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# Fostering Justice in Timor-Leste: Rule of Law Program Evaluation January 2009



**This publication was produced for review by the United States Agency for International Development. It was prepared by Tanja Chopra, Consultant, Susan Pologruto, USAID Rule of Law Advisor, and Timotio de Deus, Consultant.**

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## Acknowledgements

The authors wish to thank USAID/Timor-Leste for their incredible logistical support and assistance in making the evaluation, and the numerous fact-finding trips to the districts and villages possible. It is with very warm regards that we thank USAID/Timor-Leste for their assistance and support, especially Ana Guterres, Brian Frantz, and Mark White. We also would like to thank Eileen Derby for reviewing and editing the document through its numerous iterations. The authors would like to thank the staff at MSD for their cooperation during the evaluation and willingness to answer the many queries and follow-up questions. The prompt responses from Gerard Mosquera, MSD Chief of Party, Brian Francisco, MSD Deputy Chief of Party, Martin Papay, FMTS training coordinator, and Roger Batty, anticorruption advisor, were much appreciated. The authors also greatly appreciated Silas Everett's, the TAF Country Representative, assistance in responding to questions and encouraging their local partners to assist the team in the districts. TAF's partners graciously served as guides, interpreters, and even arranged impromptu meetings in the villages of Baucau, Viqueque and Oecussi to ensure the team met with a wide range of elders, village chiefs, community members and other authorities.



## Acronyms and Abbreviations

ASF	Avocats Sans Frontières
ATJ	Access to Justice
AusAID	Australian Agency for International Development
CSO	Civil Society Organization
Chefe de Suco	Village Chief
ECM	Educação Comunidade Mate Bian
FFSO	Fundação Fatu Sinai Oecussi
GoTL	Government of Timor-Leste
GTZ	Gesellschaft für Technische Zusammenarbeit
IDF	Institutional Development Fund
ISMAIK	Institutu Maun Alin Iha Kristu
JISP	Justice Institutions Strengthening Program
JSMP	Judicial System Monitoring Programme
LBH	Lembaga Bantuan Hukum
M&E	Monitoring and Evaluation
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
MSD	Management Sciences for Development, Inc.
NGO	Non-Governmental Organization
OMT	Organização da Mulher Timorese
PNTL	Polícia Nacional Timor-Leste
ROL	Rule of Law
Conselho de Suco	Village Council
TAF	The Asia Foundation
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNMISSET	United Nations Mission of Support in East Timor
UNMIT	United Nations Integrated Mission in Timor-Leste
UNTAET	United Nations Transitional Administration in East Timor
URA	Ukun Rasik-An
USAID	United States Agency for International Development
VPU	Vulnerable Persons Unit

## Executive Summary

After several years of program implementation through The Asia Foundation (TAF) and Management Sciences for Development (MSD), USAID requested an independent evaluation of its \$12.4 million Access to Justice and Justice Institutions Strengthening Program in Timor-Leste. The purpose of the evaluation was to provide USAID/Timor-Leste with an objective external assessment of the appropriateness and effectiveness of the current programs. The two assignments were to: (1) evaluate the ROL programs implemented by TAF and MSD and their achievements (with specific focus on approach, relevance and impact), and (2) recommend follow-on activities with a focus on identifying USAID's comparative advantage.

The evaluation team consisted of two consultants, and a USAID representative. Field work for the evaluation was conducted between October 13, 2008 and November 10, 2008 in Timor-Leste. The evaluation methodology mainly consisted of interviews with the relevant justice sector institutions and NGO partners who received support from either MSD or TAF. In addition, a broad variety of stakeholders were consulted including other donor agencies. In order to gain a better understanding of the impact of TAF programming, the team made trips to Viqueque, Baucau, Oecussi, and Aileu to meet with the local TAF partners and to interview sub-district administrators, village chiefs, elders, women's organizations, among others.

The evaluation found that USAID programming contained a balanced approach between focusing on the formal and the informal systems of justice. At the national level, MSD provided training, support, and assistance to strengthen the capacity of justice sector actors. MSD's programming has proven to be a success; in particular, the financial management training provided to justice sector actors demonstrated significant results and was praised by participants and senior level officials. It is highly recommended to continue or even expand the training. Another MSD program worth highlighting is the successful establishment of an entire case registration process in the Office of the Provedor, and the training of the Office's Public Assistance Division's staff. However, some assistance provided to the Office of the Provedor, such as office equipment and the subsidizing of Timorese staff, should be re-considered, since the government should demonstrate the willingness to equip and staff offices sufficiently. In addition, MSD provided anticorruption training to build the capacity of the Office of the Provedor and the Office of the Prosecutor-General. However, given the government's plans to establish an anticorruption commission, MSD's work in this field will need to be adjusted to political developments.

At the local level, TAF pioneered successful programming to support the informal mediation practices, provide legal aid assistance, and raise legal awareness. Where lawyers of TAF's legal aid partner organizations got involved in local level conflicts, they could make important contributions to local conflict resolution dynamics by inserting formal legal knowledge. Of general concern, however, is that the lawyers are frequently requested to substitute the Public Defender in the district courts. This makes them less available to provide legal education and outreach services to the poor and marginalized. TAF's partner organizations further provided training to local leaders in mediation techniques, and served as mediators to resolve local conflicts when needed. While this type of engagement is crucial given the weakness of the official system and the lack of understanding of official laws and procedures among the population, approaches to mediation could be based on a model that responds to socio-cultural structures. Furthermore, TAF has supported JSMP in implementing its "victim support services," a court advocacy program that provides assistance to women of gender based violence. The program provides a broad range of assistance including free transportation, accommodation, and legal aid. Questionable, however, is a new policy, which prescribes that all gender based violence cases have to go to the official system. To implement such a policy, negative consequences (such as economic impact for women when their husbands are imprisoned) will have to be mediated.

Both MSD and TAF have some basic statistics pertaining to their programming but more comprehensive information should be collected. For the financial management course, MSD tracked

the progress and learning of the participants which demonstrated the success of the program. TAF records the number of cases their local partners advised, mediated or litigated. It was also noted that TAF conducted a survey in 2004 regarding citizen's awareness and attitudes regarding law and justice. However, additional in-depth research is needed to gain a better understanding of the program impact on local communities. This research will reveal program achievements, cultural considerations, impediments to change, unintended consequences of the program intervention, and/or may highlight the best practices in promoting social change. Such insights may also serve to highlight the experience and expertise of both MSD and TAF.

# Introduction

## The Development Problem and USAID's Response

As a new nation, establishing the formal justice sector institutions has proven to be quite challenging. When Timor-Leste obtained its independence in 2002<sup>1</sup>, there were only a handful of trained lawyers in the country. To compensate for the lack of trained professionals, international staff filled many positions in the justice sector while at the same time trying to help build the capacity and skills of the Timorese. Other problems have been identified by USAID's implementing partners and continue to persist such as the use of multiple languages; a shortage of lawyers, prosecutors, and judges; uncertainty as to the applicable law; overburdened and dysfunctional courts; lack of awareness about the formal legal system; and a traditional system of dispute resolution that sometimes contradicts with modern concepts of justice.

The 2006 crisis saw the complete break down of the rule of law and revealed other weaknesses in the Timor-Leste justice system. The violence that erupted resulted in the burning of homes and the complete destruction of communities. It left over 100,000 people homeless living in IDP camps with deep political divisions that reverberated throughout the nation. The policing system collapsed with a rivalry that manifested between the police and military. The legal system was overburdened by the cases and unable to respond effectively. The February 11, 2008 assassination attempts on the President and Prime Minister have added to the security concerns and the political rivalries that continue to persist. In addition to these deep political divisions, other challenges include limited human resources with limited skills, language barriers, lack of services in rural areas, and a lack of monitoring mechanisms.

## Problem Statement

The rule of law is critical to ensuring citizen confidence in their democratic government, but the development of rule of law in Timor-Leste has proven to be one of the country's most serious challenges. Following the security and political crisis in 2006, USAID conducted a Conflict and Vulnerability Assessment. The report noted that defects in the justice system were a contributing factor to the crisis because "severe inadequacies in the justice system inflame grievances and feed a culture of impunity, lawlessness and retribution."<sup>2</sup> It was recommended that USAID invest more in democracy and governance, specifically the rule of law sector, and it was noted that USAID's current programming was "inadequate to respond to the current crisis or to substantially address the major drivers of conflict as identified by the assessment team."<sup>3</sup> The assessment included the recommendation to curtail support to oversight and formal justice sector institutions (specifically the Ombudsman and Inspector General), and place greater emphasis on community-level access to justice efforts. However, USAID continued to fund the formal justice sector activities because the mission believed that investments in the formal justice sector are necessary to build a strong, functioning judiciary, and a system based on rule of law.

