2011 Annual Work Plan, focuses on the Office of the Public Defender as "a public mechanism intended to provide justice to all." There is no doubt that the OPD has a role to play in providing access to justice and the planned activities that are set out in the work plan are entirely appropriate. These include the recruitment of additional international public defenders to advise
and assist Timorese counterparts. The recruitment of an international advisor who will assist with public defender training at the LTC should also be pursued.

Support should similarly be expressed, however, for the role of private lawyers in providing legal aid to the public. This group of professionals is particularly in need of capacity development with respect to both their professional and deontological skills. Moreover, depending on legislative developments, the outputs under Outcome 5 will need to be updated to refer to recent advances in the law concerning legal aid ("Law on Access to the Courts") which allows for requests for legal aid to be submitted both in the context of court proceedings, but also outside of them.

Although Output 5.1 appropriately deals with the right of defence as an aspect of access to justice, no output relates to providing crime victims with access to justice in the form of victim support services. This is of particular concern in light of efforts by the Office of the Prosecutor General to expand into four additional districts to facilitate the investigation and prosecution of criminal offenses. Similarly, no emphasis is placed on the implementation of existing laws against domestic violence and providing witness protection, both of which have significant consequences with respect to access to justice.

That said, the current outputs properly highlight the need to complete the country’s legal framework, including both the law relating to land and the ownership of property and the law dealing with traditional justice. Similarly, the emphasis given to community outreach for the purpose of informing the public about the country’s laws and its justice system is commendable.

There are two respects, however, in which the current outputs under Outcome 5 are troubling. The first is the relative short shrift given to the concept of mobile justice, particularly as relates to the conduct of mobile court proceedings in the districts. See, Planned Activity 5.2.1. The second relates to the wide scope of proposed activities in support of “strengthening synergies” between formal justice institutions and traditional/customary mechanisms. See, Output 5.4.

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9 Indeed, the needs of private lawyers as a group are such that consideration should be given to their being provided adequate time to complete their certification process, which could require an extension of the deadlines set forth in Law No. 11/2008.
Mobile courts

The JSP supported the mobile court pilot that was sponsored by the Justice Facility and implemented through the Suai District Court.\textsuperscript{10} By all reports, the initiative was very successful and involved approximately six visits by either a single judge or a panel of judges to locations in Same, Maliana and Ainaro.

Prior to the actual court proceedings, informational sessions were conducted by judges, prosecutors and public defenders. At least one gathering involved as many as 100 members of the community participating with justice representatives in a question and answer session that lasted up to four hours. These sessions thus broadened the reach of the initiative to include some of the outreach aspects of “mobile justice.”

On the day of trial, as many as seven cases would be adjudicated. On each occasion a JSP international access to justice officer and his national counterpart helped provided logistical support in the form of arranging transportation for witnesses and others and by supplying water and refreshments for the members of the public in attendance.

Other mobile court initiatives have taken place through the Baucau District Court, which has conducted hearings in Venilale, Lospalos, Manatuto and Kisidu-Tiolo. The latter court sitting included an attempted rape case in which the court conducted a mobile hearing to receive testimony from an elderly witness who could not make the journey to the court in Baucau. The Judicial System Monitoring Programme (JSMP), a Timorese NGO, described the use of mobile courts as follows:

[T]his mobile court service has a number of positives. This program has a positive impact on the people who live a long distance from the courts and who are unable to attend court because of unfavourable conditions. This approach can also be used to raise awareness and spread information about the law to people living in isolated areas that are a long distance from urban centers and who are unable to access this information themselves.\textsuperscript{11}

\textsuperscript{10} See Judge José Maria Araújo, “Initiating Mobile Justice in Timor-Leste,” Presentation to the International Association of Court Administration, Bogor, Indonesia, March 2011.

The use of mobile courts could very well become a routine, rather than an exceptional, way in which to bring the courts closer to the people. This will be especially true until Timor-Leste is able, considering the human resources and physical infrastructure required, to establish more district courts along with companion prosecution and defence facilities.

Mobile court sessions have been very well received and are widely viewed as successful. Moreover, JSP access to justice officers have played an important role in providing support for such activities. This is a good example of how the JSP can build on its successes by continuing to do what it already does well. Every indication suggests that mobile court sessions will continue, if not expand, in the future. JSP access to justice efforts should give support for this initiative a high level of priority.