In June 2007, a rule of law assessment was conducted by USAID/Timor-Leste which further emphasized the importance to continue support to the rule of law program in Timor-Leste. The report stated that foreign assistance provided by the U.S. to advance the rule of law in Timor-Leste has indeed had a vital impact given the lack of institutions and shortages of qualified legal and judicial

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<sup>1</sup> Under the Republic Democratic of Timor-Leste (RDTL) Constitution, Article 1.2, independence was initially declared on November 28, 1975. After twenty-five years of Indonesian rule, Timor-Leste was officially recognized as an independent country by the international community on May 20, 2002.

<sup>2</sup> USAID Report, The Crisis in Timor-Leste: Causes, Consequences and Options for Conflict Management and Mitigation, November 2006, page 9.

<sup>3</sup> Ibid.

personnel after independence. The report recommended that rule of law programming should remain a priority for USAID to ensure access to justice, to develop the professional capacity, and to promote the basic human rights of the Timorese. The concern expressed was that a complete withdrawal of financial support could have a negative effect on the economic and democratic development of the country, especially since TAF was a pioneer in some of the local level justice programs.

USAID assistance in the justice sector seeks to strengthen oversight institutions to enable them to perform effectively; improve administration of justice institutions; enhance civil society's capacity to monitor and ensure that justice is delivered fairly; and improve and expand access to justice by providing legal services and information to disadvantaged citizens.

## **Purpose of the Evaluation**

An evaluation was conducted of the USAID-funded \$12.4 million, Access to Justice (ATJ) and Justice Institutions Strengthening Program (JISP) in Timor-Leste implemented by TAF and MSD. The purpose of this evaluation report is to provide USAID/Timor-Leste with an objective external assessment of the appropriateness and effectiveness of the current programs. The two assignments were to: (1) evaluate the ROL programs implemented by TAF and MSD and their achievements, and (2) recommend follow-on activities with a focus on identifying USAID's comparative advantage.

## **Evaluation Design and Methodology**

The evaluation team conducted a literature review, met with USAID, MSD and TAF staff, NGOs, local CSOs, village chiefs, traditional elders, government officials, and other donors including the World Bank, AusAID, GTZ, and the United Nations. The documents reviewed include the agreements, contracts, work plans, reports and training materials for both MSD and TAF. Several other USAID reports were reviewed including the Democracy and Governance Assessment; Gender Assessment; Conflict Vulnerability Assessment; and the Rule of Law Assessment. Additionally, the reports from the UNDP Justice Project, The United Nations Commission of Inquiry, and the International Crisis Group were reviewed among others.

MSD is providing support to the Office of the Prosecutor-General, Ministry of Justice, Office of the Provedor, Office of the Public Defender, Court of Appeal, as well as district courts. The evaluation of MSD's program was based in Dili because that is where these formal justice sector institutions are located. Those who received assistance or support from MSD were asked to comment on the training, support, or services received. Specifically, the evaluation team met with the government officials who participated in the financial management training program. These meetings served to clarify the activities performed, services provided, and the effectiveness of MSD programming.

In order to understand the program's effectiveness, all meetings were conducted as informal discussions rather than interviews. This enabled the evaluation team to explore and discuss current challenges and opportunities for future programming. The meetings aimed at revealing whether the program has addressed the priorities of the rule of law stakeholders, and how it has coordinated with other programs.

TAF has been funding Timorese NGOs to provide legal aid, legal education, as well as mediation training and services. The program covers the following four court jurisdictions in Timor-Leste: Dili, Baucau, Suai, and Oecussi. Under these four court jurisdictions, TAF's program covers nearly all 13 districts in Timor-Leste. TAF program evaluation meetings commenced in Dili and were held with relevant government agencies, UN agencies, and NGOs. The meetings were conducted in order to assess the effectiveness, relevance, and appropriateness of the TAF programming.



The evaluation team traveled to Baucau, Viqueque, Manatuto, Oecussi, and Aileu to conduct interviews in an effort to understand how the mediation and legal awareness programs are being implemented in the field. These districts were chosen because they have well-established programs and cover different regions of the country. The team visited the respective district capitals, but also traveled to sub-district towns and villages. When visiting the villages outside of the districts, the village chief was usually the first person interviewed to provide an overview of social groupings, and understanding of the village grievances. Other relevant actors interviewed include government officials, police officers, women's organizations, and trained mediators. The meetings at the district and village level demonstrated the reality, challenges, and effectiveness of TAF programming from the view of these local level stakeholders. The interviews shed light on the diverse challenges in the different districts. Particular attention was paid to the access to justice needs of women and other vulnerable groups.

Some cases where villagers received mediation or legal aid services were identified, and the team investigated how the assistance affected the trajectory of their dispute or conflict. Furthermore, the team was striving to understand how the programming was perceived, understood, and implemented at the local level. The evaluation also considered how the socio-political features of the local communities impact access to justice; for example, where they hindered women from accessing the formal legal system and how legal aid can address this problem. Village members were also asked about the types of future assistance that would be most useful. The field visits helped to understand the program operations, challenges, needs, and recommendations on how to reach the most poor and vulnerable groups.

# Findings

## Management Sciences for Development

### MSD's Role in the Justice Sector

In November 2003, USAID conducted a Democracy and Governance Assessment which identified the rule of law as a serious problem in Timor-Leste with the judicial system being the weakest institution in need of long-term attention. In addition, Timor-Leste's National Development Plan highlighted the importance of an effective justice system to long-term development success and established clear goals for improved budget execution. The need to build the skills of the justice sector actors was identified to promote a responsive and accessible justice system to support institutional independence, transparent financial management practices, and effective case management systems. In early 2005, USAID/Timor-Leste issued a request for proposals highlighting the need to build the administrative and management skills of the justice sector actors in order to strengthen the justice sector institutions. MSD received the award to implement the 'Justice Sector Institution Strengthening Program' to strengthen the financial management skills, enhance the administrative staff capacity, improve the services of the court actors, and support the establishment of the Office of the Provedor to address complaints of corruption.

After a slow start, MSD has established a good relationship with the Office of the Prosecutor General, Office of the Public Defender, Office of the Provedor, Ministry of Justice, and Court of Appeal. When MSD initially started implementing the program, the main challenge was simply getting a meeting with the Ministry of Justice. MSD fostered a better working relationship between the Office of the Provedor and the Office of the Prosecutor General, and facilitated the Memorandum of Understanding (MOU) between the two institutions. Coordination and even collaboration between those who investigate and those who charge and prosecute is a critical element in any efficient, effective criminal justice system. For example, task forces that include both prosecutors and investigators are often successful in dealing with corruption cases. These cases are sensitive, difficult and often require quick, collaborative decision making to balance the realities of investigation with the necessities of effective prosecution. An MOU, like a task force, is developed specifically to create solid, consistent relationships between prosecution and investigation functions. Without the understanding and collaborative effort that strong relationships foster, limited resources will not be effectively maximized. Controversy, conflict and fragmentation will result. In the end, serious violations will go undetected or will not receive appropriate attention and the public will not be well served.

### Financial Management Training

One of the most successful programs that MSD has provided is the Financial Management Training Support (FMTS) program. The training program was originally designed for 11 months but when MSD realized the need for a more rudimentary approach, the program was modified and extended to 23 months. The first class started on October 16, 2006 and ended with 21 graduates on September 5, 2008. The beneficiaries of the FMTS were staff from the Ministry of Justice, Office of the Public Defender, Office of the Prosecutor-General, and the judiciary. It was noted positively that the MSD trainer, Martin Papay, had learned and was able to conduct the training program in the national language, Tetum.

The training modules are inter-related and they started with basic math, writing, and reading skills. The FMTS consisted of the following seven modules: (1) Basic skills in organization and problem solving, (2) Budget execution, (3) Excel application, (4) Financial reporting, (5) Financial report analysis, (6) Operational planning and budget development, and (7) Asset management. The participants were taught how to use MS Excel, and how to calculate expenses to devise a budget. In

addition, MSD is creating a financial management reference manual for the participating agencies to utilize.

MSD conducted a pre and post survey for every module to track the learning of the participants. Eight surveys were provided for review. There were four surveys written in English utilized to test individual confidence, basic math skills, comprehension of the Microsoft Word and Excel applications, and budget execution. The confidence survey was written in English and based on a five-point Likert scale to determine self-confidence in job performance. The basic math skills survey included basic addition, subtraction, or multiplication problems to be answered with a calculator as well as multiple-choice and problem-solving questions. Overall, the basic math skills of the participants' improved by 20%. The Microsoft Word and Excel operations survey was written in English and included twenty True/False, and twenty multiple-choice questions to measure comprehension of these two computer applications. The participants' understanding of these two Microsoft computer applications improved by 10% after the course. The budget execution survey was written in English and included twenty true/false questions about when payment approval occurs, steps in the expenditure process, and the duties of an authorizing official. There were an additional twenty multiple-choice questions about the stages of the budget execution process, and the responsibilities of various financial management officials in authorizing or approving expenditures. On the whole, the comprehension of budget execution improved by 31%. The data from the pre and post survey clearly demonstrates significant improvement among the overwhelming majority of students.

There were an additional four surveys written in Tetum to test the financial reporting, the financial report analyses, budget development, and asset management. The financial reporting survey included 40 questions to determine the trainees' knowledge on how to prepare the financial report, what information to keep in a journal of expenditure, preparing balance sheets, and the recording expenditures to a financial code. The post test survey noted a significant 26% improvement in the financial reporting skills of the participants. The financial report analyses survey contained 35 questions to test the participants understanding about how to analyze a financial report taking the simple reporting a step further. From the pre and post tests, the financial reporting analysis skills of the participants increased by 14%. The budget development survey included 40 questions to test the trainees' knowledge on how to prepare a budget when provided instructions by the supervisor to purchase items for the office. A considerable improvement was demonstrated by the end of the course with a noteworthy 23% improvement rating for the participants on budget development. The asset management survey consisted of ten multiple-choice questions about asset identification, how to categorize the assets at the agency, and calculate the annual asset depreciation. After the 23 month course, the post test revealed that the asset management skills significantly improved by 26%.

The FMTS training is particularly relevant, since the GoTL has been criticized for not being able to spend its budget. By providing the financial management training in the justice sector institutions, government officials and staff are learning how to properly devise a budget, calculate costs, and manage a budget. If the financial management training is continued, then the government officials will be able to effectively manage and execute their budgets. This is creating a more efficient, effective, and transparent government and the skills of the actors are being strengthened. This may also alleviate the burden on donors from having to purchase office equipment and supplies due to failures in budget planning and execution, although some bureaucratic bottlenecks may continue.

The justice sector officials were very pleased with the FMTS training program but some complained that the amount of material was difficult to read. It was also mentioned that some of the participants had a difficult time managing their full-time work responsibilities while attending the four hours of the FMTS per week. This is evident by the fact that the FMTS program started with 32 participants and ended with the successful graduation of 21 participants.

The FMTS training is a quantifiable success for MSD, and they demonstrated a commendable performance. The results of the participants' pre and post tests demonstrate an overall improvement rating of 21.43%. After receiving MSD's training, the financial officers are now able to draft their own budgets and prepare reports. When some initial problems were encountered, they immediately made

changes and modified the program to the appropriate skill-level of the participants. The training was well received and with the completion of the FMTS class, the Minister of Justice asked for the training program to be continued. MSD is planning to continue this training and will be creating a specialized program for higher-level officials including office directors. This would be a worthwhile investment. The FMTS program should be continued in Dili, and expanded to meet the needs of the administrative staff in the justice sector institutions in the districts.

## Anti-Corruption Work

As of the period for which field work for this evaluation was undertaken 39 corruption cases were being handled by the Office of the Prosecutor-General. The cases are divided into two types of categories: active and passive corruption. Active corruption means that a bribe is demanded, and passive corruption means that a bribe was given and accepted. At this time, two corruption cases are proceeding to court. The first case concerns a civil servant who took \$4,000 when the money was supposed to go for an agriculture activity. The second case involves a government health officer who organized a training program; he was supposed to give the training participants a daily allowance of \$8 USD per day but instead only gave them \$5.50 USD per day. So the health officer pocketed more than \$1,000.

To help build the capacity and provide technical support to the Office of the Prosecutor-General, MSD has hired an Inspector Prosecutor, Arlindo Figueiredo. The Prosecutor Inspector's primary responsibilities are to gather information regarding performance, merits and professional integrity of the prosecutors; to conduct inspections, inquiries, and investigations and to initiate disciplinary cases regarding prosecutors, as may be ordered by the Superior Council of the Prosecution. The Superior Council of the Prosecution serves as oversight body for the appointment, evaluation, and inspection of newly entering Timorese prosecutors. Mr. Figueiredo was praised for his assistance in training two of the local Timorese staff on record-keeping, case management, legal understanding, and collecting statistical data. The Deputy Prosecutor-General, Mr. Ivo Jorge Valente, said Mr. Figueiredo also surveyed the needs of the Prosecutors assigned to the districts and made recommendations to address those needs. Given his international experience, Mr. Figueiredo was particularly helpful in providing comparative examples from other countries to improve the work of the Prosecutor-General. However, there is still need for additional staff as well as a forensics expert.

The Office of the Prosecutor-General expects to hire four more prosecutors after the lawyers complete the training at the Legal Training Center (formerly called the Judicial Training Center) with one focusing on corruption cases. This is a full-time two year training program on Portuguese language instruction with some limited continuing legal education on the criminal code, criminal procedures code, civil code, and the civil procedures code. MSD has fostered a better working relationship between the Office of the Provedor and the Office of the Prosecutor-General, and facilitated a MOU between the two institutions. Previously, there was little or no coordination between these two offices and since both organizations play a role in combating corruption, a good relationship including sharing information is necessary for the effective administration of justice. The Office of the Provedor collects complaints about corruption, and the Prosecutor-General investigates corruption claims. This type of assistance addresses organizational performance, effectiveness, and efficiency because even a well-trained person cannot be expected to demonstrate results unless the bureaucratic machinery is capable of properly addressing and administering justice.

In support of the Anticorruption and Good Governance Divisions in the Office of the Provedor, MSD hired Mr. Roger Batty, a senior anticorruption adviser, to provide technical assistance, develop training programs, and mentor the staff. Three programs were organized including an investigation skills training, a team building retreat, and a joint training between the Office of the Provedor and Office of the Prosecutor-General. Mr. Batty trained the staff on how to handle exhibits, maintain records, understand corruption issues, identify money laundering, and cope with work-related challenges. The advisor organized a two-day retreat for the Office of the Provedor's staff where they engaged in team-building exercises to learn how to work more effectively together. In addition, a joint

training was held with the staff of the Office of the Provedor and the staff of the Office of the Prosecutor-General in August 2008. The focus of the joint training was to share the international experience of other corruption investigators, and for the two offices to develop recommendations on how they can work more effectively together. The advisor also provided practical advice and guidance on how to handle investigations.

This investigative training skills program was organized for the Anticorruption and Good Governance Divisions in the Office of the Provedor, and trainings were held at various times from August 2007 until July 2008. There were approximately twenty participants who attended the sessions from both Divisions. Occasionally, staff from the Human Rights Division would attend Mr. Batty's training sessions when it pertained to daily work functions, e.g. taking statements or understanding the laws. A more intensive training was held for three days per week in April 2008 to accommodate an international expert funded by UNDP. This training session focused on the operations of the court system and the Office of the Prosecutor-General.

The investigative training skills course was designed for those with little or no experience of either investigation or the law. The training program focused on the basics of criminal law and investigation techniques including search and seizure, the elements of offenses (intent and action), rules of evidence, identifying corruption, and report writing. The participants learned how to identify corruption in the procurement process, how to interview a witness, and how to conduct a proper investigation. Materials for the training program included practical information on the legal definitions, relevant laws pertaining to the Office of the Provedor, and how to write reports. Unlike the FMTS training, the progress of the participants was not tracked and surveys were not administered.