Formal Justice and Traditional Justice

Access to justice means different things to different people. The scope of the term depends on the definition that one uses and in Timor-Leste the term potentially has a broad application. That being the case, operating in the field of access to justice requires a careful determination of priorities. An overly expansive use of the term is ultimately counterproductive. If everything in the justice sector is said to be an access to justice issue, then the term ceases to be a useful tool in seeing that justice is done.

This particularly applies to the current Output 5.4, “Strengthen synergies between formal justice institutions and traditional/customary local institutions.” The title of this output is virtually the same as that of its counterpart in the ProDoc, see Output 5.3, but the scope and timing of its activities is very different. In the case of the original output that appears in the ProDoc, the various planned activities are targeted to take place over a five-year period, starting in year one with the formulation of a legal framework for the interface between formal and traditional systems of justice.

The current Output 5.4 does not have the same clear focus and it is difficult to understand the nature and purpose of many of the planned activities as they are described. Moreover, although the planned activities under the output refer to supporting the finalization of a law on traditional justice, there are no indicators suggesting that such support will be provided.

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12 The JSSP at p. 35 defines access to justice as “the right of individuals and groups to obtain a quick, effective and fair response to protect their rights, prevent or solve disputes and control the abuse of power, through a transparent and efficient process in which mechanisms are available, affordable and accountable.”
during 2011. That said, the planned activities for 2011 do include the development of strategies for formal justice institutions “to coordinate with customary authorities” (5.4.1) and trainings on “customary law and traditional conflict resolution practices for formal justice actors” (5.4.6) It is not immediately apparent how actors in the formal justice system are intended to benefit from such information, especially in the absence of any legal framework indicating the interface between the formal and traditional justice systems.

There is a need to more clearly identify the rationale behind the activities to be pursued in support of access to justice, especially as they relate to the relationship between formal and customary law. Moreover, there is a need to prioritize those activities in a way that maximizes the benefits to be obtained and the contributions to be made during the time remaining in the JSP mandate.

**Conclusion**

Ensuring access to justice is fundamental to the rule of law, as is promoting public confidence in the country’s justice institutions. Both goals must remain at the forefront of the JSP agenda. Program design under Outcome 5 requires further refinement, however. It is necessary to identify more clearly the rationale behind planned activities as well as to provide a greater focus on determining priorities.

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13 This is also somewhat perplexing considering that the team was supplied copies of a PowerPoint presentation made to national authorities by an access to justice advisor in which a law on traditional justice was apparently proposed.
Outcome 6 - CEO of the Justice System Programme established (2008)
Outcome 6 - JSP Management (2011)

Background

The central office contemplated by Outcome 6 was intended to provide expertise, planning and coordination in the delivery of support services throughout the justice sector. It also focused the primary responsibility associated with overseeing a broad-based support programme on a core staff of international and national actors. Moreover, it presented an opportunity to recruit a national actor to serve as the chief executive officer of the JSP.

Outputs

The following outputs are currently associated with Outcome 6.

6.1 Programme managed efficiently and effectively

Findings and Recommendations

A number of persons interviewed by the team questioned whether the JSP management and operational structure should have originally been designated as a separate outcome in the original ProDoc. None, however, questioned whether the essential functions called for by Outcome 6 have been performed. These include the full staffing of the JSP central office; elaborating a capacity development strategy and ensuring its alignment with national priorities; supplying coordination and support for the justice sector; and handling budget, finance, recruitment and procurement issues on an ongoing basis.

It was generally agreed by those interacting with the team that the organizational structure described in Outcome 6 has not come into existence in all its specifics, particularly with respect to the recruitment of a national CEO and the elaboration of five programme support units. The team notes, however, that the absence of a national CEO for the JSP is not for lack of trying. There have been multiple attempts to recruit an appropriate person for the position, although such efforts have been unsuccessful to date. The team also observes that, considering the ability of the current JSP leadership and staff to manage and oversee the programme’s central office, there
appears to be no current need to pursue any further development of the five separate support units called for in the ProDoc.

The Senior Justice Advisor and her team have provided strong leadership for the programme and the structure currently in place appears to serve the needs of the JSP and those national entities that it supports. To the extent that reference to the structure and operation of the JSP central office remains in the ProDoc, at this point the emphasis no longer needs to be on the 2008 priority of establishing the CEO function. Rather, the focus should be on the continued efficient and effective management of the programme, as called for by the current output associated with Outcome 6.

**Conclusion**

The current management structure of the JSP efficiently and effectively supports the programme and the services that it delivers throughout the justice sector. In that sense, it serves the major purposes described in Outcome 6 and requires no further revision.
XI. The Way Forward

The Long View

The justice system of every country is a work in progress and no nation can take its legal institutions for granted. This is especially true in the case of Timor-Leste, where the development of a credible justice system is under way, but where much work remains to be done. Indeed, the underlying premise of the Justice Sector Strategic Plan for 2011-2030 (JSSP) is that ensuring “justice for all” in Timor-Leste will not be a short-term project. Nor will it be one that the Timorese people can accomplish without assistance from the international community.

International support for the justice system of Timor-Leste must be commensurate with the important goals that it serves. The rule of law not only provides a means by which justice can be done and human rights can be protected. It also supplies the necessary framework for social harmony and economic development. Indeed, steady progress in those areas cannot be accomplished without an efficient and effective justice system that promotes public confidence in the country’s laws and legal institutions. Moreover, such confidence is fundamental to fostering a culture that is supportive of democratic governance.

For peace and stability to be sustainable, it is a prerequisite that the Timorese people have confidence in their public institutions. That is especially true in the justice sector, which holds out the promise of justice for all. The successful development of the justice sector is thus essential to ensuring both medium and long term peace and stability in Timor-Leste.

The Future and the JSP

For some time, the UNDP has been at the forefront of international efforts to help develop the justice sector in Timor-Leste. Although such efforts began in 2003, the current Justice System Programme (JSP) is scheduled to wind down in 2013, even though many observers conclude that UNDP assistance in some form will be required after that date. Even if that is the case, consideration must nonetheless be given to the way forward for the JSP between now and 2013, especially in light of its takeover of UNMIT activities in the justice sector. In doing so, the JSP must determine the nature and extent of the support it will focus on its remaining priority areas, as well as on those
additional duties carried over from UNMIT. At the same time, it must be thinking in terms of its own eventual exit strategy.

Needless to say, there are many ways to make an exit, not all of them successful. The JSP Project Document, however, specifically contemplates an exit strategy that focuses on transitioning from international to national ownership of the justice sector. The ProDoc thus references the goal of phasing out international personnel from both line-functions as well as administrative functions, mindful of the fact that “capacity development is the objective of the Justice System Programme.”

**JSP Technical Assistance in Priority Areas**

The greatest strength of the JSP is its pool of international advisors who supply technical support for the justice sector. Although donors and development partners also have made important contributions to the development of the Timorese justice system, the concentration of talent in the JSP provides the centre of gravity for such efforts. It is thus impossible to ignore the JSP when considering the way forward for the country’s justice sector, rendering the programme’s future plans all the more significant.

The TOR calls for the team to make recommendations for the remaining period of the JSP, which it has done in previous sections. Following its debriefing on 11 August 2011, however, the team was additionally requested to identify specific priority areas where technical assistance should be focused, including the appropriate roles for advisors.

**Core Priorities**

In a previous section, the report discusses the six Outcomes in the ProDoc and the remaining work that each will require for the balance of the project period. Here an attempt is made to identify the core priorities requiring JSP technical assistance, along with an indication of the future role of advisors supported by the programme.

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Core Priority 1: Support for the Legal Training Centre as the primary institution for the training of national actors in the justice sector

The first core priority is the need to support the Legal Training Centre as the primary institution for the training of national actors in the justice sector. This priority, which is further elaborated in the discussion of Outcome 1, above at pages 23-28, falls under Goal 3 of the JSSP, “Human Resource Development.”

Core Priority 2: Continued institutional development of the courts

The second core priority is the need to continue the institutional development of the courts. This priority, which is further elaborated in the discussion of Outcome 2, above at pages 29-34, falls within Goal 1 of the JSSP, “Institutional Development.”

Core Priority 3: Completion and implementation of the legal framework

The third core priority is the need to complete and implement the legal framework. This priority, which is further elaborated in the contextual section, above at page 20 and elsewhere, falls within Goal 2 of the JSSP, “Legal Reform and Framework.”