Since the training program was conducted in English with an interpreter translating the material, some of the participants said it was difficult to understand and follow everything. It was not clear if the interpreter did not translate well or if some of the legal terminology could not be translated into Tetum. Another participant mentioned that it was difficult to juggle his work responsibilities while attending the training program three days per week during the month of April 2008. It was suggested that a one-week or ten day intensive training program be organized to allow the participants to focus on the material. Overall, the training appears to be successful even without test surveys to review. The Director of the Good Governance Division noted that he has seen an improvement in how the staff are conducting investigations and drafting reports. Two of the participants said that the information provided in the training was helpful but it was not enough. There is a strong desire for the training program to be continued, and the participants are eager to continue learning with a more advanced curriculum.

To further support the Office of the Provedor's anticorruption mandate and to create a full-time recruiting program, MSD funded five interns to work in the office. The Provedor selected five recent Timorese college graduates who were ambitious and eager to learn. Four out of the five interns were hired by the Office of the Provedor, MSD continues to fund one intern. The intention was to recruit new interns every six months who were interested in learning about the good governance, human rights, and anticorruption work of the Office of the Provedor. Unfortunately, MSD found that the Office of the Provedor was not mentoring, utilizing or integrating the interns in the office. Instead, the interns were utilized for making copies. MSD does not plan to continue the intern program because the capacity and skills of the staff need to be strengthened before they have the additional responsibility of mentoring interns.

Recently, the Prime Minister declared 2008 as the "Year of Administrative Reform," and in so doing, he promised a more transparent and efficient government by addressing and minimizing corruption. With the support of the Australian government, a team of advisers provided several recommendations including the establishment of an Anticorruption Commission. A draft law was devised to establish a new Anticorruption Commission with more robust investigative powers than the Office of the Provedor currently holds. The draft law is expected to be presented to Parliament soon, and it will likely pass, and be signed into law. There is some concern about marginalizing the Office of the Provedor, conflicting mandates, as well as the constitutionality of a separate Anticorruption Commission. At this

time, it seems likely that a new Anticorruption Commission with broader investigatory powers will be established in the near future. This is a sensitive issue since the Provedor's responsibilities are outlined in the Constitution but it seems that a Constitutional Amendment is unlikely to be issued to modify the Provedor's duties to accommodate the new Commission. The legislators and donors are apprised of this problem, but the discussion on how to resolve the conflicting mandates should continue.

It is anticipated that both the Office of the Provedor and the Office of the Prosecutor-General will still require substantial technical assistance to fulfill their mandates. In addition, it is important to support the GoTL in its efforts to combat corruption in an effective manner. At this time, MSD is recruiting an anticorruption advisor to be placed in the Prime Minister's Office. MSD is also planning to support the new Anticorruption Commission if the opportunity arises. It should try to be involved in reconciling the conflicting mandates with the relevant government officials, as appropriate.

A thorough understanding of the problem, such as the types of corruption that are pervasive, will support the design of an effective anticorruption program. Unfortunately, quantitative and qualitative data enhancing such understanding is lacking. It is not clear if the corruption issue is fostered by rumors, mere perception or if it can be substantiated. While some quantitative data exists next to the actual cases reported<sup>4</sup>, there is no in-depth understanding of the socio-economic reasons for the occurrence of corruption. Another unanswered question is whether or not corruption takes place at the highest levels of government (grand corruption) or if it is a local level phenomenon (petty corruption). Most likely, it is a problem that exists at all levels.

### Human Resources and Physical Capacity

MSD has contributed three full-time Timorese staff to work in the Office of the Provedor. Gina Alves serves as the Director of Public Assistance, and has established the case registration process. Ms. Alves delivered crucial work in the Office of the Provedor by establishing a case reporting system, initiating data collection for statistical purposes, and instituting a public relations campaign. Additionally, she has trained the Public Assistance Division staff in understanding their role in the case registration process and executing the daily office operations. When the work load increased after the 2006 violence, another staff person was hired by MSD to transcribe cases.

As a remedial measure, MSD decided to recruit Timorese staff at the Office of the Provedor since the low government salary does not attract highly qualified candidates. Given the restrictive and uncompetitive salaries, some donors have started to recruit, hire, and place Timorese in the government offices. Even though this is a problem, such arrangements are not sustainable in the long-term and may have a detrimental effect on the current government salary structure. It may also cause internal office tensions, since some staff may receive higher remuneration than others including their superiors.

MSD has been providing office equipment to the Office of the Provedor and the Office of the Public Defender. When the Office of the Provedor was established, they received an office that was completely unfurnished. MSD supported the Provedor by providing office equipment, donor coordination support, a draft procurement plan, as well as administrative support. Even though this was necessary at start-up to ensure effective operations, the provision of office equipment should cease or be significantly reduced. It is questionable whether donors should provide office equipment if the government does not exhibit the willingness to support its institutions appropriately. Hopefully, the government will be able to procure and purchase its own equipment as improvements are made in its financial management operations.

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<sup>4</sup> This data can be found in the World Bank Institute's (WBI) recently released World Governance Indicators (WGI).

MSD assistance focused on the Divisions of Anticorruption and Good Governance, while UNDP assisted the Division of Human Rights. The Provedor welcomed the support provided by MSD, and requested additional support since the Office of the Provedor plans to expand into the districts next year. He has requested more staff from the government, but the government has currently adopted a policy that prevents further recruitment in order to limit expansion of the civil service. The latter is alarming since an under-funded agency can not be expected to perform well or successfully tackle such serious issues as human rights abuses. This also raises an important question for donors to consider – should donors deliver what the government is not willing to provide?

## **The Asia Foundation**

### TAF's Role in the Justice Sector

In the absence of existing institutions, the United Nations Transitional Administration in East Timor (UNTAET) took on the task of establishing the justice sector and administering justice. At that time, all activities focused almost exclusively on the establishment of formal institutions at the national level. However, local conflict resolution mechanisms, embedded in Timorese socio-political structures and belief systems, have always played a crucial role in providing peace and security at the local level. Acknowledgment of the existence and relevance of informal justice systems is a crucial ingredient in state-building and designing effective interventions to promote access to justice.

When the first independent Timorese government came to power in May 2002, it followed UNTAET's policies and focused primarily on national level institution-building. The first acknowledgement of the traditional justice systems followed in 2004. In response to increasing pressure from village chiefs, a directive was passed that formalized their role in conflict resolution at the local level.<sup>5</sup> It was not until the crisis in 2006 and the change of government in 2006-2007 that the need to deal with traditional justice systems and to support access to justice at the local level received wider attention among government actors and donors.<sup>6</sup>

TAF assumed an important role when it commenced its interventions at the local level in 2002, aiming to increase citizens' knowledge of the formal justice system as well as establishing accessible legal aid services and dispute resolution mechanisms. Stakeholders interviewed during this evaluation acknowledged TAF's pioneering role in this arena.

The formal justice system cannot be relevant if the population does not understand how the legal system works, and if the people continue to adhere to a traditional system of justice. Even if legal awareness within communities increases, the socio-economic reality will not allow most Timorese to access the formal system. Local power dynamics can hold people back from reporting to the police or the court, and costs of traveling to the court or costs of filing a case may be prohibitive for many. Challenges can be tackled through increased legal awareness training, legal aid, and greater acknowledgement of informal processes. These interventions are crucial for the maintenance of stability and peace at the village level. The USAID Conflict and Vulnerability Assessment recommended greater emphasis on access to justice activities including support to alternative dispute resolution, legal aid, and legal education.<sup>7</sup>

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<sup>5</sup> Decree Law No.5 of 2004.

<sup>6</sup> UN, Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste, Geneva, October 2006, pgs. 64-74.

<sup>7</sup> Supra note 2, p. 30.

As a response, donors, such as UNDP, AusAID and the World Bank have increasingly indicated their willingness to support interventions aiming to increase access to justice for the population.

### TAF's Engagement with its Partners

TAF works with four legal aid organizations covering the Dili, Baucau, Suai and Oecussi court jurisdictions. These legal aid organizations are currently URA, ECM, LBH Covalima, and FFSO. Partners implement activities such as legal aid, legal awareness training, mediation and mediation training. TAF also supports JSMP on Victim Support Services, court monitoring, and outreach services.