Core Priority 4: Support for the integrated electronic information management system

The fourth core priority is the need to support the development, installation and maintenance of the integrated electronic information management system. This priority, which is further elaborated in the discussion of Outcome 2, above at pages 35-37, falls under Goal 4 of the JSSP, “Infrastructure and Information Technology.”

Core Priority 5: Support for mobile courts and public outreach to provide access to justice

The fifth core priority is the need to support mobile courts and public outreach to provide access to justice. This priority, which is further elaborated
in the discussion of Outcome 5, above at pages 46-47, falls under Goal 5 of the JSSP, “Access to Justice.”

**Technical Assistance and the Role of Advisors**

Each of the core priorities described above is currently being promoted with technical assistance provided by international advisors supported by the JSP. Necessarily, the roles of advisors vary depending on the core priority involved. They range from the performance of line functions (as in the case of judges, prosecutors and public defenders) to training (as in the case of instructors at the LTC). At the same time, the performance of line functions is not inconsistent with providing peer-to-peer mentoring, although, as noted in the JSSP with respect to the judiciary, “international judges have mainly performed judicial functions to the detriment of mentoring functions.”

The UNDP Country Programme Action Plan for Timor-Leste (2009-2013) concludes that an excessive dependence on international expertise places long-term capacity development at risk. Thus, the development of human resources and the transfer of skills in the justice sector are of paramount importance. The role of international advisors in supporting that process is reiterated throughout the JSSP:

The JSSP describes one of the challenges facing the courts as follows: “Ensuring that international judges, within a reasonable time frame, no longer perform judicial functions and increasingly perform advisory, training and mentoring functions.” A similarly worded concern is expressed later in the JSSP with respect to international public defenders.

In the same vein, among the “most pressing challenges” facing the Prosecution Service is the need “to ensure that within a set timeframe [international prosecutors] can devote themselves more to mentoring and advisory functions so as to ensure the transition and transfer of know-how to the national general prosecutors.”

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15 JSSP at p. 15.

16 Ibid.

17 Ibid. at p. 20.

18 Ibid. at p. 17.
The challenge of transferring skills to national counterparts is not limited to international advisors serving in the courts and related institutions. As also stated in the JSSP with respect to the development of the legal framework, it is necessary to ensure the “[t]raining [of] a body of national legal advisors capable of performing legal drafting functions, and able to gradually replace their international colleagues.”

The same point is made in the JSSP with respect to the development of human resources more generally, with one of the “main challenges” being the need to provide for “[i]mproving the effectiveness of capacity building strategies, including ways of ensuring that skills of international staff are transferred to their national counterparts.”

International advisors play a number of different roles in the justice sector depending on their particular function. It should be evident, however, that one role that all such advisors should undertake is to see that their skills are transferred to one or more national counterparts. Indeed, every advisor should be considered a teacher, both actively and by example. Absent that role, the “advisor” is simply an employee who happens to be an international. The development of national capacity is at the heart of the UNDP’s role in Timor-Leste and should be no less so in the justice sector.

Doing the job of justice is not enough. International advisors have the additional responsibility to see that, after they depart, the job of justice can be done by others. The timeframe for the eventual removal of international advisors from the performance of line functions may range from the short to the long term, depending on the position involved. In either case, however, the point is the same: transitioning from international to full national ownership of the justice sector will not be possible unless the ultimate objective of the JSP, which is capacity development, is fully realized.

National Funding

This report has already noted the continuing reductions in the JSP budget, which are rooted in a number of external factors, including the worldwide economic crisis. With that consideration in mind, the JSP entered into a

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19 Ibid. at p. 27.
20 Ibid. at p. 29.
dialogue with the Timorese government that resulted in the national authorities covering the bulk of the salaries for JSP advisors, with the JSP providing a living allowance to assist in attracting a sufficient pool of professional applicants. In effect, the likely decrease in available JSP funding was leveraged into a means for increasing the government’s financial support, which was a tremendous step forward in terms of the Timorese literally taking ownership of their own justice system.

Although this measure helped with an ongoing JSP funding issue, in the long run it should also serve to encourage complementary forms of assistance from donors and other development partners. The message is loud and clear: The justice system is a good investment because it is where the Timorese government is willing to spend its own money, indicating the significance that national authorities place on the development of the country’s justice sector.

The primary consideration, however, is that such a significant expenditure by the national authorities is a major step in the direction of moving from an international to a national funding model in the justice sector. As it now stands, the government of Timor-Leste is the largest financial contributor to the work of the JSP. It is thus extremely important that the Timorese government should continue to make good on its funding commitment.

**International Funding**

As important as the commitment of the Timorese government may be, it should not be viewed as sufficient, by itself, to satisfy all funding needs relating to the development in the country’s justice sector. Nor should it be seen as substituting for the type of aid that has been provided in the past by international donors. Indeed, as suggested above, such efforts by the national government should actually serve as an encouragement to international donors and development partners to reinforce, if not expand, their own assistance efforts.

Although the Timorese government’s parallel funding of certain advisors is both significant and noteworthy, it does not directly assist with the full array of initiatives supported by JSP and for which international funding remains extremely important. This is of special concern as UNMIT withdraws and the JSP necessarily serves as the UNDP programme that will be responsible for carrying over and performing justice sector duties previously undertaken by the mission. In a post-UNMIT setting, international funding assistance for the JSP will be an even more important factor in ensuring a
smooth transition with respect to supporting justice institutions, completing the legal framework and ensuring access to justice.

The period following the withdrawal of UNMIT will present a number of challenges in a variety of areas, none more pressing than those likely to be encountered in the justice sector. Especially at this crucial juncture, support for the rule of law is too important to suggest that the JSP should be expected to do more with less. The fact that the JSP project period technically ends in 2013 should not overshadow the increased responsibilities that the programme will undertake until then. Moreover, it would be short-sighted to ignore the likelihood that international funding assistance in support of the justice sector will continue to be necessary beyond that date.
XII. Conclusion

The overall purpose of the mid-term evaluation performed by the IMEM team has been to assess the JSP programme not only in its design as reflected in the ProDoc, but also in its ongoing efforts to achieve the goals set out in the six Outcomes. Additionally, the evaluation has sought to indicate appropriate priorities for the JSP going forward, especially considering the brief amount of time remaining in the project period, the withdrawal of UNMIT in 2012, and the programme’s ongoing funding challenges.

The team’s basic conclusion is that the six Outcomes continue to be relevant and provide an appropriate description of the priority areas for continued JSP support. Moreover, the Outcomes are aligned with the national priorities set out in the JSSP as well as the ICNA needs assessment of the justice sector. Just as importantly, they will serve the transitional role of the JSP in coordinating support efforts in the justice sector during the post-UNMIT period.

The team also concludes that the JSP should build on its demonstrated strengths during the remaining period of the programme. In doing so, it should focus on what it has done best, which has been to manage the pool of knowledge and talent that it has assembled, deploying it in pursuit of core functions served by the JSP, especially capacity building and the development of human resources in the justice sector along with the development of the courts and other justice institutions.

The team thus sees the remainder of the JSP project period as one in which there should be a consolidation of the programme’s accomplishments to date and a reinforcement of successful actions already undertaken. Doing so will help to ensure the continued relevance and sustainability of the support provided by the JSP in the justice sector, while maximizing the practical benefits to be realized from the programme’s remaining activities, including those carried over from UNMIT.

In order for the JSP successfully to carry out these efforts, it will be necessary for the Timorese government to maintain its current funding commitment with respect to international advisors in the justice sector. At the same time, the JSP remains in critical need of assistance from international donors and development partners. Although the JSP project period is coming to a close, the needs of the justice sector are not. Those needs continue to be met by the JSP, underscoring the importance of a renewed level of international funding in support of its work.
XIII. Annexes

Annex A – Independent Mid-term Evaluation Mission

The following individuals served as team members on the Independent Mid-term Evaluation Mission.