The Timorese partner organizations generally claim to have good working relationships with TAF. Challenges reported have related to a general lack of capacity in administration, financial management, and case management. Partners have received continuous assistance and training from TAF in project reporting, administration, and finance. However, some partners expressed interest in more training to enhance their skills such as report writing. TAF pointed out that partner organizations particularly require further assistance in case management, such as the handling and filing of cases as well as client relations.

### Legal Aid and Legal Awareness

Some of the most significant aspects of the programming include legal assistance through court representation, mediation training, and legal awareness campaigns. Lawyers and paralegals provide pro-bono services in legal aid clinics to raise awareness about the formal laws and legal processes. Most recently some partners have established 'contact groups' or teams to travel to remote places in order to raise legal awareness, provide mediation assistance or collect cases to take them to the formal system. The partners assist a large number of cases. For example, between April and September 2007, the partners handled a total of 448 cases: 336 through mediation, and 106 through litigation. Between April 2008 and September 2008, 154 cases were mediated and 196 went to litigation. Cases include physical assault, sexual offenses, land disputes, paternity disputes, and divorces. After speaking with TAF and conducting interviews with various mediators and public defenders there could be several explanations for the increase in litigation cases versus mediation cases, including an increase in legal awareness, more trained mediators are available and accessible, and the TAF partners acting on behalf of the public defenders. Unfortunately, there was not enough time to explore this specific issue in depth nor was there data available to make any specific causal linkages. Therefore, it is recommended that more specific programmatic data be collected by TAF and its partners to accurately track the progress of their programming, the level of legal awareness, as well as the cultural and societal challenges, impediments, and changing needs.

The overwhelming majority of people interviewed for this evaluation were content with the legal aid services offered. The services provide an important link between communities and the formal system. Legal advice does not necessarily lead to the use of the formal justice system. Rather, it is used as a resource in local conflict resolution processes, and can have a significant impact on the mediation or negotiations of a conflict. TAF has produced specific guidelines for its partners pertaining to divorce cases, contractual breaches, and land disputes summarizing the laws and providing guidance on how to deal with certain queries.

A major challenge in the provision of legal aid is that the partners have been focusing on criminal matters at the request of the police and courts effectively serving as a substitute for the public defenders. This has diverted their attention from serving the most poor and vulnerable populations. Since the Office of the Public Defender does not have enough lawyers to handle the cases received, it is impressive that TAF's partners were able to recognize the need and step in for the public defenders. For example, in Oecussi the public defender had only visited the district once in the last



year, in April 2008, to hear cases. All other cases were referred to FFSO, the legal aid organization in Oecussi.<sup>8</sup> FFSO reports that they handle 6-7 cases per month on behalf of the public defender. ECM in Baucau has handled a total of 180 cases, of which they appeared as public defender in 110 cases.<sup>9</sup>

JSMP has been providing valuable assistance to women through its 'Victim Support Service', currently operating in eight districts. It supports victims of domestic violence or sexual offenses throughout the entire formal court process by providing funding for the travel to court as well as legal assistance. It operates on the basis of a network, in which the police or Vulnerable Persons Unit (VPUs), contact JSMP when they receive a case. The program demonstrates that a more holistic approach is needed beyond legal aid in order to provide access to justice for vulnerable persons.

One of the challenges faced by the legal aid organizations is the significant backlog of court cases. The court is slow to process cases and many Timorese do not understand why a lawyer travels to a village to follow-up on an old case. Oftentimes, years have passed since the original complaint was filed and the community usually resolves the issue by the time the formal justice system responds. Since feuding neighbors or other conflicts have a destabilizing effect on the community, these disputes are usually resolved through the informal justice system. Unfortunately, sometimes the legal aid organizations are blamed for the delayed court response, and this may have a negative impact on the relationship between the legal aid organization and the community.

Legal awareness campaigns are crucial in an environment where people have little appreciation for the basic principles of the official justice system. TAF has engaged significantly in legal education at the grassroots level. Its partners provide legal awareness training for authorities such as the village chief, sub-district administrator, as well as women and youth through the 'contact group meetings.' During these trainings information about court processes as well as civil and criminal law is provided. This legal awareness training is implemented without printed material. Instead, the team selects examples of cases to illustrate a legal process. Some partners, such as JSMP, use radio as a tool for raising legal awareness. The legal information provided educates the public about the court procedures, role of the police, and the rights of women and children. JSMP develops training material based on their research results, which they provide to institutions such as the village councils. However, according to JSMP the district coverage of these activities remains low and the impact of the information has not been monitored yet.

TAF promoted the MoJ to support the translation and dissemination of the new Timor-Leste Civil Procedure Code in 2007 (the Decree Law No. 1/2006 approved the Civil Procedure Code on February 21, 2006). The Civil Procedure Code was published in both Portuguese and Tetum.<sup>10</sup> Currently, the draft penal code is being reviewed by government officials, lawyers, and CSOs. When the penal code is finalized and passed by Parliament, TAF may be requested by the MoJ to translate the new code. Of course, additional funding will be needed to meet this request.

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<sup>8</sup> See also UNHCHR/UNMIT, Report on human rights in Timor-Leste. The security sector and access to justice. 1 September 2007-300 June 2008, p. 9-10.

<sup>9</sup> UNDP is planning to engage further with the public defenders office in order to strengthen the office. The MoJ claims that there are not enough trained people to act as public defenders. It currently plans to provide training to private lawyers, for the district courts, and have them cooperate with the MoJ for advocacy and awareness. However, language hurdles will prevent a quick deployment of those lawyers, since most have to learn Portuguese first.

<sup>10</sup> The new criminal procedure code was published in both Portuguese and Tetum, and disseminated by the Ministry of Justice with support from the National Direction for Human Rights and Citizenship and the National Direction for Judicial and Legislation Advisor (The Decree Law No.13/2005 approved the Criminal Procedure Code of Timor-Leste on December 1, 2005).

## Mediation and Mediation Training

TAF is funding its partners to mediate cases as well as to provide training in mediation skills to a variety of local leaders and community members. In 2006, a series of mediation trainings for partners resulted in the establishment of mediation guidelines reflecting international standards.

The availability of mediation services should not be underestimated since the courts are difficult to access, especially for remote villagers. In general, there is little understanding of the laws and formal court proceeding, and many worry about the duration of court cases and the related costs. Sometimes, a victim will go to the police station to request the release of the perpetrator being held because the restorative aspects of the traditional justice system are much more appealing. For example, the punishment for stealing a goat may be to pay the victim three goats. Therefore, it should come as no surprise that there is great interest in mediation and the preference is to apply customary law.

Support to local level mediation programs can ensure that legal information is provided. It can educate the public on formal laws by applying locally understood concepts, and at the same time modern mediation techniques can be developed to resolve conflicts. The provision of mediation services with legal aid has proven to be a good combination, since the disputing parties are provided with information about the legal aspects of their case during mediation. This can impact the outcome of the mediation since it provides the disputing parties with a different perspective.

TAF partners are therefore called upon by local authorities, such as the village chief, in conflict cases, to provide legal advice and mediation. If mediation fails, they can offer guidance to the community on how to proceed in court. Some partners insist that they only enter a village when invited by the village chief in order to maintain good relations with the village leadership. However, it is not clear what recourse is available to a villager who wants to utilize external legal or meditation assistance, but is prevented by the village leadership to do so. It may therefore be worth investing in the creation of alternative forms of dispute resolution to promote access to justice, when the current system is not functioning well, fairly, or justly. External mediators or counselors, as well as community paralegals can play an important role in this. However, it is acknowledged that certain etiquette needs to be observed to maintain good relations with the village leadership if alternative forms of dispute resolution are explored and created.

### **Land Dispute in Baucau**

Two brothers in one of Baucau's sub-districts fought over a piece of land. They originated from the 'same blood' and were guardians of their family's sacred house. While the older brother wanted to keep the piece of land for himself, the younger brother claimed that it belonged to all of them and should be cared for jointly. The hamlet (sub-village) chief and the village chief could not find a solution, and called TAF's partner organization ECM to mediate. ECM sent its assistance lawyer to look at the case. He advised the parties on the legal situation, under which the property would be granted to both brothers. He also advised them on the legal process and the cost this would incur if they wished to take their case to court. He then pointed out that the brothers have one mother and one father, and that they are from one blood. According to the traditional justice system they are one but if they went to court, they are likely to become enemies. This could destroy the unity of their family and can have an impact on the goodwill of the ancestors. According to the customary belief system, ancestors of the family could then make their children sick, cause bad harvests and more. By providing the space where they could openly discuss their concerns and belief systems, offering formal legal advice combined with an understanding of customary law, ECM was able to successfully mediate between the two brothers who ultimately decided to share the property. ECM prepared a letter with the agreement, it was signed by the brothers and the mediator, and copies were given to all parties and to the village chief.