Phillip Rapoza - Chief Justice of the Appeals Court of Massachusetts. Former Team Leader of the Independent Comprehensive Needs Assessment (ICNA) (USA)

- Team Leader and Senior Expert

Helena Bolieiro - Judge and Instructor at the Centre for Judicial Studies in Lisbon. Former Team Member of the Independent Comprehensive Needs Assessment (ICNA) (Portugal)

- International Justice Expert

José Luis de Oliveira - Co-founder of Yayasan HAK (Human rights, law and justice) and FOKUPERS (Women’s rights). Former Director of Yayasan HAK (Timor-Leste)

- National Justice Expert
Annex B - Comparative Lists of Outputs

Outcome 1 - Skills and competencies of justice sector actors enhanced


1.1 Pedagogic Plan for the Justice System formulated and implemented
1.2 Legal Training Centre customised to requirements of different justice sector actors
1.3 Enhanced support for mentoring functions
1.4 Strategic partnerships for training and certifications established, universities and other legal training centres
1.5 Quality of training and course delivery ensured through monitoring and evaluation
1.6 Support to the oversight and accountability mechanisms established for justice institutions
1.7 Research capacity for justice sector reforms enhanced

Outputs – JSP Annual Work Plan (2011)

1.1 LTC is fully institutionalized and LTC premises fully equipped for optimal working conditions
1.2 Reference and pedagogical material is available through the creation of the LTC library
1.3 LTC scope of action is expanded to new areas to cover the needs of the justice sector
1.4 Skills and competencies of existing judicial actors is improved through further education
1.5 LTC implement a gender equality policy and increase the focus on Human Rights mainstreaming

1.6 Strategic partnerships for training and certifications established with universities and other legal training centers

1.7 Assist in the development of a human resources plan for the LTC including identification and recruitment of the Chief of Training Department

1.8 Support to the oversight and accountability mechanisms established for justice institutions

Outcome 2 - Formal justice system decentralized and capacities of all District Courts to administer justice and protect vulnerable groups strengthened


2.1 National and international judiciary actors (judges, prosecutors, public defenders, court and prosecution clerks, etc.) deployed to all District courts on a full-time basis

2.2 Adequate logistical and administrative support provided to court actors residing in districts outside of Dili, including mobility for reaching citizens in need of justice services

2.3 IT and telephone connectivity established for justice institutions in all districts and electronic case management system (CERTO) fully implemented

2.4 Adequate translation and interpretation services provided to district courts for proceedings, investigations and communication of information about the Courts to the public

2.5 Quality of service delivery at district level ensured through monitoring and evaluation
Outputs – JSP Annual Work Plan (2011)

2.1 The technical needs of the district national actors are supported

2.2 Institutionalized presence of justice services at district level is increased and supported by international presence

2.3 Improved and harmonized logistical and administrative support to the justice institutions at district and central levels

2.4 Quality of service delivery at central and district level ensured through monitoring and evaluation

Outcome 3 - Prosecution Service strengthened to ensure effective delivery of criminal justice


3.1 Prosecution strategy formulated and implemented

3.2 Strengthened working relationship between Prosecution and Police, especially at the district level

3.3 Measures to reduce Prosecution backlog implemented

3.4 Support provided for finalization of pending investigations on Commission of Inquiry (Col) cases

3.5 Quality of Prosecution service ensured through monitoring and evaluation

Outputs – JSP Annual Work Plan (2011)

3.1 Support to the implementation of the Prosecution strategy

3.2 Measures to reduce prosecution backlog implemented

3.3 Strengthened working relationship between prosecution and police, especially at the district level
3.4 Support provided for Commission of Inquiry (CoI) cases pending

3.5 Quality of prosecutorial service ensured through monitoring and evaluation

**Outcome 4 - Capacity of Corrections Services strengthened to uphold public safety and security and meet international minimum standards for the treatment of prisoners**


4.1 Strategic plan for Corrections

4.2 Improved security infrastructure in all prisons

4.3 Social reintegration initiatives for inmates implemented in all prisons

4.4 Inmates with access to health, sanitation, recreation and legal advice

4.5 Quality of Correction Service ensured through monitoring and evaluation

**Outputs – JSP Annual Work Plan (2011)**

4.1 Implementation of Strategic plan for Corrections and improvement of Prison Services capacities

4.2 Improved security infrastructure in all prisons

4.3 Social reintegration initiatives for inmates implemented in all prisons

4.4 Inmates with access to health, sanitation, recreation and legal advice

4.5 Quality of Correction Service ensured through monitoring and evaluation
Outcome 5 - Enhanced access to justice for all and improved public confidence in justice institutions