While TAF's partners have made considerable efforts to launch initiatives in remote locations, most of the requests received by them are in the more urban and peri-urban areas. The remote communities and villages are less likely to call for outside assistance. Village chiefs in remote areas claim that they have been personally handling disputes for a long time, and skilled individuals are in the community who know how to mediate. Village leaders in those areas stated that they appreciated the legal information more than the mediation training. However, the fact that requests mainly come from urban and peri-urban centers shows that it is worthwhile to continue efforts in the rural locations in order to promote legal awareness in these areas.

Some partners also train traditional authorities, elders, youth and women in order to enhance their mediation skills. The availability of other trained village representatives serves to promote access to justice for the most vulnerable groups, in addition to the village authorities who usually resolve communal conflicts. However, the current approach to the training does not seem to be based on a solid understanding of traditional power structures and an informed theory of change. Partners do not have a common vision on how mediation training will affect social dynamics, the empowerment of women or other vulnerable groups, and whether/how to create alternative avenues for conflict resolution.

GTZ is currently providing mediation training in Suai and Viqueque. The GTZ model emphasizes direct communication between the two disputing parties compared to traditional mediation which may involve an entire family. It supports the establishment of mediation centers at the hamlet (sub-village) level to provide an alternative location for mediation and remove the process from the 'traditional' realm (which would often take place in a village's sacred house). In comparison to the traditional conflict resolution process this support for mediation places more emphasis on the individual. It focuses on resolving the conflict between the two disputing parties rather than including their families or an entire village. However, traditional mediation methods are being integrated into this process in order to grant it legitimacy. Even though GTZ and TAF are working in some of the same regions, there seems to be little cooperation on models of intervention.

### Internship Program

Most recently some of TAF's partners have started to employ and train 'interns' originating from local villages, who can assist with mediation processes or refer cases to the legal aid team at the district level. The idea is to train people from all walks of life and provide them with basic legal knowledge and mediation skills. Candidates are proposed by their local communities for consideration, and the respective legal aid organization will make the selection.

In some places visited during this evaluation the interns were village elders or middle aged men who appeared to be well-respected, knowledgeable and skillful in applying conflict resolution processes. Whether they actually inserted knowledge of the formal law into customary law practices could not be directly observed, but they were in contact with the legal aid organization and could easily, in cooperation with the village chief, solicit help by contacting them.

In some cases, interns were not perceived as legitimate community individuals because of their age or sex. Their role appeared to be limited to simply reporting cases to the legal aid organizations. Several village chiefs claimed that the role of the intern was 'to carry letters to the legal aid organization.' Since, traditionally, only senior men would have the legitimacy to deal with conflict resolution, it is questionable if young women will be able to transcend the community power hierarchies and exert an impact on conflict resolution in the near future. There is a challenge in simultaneously aiming at empowering disadvantaged groups or individuals and solving conflicts successfully. An intervention needs to be carefully designed based on the acknowledgement of such challenges.

Another concern is the fact that interns are paid \$85 USD per month, the standard minimum wage for full-time employment. This amount is three times the amount village chiefs receive for their service to

the community. Village chiefs are elected and hold formally acknowledged authority with significant responsibilities. Even though the Village Chief is technically serving in a volunteer position and receives remuneration to spend on behalf of the community, an intern receiving more money with less responsibility may be perceived unfavorably and have a negative impact on community cohesion. Furthermore, it is questionable whether the interns actually perform full-time work justifying the full-time salary.

In addition, a good mediator should be compelled to provide the service rather than being motivated by receiving financial compensation, especially in an environment where jobs are limited and nearly everyone lives on subsistence farming. Even the village council members, who are mandated to support the village chief in conflict resolution, are not paid for the fulfillment of their duties. There is a risk that if mediators are initially paid, then this sets a precarious precedent and may attract people who have no sincere desire to help their communities. Community paralegal programs in other countries are often based on voluntary engagement.

Payment of interns also runs the risk of having a negative impact on future engagement of individuals in their communities. Once people have started to get paid for such services, they may not be willing to engage again in the same service for free. This is not only unsustainable in the long term, it will also make the entry of other interventions in the field of mediation impossible, since people will only get active when they are paid for it.

The role of the intern also appeared rather unclear. The term suggests that it is someone who helps out in the short term in order to gather experience. However, it seems that interns are actually established to act as community paralegals in the long term. Community paralegals could be an important institution in the current environment in Timor-Leste. A shift in programming from an internship structure to a paralegal program could require more careful selection of participating individuals. Since the internship program is problematic on many levels, there may be other, more effective, means of local empowerment and funding at the village level that could be explored.

## Research, Monitoring and Evaluation

TAF has been engaged in research work on access to justice. Most stakeholders interviewed agreed that TAF's 2004 survey on "Law and Justice in East Timor" was very useful and that they would welcome an update. At the time, the survey was important because for the first time it provided information about the limited community involvement and understanding of the formal justice sector in Timor-Leste.<sup>11</sup> TAF is also funding JSMP's Legal Research Unit which monitors courts and produces press releases, justice updates, and summaries.

In relation to measuring the efficiency of the TAF program activities, TAF and its partners monitor the number and types of cases received for mediation or litigation, and track the number of cases resolved. However, there is a limited empirical understanding about the broader impact of legal aid, legal awareness and mediation interventions on local power dynamics, and whether the interventions provide justice. Increasing legal awareness, for example, may have an adverse impact on power dynamics in a village, since it may contradict customary law practices. Legal awareness can dramatically change the course of a case or how two feuding parties resolve a conflict. Training in mediation can provide an alternative to the existing power structure while empowering disadvantaged groups.

There is some legitimate concern that supporting litigation and referring cases to the formal justice system may disrupt the peace and social harmony in the community. No data exists yet on what

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<sup>11</sup> The Asia Foundation, Law and Justice in East Timor. A Survey of Citizen Awareness and Attitudes regarding Law and Justice in East Timor, Dili, 2004.

happens in a village before the litigation of a case, on the dynamics of mediation activities, whether the decisions are honored, and the social enforcement mechanisms that exist.

It is important to understand the broader impact of programming in order to demonstrate best practices, mitigate negative effects, and to be able to design more targeted interventions. Since there is no such monitoring and evaluation data available, it is difficult to make statements about the real impact of the programs at the grassroots level beyond the number of cases handled.

## Empowerment of Women

The government and international partners have agreed to promote a policy requiring that all domestic violence cases and sexual offenses be referred to the formal system. Currently, the draft penal code is being circulated in Parliament and domestic violence is defined as a public crime, which means that any person can report the crime without waiting for the victim to file a complaint. The TAF mediation guidelines support the international standard that all domestic violence cases should be processed in the formal justice system. In practice, however, it is questionable which institutions actually provide victims with the best redress, and there are indications that the effects of formal judgments may be as damaging for women as the handling of cases by the traditional justice system.

There are some dilemmas in the practical implementation of the above policy. For example, the formal system does not necessarily address the underlying social tension between the two disputing families. Even domestic violence and rape are perceived as disputes between families rather than individuals, and the aim of the traditional justice system is therefore to re-establish harmony between the two disputing families. In contrast, the formal justice system recognizes the individual victim and perpetrator as the only two relevant parties in the case. The traditional justice system is very appealing to many because of the focus on restorative justice; for example, payments are made from the family of the perpetrator to the family of the victim. This also fosters greater control by the social group over its members, since it is the family that will be held responsible for the actions of its individuals. In contrast, the sentencing of the individual perpetrator does not solve such social tensions nor does it foster tight social control. Reducing the power of the family to control its members can and should only be done if the state has the capacity to provide security to its citizens.

Of even greater concern are reports from some people about the economic crisis some women face after their husbands have been tried and imprisoned. Some are left behind in dire situations in which they have no more income, nobody to work their fields and hungry children to feed. In this regard, the traditional justice system may provide more attractive solutions to the victim.

Fully aware of the practical implications of sending such cases to a limited formal court system, many VPU police officers have created their own system of referring (and in reality returning) “less serious cases” to be resolved by the village chiefs and other traditional authorities. In most villages, it seems there is a general practice that “serious cases” of domestic violence are brought to court. While this seems to demonstrate some understanding about the severity of domestic violence, no general guidelines exist to inform how a “serious case” of domestic violence is identified. It also seems to imply that women are supposed to tolerate “minor offenses” like being slapped by their husbands. This is clearly a sensitive and incredibly challenging issue to tackle but it seems like some of the gender-based violence civic education campaigns may be having an influence on the prevailing attitudes since this categorization of “serious” and “minor” offenses was frequently mentioned by traditional leaders. Of course, it means there is much more work to be done by the NGO community to alleviate gender-based violence.

Some people, including village chiefs and legal aid staff, are concerned that if all domestic violence cases are required to go to court, the divorce rate will increase significantly. This may cause direct conflicts with the Catholic Church, which condemns divorce, and between the families of the husband and wife. One concern is that the wife’s family will have to pay back the bride price if the wife decides to get a divorce.

Some even argue that the formal justice system is not enough of a deterrent for perpetrators. A village chief in Oecussi stated: "it is better if the offender has to go through the traditional justice system, because everyone is afraid of the debt. If they go to jail, after three years they come back and have a nice body, because they have eaten well. People are more afraid of the traditional system."

While there is a general consensus among the international community that the formal system should be the ultimate redress for domestic violence cases, the formulation of this in legislation and policies is not sufficient for the empowerment of women. The negative effects of such policies need to be acknowledged and addressed. It is also strongly recommended that a medium-term strategy be developed to bridge the gap between the traditional justice system and the formal justice system. A logical starting place is to incorporate the appealing aspects of customary law, particularly the restitution component. It seems that most villagers prefer resolving conflicts, even minor incidents of domestic violence, through the traditional justice system because they receive something tangible, e.g. fabrics, weavings, or a goat. If cases continue to be processed through the formal justice system without incorporating restitution or considering some of these traditions, it may actually deter women from filing complaints with police. To many villagers, the idea of having "one's day in court" is foreign, unappealing, and the consequences may be dire.

# Conclusions

## Management Science for Development

USAID has focused its support on strengthening the formal justice sector institutions by providing financial management training and assistance in developing administrative capacities. MSD has developed an impressive financial management training program for the Office of the Provedor, the Office of the Prosecutor-General, the Office of the Public Defender, and the Ministry of Justice. It has also provided technical assistance and office support to some of these institutions, most notably with additional staff placed at the Office of the Provedor to support its work on anticorruption and good governance. In addition, MSD has provided staff to the Office of the Prosecutor-General to support the office's general development and capacity-building.

Even though other donors are planning to increase their assistance to some of the same justice sector institutions, MSD still has a valuable and influential role to play. MSD's staff has developed expertise in financial management training, and established close working relationships with some justice sector actors. Their expertise should be used in future training initiatives and other projects. Financial management training should be continued and expanded, and can remain a clear niche of USAID support to the official justice sector.

Some assistance, specifically the contribution of Timorese staff to the Office of the Provedor and the provision of office equipment, should be phased out since it jeopardizes long-term sustainability. Furthermore, the government should demonstrate its commitment by willingly providing such support to its institutions. Any type of anticorruption programming will need to be adjusted given the government's plan to establish an anticorruption commission.

## The Asia Foundation

Since the justice sector in Timor-Leste is still one of the weakest elements of the state structure, the government is far from providing equal and cost-effective access to justice. It will arguably take many more years until a system is in place in which the majority of the population understands the basic elements of the modern concepts of justice, until the majority of citizens can afford a lawyer to seek justice from the official system, and until cases are processed in a short amount of time so peaceful relations in the communities are not challenged.

For the majority of the population of Timor-Leste, access to justice is still limited to the traditional justice system. Among the donor community there is the general assumption that people will start utilizing the formal system, if it is working. In the past, this assumption has led to disproportional assistance to formal justice sector institutions rather than to efforts linking the community level to state institutions. Acknowledging traditional justice mechanisms and customary law concepts, and working with those in order to implement a more unified regime of formal justice is critical to Timor-Leste.

In this environment, TAF has been providing crucial services to allow citizens access to the formal courts through legal aid, to raise the level of legal awareness in communities, and to allow for more informed and thus more efficient and fair mediation processes. TAF should be applauded for its pioneering role in realizing these needs and developing new approaches under difficult circumstances. In this respect, TAF's work is incredibly important because of their efforts in developing innovative access to justice programming in a post-conflict environment under an entirely new government with a budding justice system.

Given the new donor interest in customary law, TAF, as an experienced actor, should be encouraged to play a key role in future access to justice programming. There is a noticeable medium term

strategy missing on how to promote access to justice in Timor-Leste. The development of a clear medium term strategy for access to justice is needed; one that spells out how to overcome tensions in an environment of multiple systems of justice, defines a clearer role for lawyers and legal aid actors, and considers practical implications of traditional and state justice mechanisms on the empowerment of women. TAF could contribute significantly to formulating this medium term strategy with its wealth of experience.

Adjustments of the current programming should focus on the development of a clearer vision with regard to the achievements in mediation services as well as re-structuring of the internship program. Following these adjustments, improved research and monitoring work could enhance empirical understanding of village level dynamics and customary law practices. This type of information can provide crucial understanding for the design of future interventions.



# Recommendations

## Management Science for Development

### Anticorruption Work

- **Adjust anticorruption work to political developments.** At this time, it seems likely that Parliament will pass a law to establish an anticorruption commission that will report directly to Parliament. This new commission will probably suffer from the same problems as many of the current justice sector institutions (e.g. a lack of trained professions and the need to build capacity). MSD is encouraged to work with the new commission once it is established and provide technical assistance on anticorruption.
- **Collect empirical data on corruption.** There is very little data available on corruption, so it is unclear what type of corruption is problematic and where it is occurring. A mixed-method research could provide some valuable information in order to understand the extent of the problem. This data will help significantly in designing any type of anticorruption program, training, and support to institutions, and will allow for a more strategic approach.

### Support to Office of the Provedor, Office of the Prosecutor-General, Office of the Public Defender and MoJ

- **Phase out the provision of Timorese staff to government offices.** While the MSD staff in the different government institutions has done excellent work, the phasing out of Timorese staff should be considered. In the long term, it is not viable to subsidize low government salaries because the government is unable to recruit or pay them appropriately. It may also create tension between the MSD 'subsidized' staff and other individuals working in the same office.
- **Coordinate with UNDP to avoid overlap in program support.** UNDP is planning to increase support to some of the formal justice sector institutions, like the Office of the Public Defender. It is important for MSD to coordinate with other donors and stakeholders to avoid a duplication of efforts in providing support.
- **Phase out provision of office equipment.** The provision of computers and office equipment may have been useful in the initial start-up of some of the offices such as the Office of the Provedor. However, the government needs to demonstrate its commitment and willingness to support the justice sector institutions by equipping the offices efficiently. This type of support should no longer be expected of donors. In order to encourage government officials to request a realistic operating budget from the government, it may be worthwhile to request a cost-share or a demonstrated commitment to the objectives of the supported program. At this stage, donors should not assume the responsibility of equipping offices when it needs to become the government's duty as a procurement responsibility (especially since the money is available in the government budget).

### Financial Management Training

- **Continue and expand FM training.** Overall, the financial management training is a huge success and has significantly enhanced the skills of those who participated in the 23 month training program. This program should be expanded and continued for new staff and higher level officials in the government. If the higher level officials and directors are targeted to attend the next FM training program, it should be clarified beforehand whether they actually have the time to attend the training and if they will utilize the FM skills in their daily work. If not, then the training program will need to be redesigned to meet their needs, and time constraints.
- **Track success of those trained.** For those who have taken the FM training course, MSD is encouraged to follow this cohort and track their progress including the challenges they face in applying the knowledge learned on the job. This will enable MSD to understand the practical implications and limitations of the FM training so they can redesign and modify the training program, for future participants if necessary.