5.1 Legal aid

5.2 Legal literacy and awareness for rights holders and duty bearers

5.3 Strengthen synergies between formal justice institutions and traditional/customary/informal local institutions

5.4 Measurements and strategies for public confidence in justice institutions, and monitoring and evaluation of legal aid and legal awareness

Outputs – JSP Annual Work Plan (2011)

5.1 OPD strengthened as a public mechanism to provide justice for all

5.2 Justice mechanisms provided where no decentralized services exist

5.3 Awareness of the role and functioning of the formal justice sector increased

5.4 Strengthen synergies between formal justice institutions and traditional/customary local institutions

Outcome 6 - CEO of the Justice System Programme established (2008)

Outcome 6 - JSP Management (2011)


6.1 CEO Office staffing plan

6.2 Capacity Development Strategy (including Human Resources) and a Gender Justice Strategy
6.3 Monitoring and Evaluation framework and guidelines for programme units

6.4 Coordination of IT support for justice sector

6.5 Coordination of translation and interpretation services for justice sector

6.6 Budget, finance, procurement and related operational policies

**Outputs – JSP Annual Work Plan (2011)**

6.1 Programme managed efficiently and effectively
Annex C - List of Documents Consulted

(Language of version consulted is reflected in title)

Documents, Statistics and other Materials

Independent Comprehensive Needs Assessment (ICNA) of the Justice System of Timor-Leste, 13 October 2009

Democratic Republic of Timor-Leste, Justice Sector Strategic Plan (JSSP) for Timor-Leste Strategic Development Plan, 2011 - 2030, Approved by the Council of Coordination, 12 February 2010


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Co-operation Agreement between The Government of the Federative Republic of Brazil (Brazil) and The United Nations Development Programme (UNDP), 30 August 2006

First, Second, Third, Fourth and Fifth Amendment to the Co-operation Agreement between The Government of the Federative Republic of Brazil (Brazil) and The United Nations Development Programme (UNDP), signed on 30 August 2006, 2007, 2008, 2009 and 2010

Protocolo entre o Ministério da Justiça de Timor-Leste, o Ministério da Justiça de Portugal e o PNUD – Programa das Nações Unidas para o Desenvolvimento que define o desempenho de missão profissional em Timor-Leste de magistrados judiciais e do Ministério Público portugueses, 21 August 2008

Protocolo entre o Ministério da Justiça de Timor-Leste e o Ministério da Justiça de Portugal, tendo em vista a promoção do reforço da cooperação bilateral na área da justiça, 21 August 2008


Ministério da Justiça, Centro de Formação Jurídica, Relatório Anual das Atividades Formativas, Ano de referência – 2010

Democratic Republic of Timor-Leste Justice Sector, Integrated Information Management Systems Project Management Plan, March 2010


Tribunais Distritais de Timor-Leste, Mapa Estatístico, Processo Crime e Cível, Ano de 2010 (até 31 de Dezembro)

Tribunal de Recurso, Mapa Estatístico, Processo Crime e Cível, Ano de 2010 (Maio a Dezembro)

UNDP/Justice Facility, Mobile Justice Project Proposal, 2011

Ministério da Justiça, Centro de Formação Jurídica, Programa Anual de Formação (Proposta para aprovação) Ano de referência - 2011

Centro de Formação Jurídica, Centro de Formação Jurídica e o Desenvolvimento Sustentável dos Recursos Humanos em Timor-Leste, 2011


Resumo do Programa de Apoio ao Desenvolvimento de Competências de Tecnologia de Informação MJ/UNDP 2010-2013, 31 March 2011

Judge José Maria Araújo, Initiating Mobile Justice in Timor-Leste, Presentation to the International Association of Court Administration, Bogor, Indonesia, March 2011

Tribunais Distritais de Timor-Leste, Mapa Estatístico, Processo Crime e Cível, Ano de 2011 (até 31 de Julho)

Tribunal de Recurso, Mapa Estatístico, Processo Crime e Cível, Ano de 2011 (até 31 de Julho)

República Democrática de Timor-Leste, Ministério da Justiça, Direcção Nacional dos Serviços Prisionais e de Reinserção Social, Plano Estratégico para os Serviços de Reinserção Social, August 2011

**UNDP Justice System Programme – Documents and Materials**

**2007**


UNDP Justice System Programme Newsletters - January, February, March/April, May, June, July, August, September, October and November/December 2007

**2008**

UNDP Strengthening the Justice System in Timor-Leste Project Fact Sheet, 2008


UNDP Justice System Programme Newsletters - January, February/March, June, July/August, September/October 2008


2009

Strengthening the Justice System in Timor-Leste Project Fact Sheet, 2009

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, First Quarterly of 2009 Update, Report Date: April 2009

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, Second Quarterly of 2009 Update, Report Date: July 2009

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, Third Quarterly of 2009 Update, Report Date: October 2009

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955) Annual Progress Report 2009, March 2010

UNDP Justice System Programme Newsletters – December/January, April, May, June, July/August, September, October and November/December 2009

2010

UNDP- Justice System Programme Annual Work Plan 2010

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, First Quarterly of 2010 Update, Report Date: March 2010

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, Second Quarterly of 2010 Update, Report Date: June 2010

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, Third Quarterly of 2010 Update, Report Date: September 2010

UNDP Justice System Programme Newsletters – January/February, December 2010
2011

UNDP- Justice System Programme Annual Work Plan 2011, February 2011

Strengthening the Justice System in Timor-Leste (UNDP project no. 00014955), UNDP Justice System Programme, First Quarterly Report, March 2011

UNDP Justice System Programme, Introduction to Access to Justice Concept and Programme, 2011

UNDP Justice System Programme, Project Concept Proposal, UNDP Timor-Leste, Breaking the cycle of domestic violence through combined justice system reform and women’s economic empowerment – an action research approach, 2011

UNDP Justice System Programme Newsletter - April 2011

Additional Documents and Materials


Judicial System Monitoring Programme (JSMP), Overview of the Justice Sector in Timor-Leste 2009

Judicial System Monitoring Programme (JSMP), Overview of the Justice Sector in Timor-Leste 2010
Annex D – List of Sites Visited

Dili

- Asia Foundation
- Becora Prison
- Court of Appeals
- District Court of Dili
- Embassy of Australia
- Embassy of Brazil
- Embassy of New Zealand
- European Union Delegation Office
- JSMP Office
- Justice Facility Office
- Justice System Programme Office
- Lawyers Association of Timor-Leste
- Legal Training Centre
- Ministry of Justice - Land and Property Office
- Ministry of Justice - Main Office
- Ministry of Justice - Registry and Notary Office
- Office of the Anti-Corruption Commission
- Office of the Public Defender
- Office of the Prosecutor General
- PNTL Headquarters
- Residence of the Ambassador of Portugal
- Residence of the Ambassador of the United States of America
- UNDP/UNMIT Offices – Obrigado Barracks
- USAID Office

Suai
- District Court of Suai
- Office of the Public Prosecution Service
- PNTL – Office of the Commander, Covalima District
Annex E – List of Persons Interviewed or Consulted

**Timor-Leste**

**National Government**

José Luis Guterres  
Vice Prime Minister  
Democratic Republic of Timor-Leste

**Council of Coordination**

(Alphabetically)

Lúcia Lobato  
Minister  
Ministry of Justice

Ana Pessoa  
Prosecutor-General  
Office of the Prosecutor-General

Cláudio Ximenes  
President  
Court of Appeals

**National Officials and Staff**

(Alphabetically)

José Maria Araújo  
Judge  
District Court of Suai

Helder Cosme M. Belo  
National Director of Prisons  
Ministry of Justice
Antonio Helder do Carmo  
Judge  
District Court of Oecusse

João de Carvalho  
Public Defender  
Office of the Public Defender - Suai

Nelson Carvalho  
Prosecutor  
Office of the Prosecutor General - Dili (Ermera)

Jacinta Correia da Costa  
Judge  
District Court of Dili

Maria de Fátima do Rosário Castro e Glória  
Director  
National Directorate for Registry and Notary

Antonino Gonçalves  
Judge  
District Court of Dili

Sérgio de Jesus Hornai  
Public Defender General  
Office of the Public Defender General

Fonseca Monteiro de Jesus  
Judge  
District Court of Dili

Agapitu Kantu  
Chief of Prison Administration  
Becora Prison

Jaime Xavier Lopes  
Director  
National Directorate for Land and Property and  
Cadastral Services
António Mauluta  
PNTL District Commander  
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