- **Adjust FM training to local culture of learning.** It seems that many Timorese would benefit most from active learning techniques to encourage practical application versus a passive learning style which may include a lot of reading materials. MSD should meet with former participants and ask them for feedback on the FM training course, and adjust the training material accordingly. Another option is to develop basic and advanced FM training courses.
- **English language training skills** was requested because some of the budgeting information and jargon is in English. Furthermore, mentoring or coaching of the former participants of the course could be useful.
- **Coordinate with other donors.** Other donors are planning to engage in similar justice sector projects in some of the same institutions. For example, AusAID is planning to provide FM training in the future. AusAID has not yet developed an implementation plan but it is AusAID's intention to work with local Timorese organizations to develop the training curriculum. It is important for MSD to coordinate with AusAID, and it is strongly recommended that a joint training curriculum be established. This is an opportunity for MSD to highlight the success of their FM training program, and to share their expertise. Furthermore, new partners in the field should be encouraged to learn from the MSD experience.

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### General Role in Access to Justice

- **Assume a guiding/advisory role in the access to justice field.** Given the new government and donor interest in customary law practices, TAF's experience should be utilized to inform any new programs. TAF should continue its current programming, but want to wait to see what develops before considering any geographic expansion. In this new environment, TAF's comparative advantage is in providing technical assistance.
- **Aim for tripartite programming, linking legal aid, research and education.** Linking existing legal aid programming with research and legal awareness education (or even curricula development) will help to establish TAF as the technical leader in the field. This will also enable TAF to enter into an advisory role as other donors begin designing their programs.

### Research, Monitoring and Evaluation

- **Scale up research, monitoring and evaluation of program.** In order to demonstrate program effectiveness and general impact on social change, a mixed-method research as well as monitoring and evaluation of the current program is recommended. This will allow for a more informed program design based on the data collected, and best practices will be easier to share with other practitioners.
- **Provide training in monitoring and evaluation to local partners and provide the budget for M&E activities.** TAF should build the skills of Timorese partner organizations by providing training in research, and M&E. This will enable them to better understand M&E reporting, how to analyze data, how to demonstrate the impact of their activities, and how to use the data to make program recommendations/adjustments. This may also require a budget adjustment to provide the local partners with the funding to support M&E activities.
- **Consider international best practices in access to justice interventions.** Some of the current challenges in Timor-Leste are similar to the experiences in other developing countries. Gathering best practices and lessons learned may provide new ideas on how to tackle some of the challenges faced; this information may be particularly useful to the local Timorese partner organizations.

### Legal Awareness and Legal Aid

- **Establish communication office to increase linkages with complimentary programs.** Linking the related activities of different actors in the field will provide a well-coordinated network, which could serve to enable and promote access to the formal system. This is especially relevant when in the near future new donors enter the access to justice field. Well

established cooperation can increase the geographical coverage of programming, can lead to the development of general guidelines for legal aid organizations and can be a basis for knowledge sharing.

- **Encourage legal aid organizations to establish an umbrella organization.** In addition to improved coordination between donors and international organizations, Timorese legal aid organizations should be encouraged to establish an umbrella organization to allow for greater synergy in the work implemented, to give Timorese organizations a more influential voice in the access to justice field, to allow for greater knowledge sharing, and to allow for issues such as the joint development of a general curriculum on legal awareness.

#### Mediation and Training on Mediation

- **Design a model for mediation.** Different implementing agencies have realized the need for mediation and training of the population in mediation skills; however, there is no existing model of who to train and why. Since mediation and mediation training can have significant impact on the community level power dynamics, it should be conducted in an informed manner, responding to socio-political structures at the grassroots level. A design should be based on a theory of social change, international best practices, and respond to the needs at the community level.

#### Internship program

- **Turn internship program into paralegal program.** Some of the interns appear to play a very marginal role in their communities while being paid a full-time salary for part-time work setting an unrealistic precedent. It was also noted that they receive three times as much as a Village Chief who has considerably more responsibilities. The payment and structure of the program should be reviewed since it may impact the community and leadership dynamics, mediation efforts, and future programming of other partners. The intern program should be restructured into a paralegal program since such programming more closely matches the current roles and responsibilities of the most effective interns. A paralegal program requires a clearer framework for skills required and as such the recruitment of participants for the program will need to be adjusted. Paralegals serving at the community level can further be linked to the legal aid organizations at the district level. This can work towards the establishment of a comprehensive network in which legal advice is guaranteed.

#### Relation with Partner Organizations

- **Continue training to Timorese partners in administration and financial management.** The Timorese partner organizations appreciate the training in financial management and case management, and would like it to be continued. The training including training of trainers is crucial for sustainability because when the institutional capacity of local partners is established - it will allow future phasing out of international assistance.

## **General Recommendations for all Access to Justice Actors**

- **Foster more strategic cooperation and synergies between different implementing partners (donor coordination).** Given the increased government and donor interest in the demand side of justice, all implementing agencies should aim to increase cooperation, in order to foster the development of joint strategies, the sharing of experiences, and to create wider geographical coverage of programming and to avoid a duplication of efforts. Coordination should take place between donors, but also among implementing partners, with information being shared between these two levels.
- **Enhance understanding on gender-based violence challenges and develop an informed approach.** While it is desirable that domestic violence and sexual offenses should be referred to the formal justice system, it needs to be acknowledged that the formal justice system can have a devastating economic consequence for women. There needs to be a more comprehensive understanding of the realities women face under both, the traditional

and formal justice system, and a more carefully designed approach to provide women with justice that does not harm them.

- **Develop a medium-term strategy for access to justice.** Given the current status of the justice sector, it will take many years until the formal justice system is fully functioning and the majority of the Timorese will have the understanding and ability to access the formal system. Therefore, a medium-term strategy is needed to develop innovative programming to support access to justice, and to bridge the gap between the customary law practices and the formal justice sector.
- **Contribute to the development of a vision for legal aid.** The lack of trained lawyers, the limited number of public defenders, the general lack of legal awareness, and the general socio-economic situation in Timor-Leste requires more emphasis on legal aid than in many other countries. There is an urgent need to develop a general legal aid vision or strategy. Such a vision could also allow for greater synergies between different organizations implementing legal aid. TAF should be encouraged to take a lead role in the development of such a strategy.

# The Annex

## Context: Snapshot of Community Justice

There are a variety of conflicts and grievances that occur daily within any community. It is important to understand that Timorese communities see conflicts from a collective perspective that holds families responsible for the behavior of their kin. Therefore, it is the family that has to be involved in the identification of a solution to a conflict. The main objective in conflict resolution is less focused on delivering retribution for individual victims or punishing individual perpetrators, but to re-establish peaceful relations between two social groups. Delicate social ties between families have to be maintained to guarantee peace and harmony in the community. On the contrary, the formal justice system primarily focuses on the punishment of the perpetrator and lacks the ability to satisfy the communal need in finding reconciliation.

The main conflict issues leveling villages concern property ownership, property damage, land usage, physical assaults, theft, murder, sexual assaults (often in relation to paternity claims and custody), domestic violence, and in some areas political skirmishes. Current prison inmates have committed crimes such as murder, rape, grave domestic violence, destruction of houses or property. Apart from murder cases, and cases of politically motivated violence, many conflicts are initially dealt with at the village level. Murder cases have, since Portuguese times, always been reported directly to the formal justice sector. Village authorities claim that they report all criminal cases to the police, but that is questionable. Most disputes are reported first to the respective family leaders, who may attempt to negotiate a solution with the leadership of the other party in conflict. If unsuccessful, other leaders at the hamlet (sub-village) level may be involved. The case will be reported to the hamlet chief, who will engage the traditional elders and other legitimate individuals to help resolve the conflict. If cases cannot be resolved at this level, they are reported to the village chiefs, who can involve other authorities in their solution. The village chiefs are mandated to resolve conflicts within their communities.<sup>12</sup> They may involve the traditional elders or members of the village council to help resolve the conflict by identifying acceptable solutions. If they do not succeed, they will refer the case to the sub-district administrator. After that, the case or disputing parties may be referred to the police or the court.

In the villages, there is the prevailing belief that all disputes must be reported to the hamlet and village chief, who will ultimately decide whether the dispute should be dealt with traditionally or referred to the formal justice system, e.g. by filing a complaint with the police. One traditional elder boldly claimed that if his community members go directly to the police, and the case is sent back to the Village Chief, the parties may have to pay a fine for not following the customary protocol of engaging the traditional elders first. Hence, the traditional justice sector actors have a vested interest in maintaining their own power position as gatekeepers between the customary and the formal justice system.

Negative experiences with a weak formal justice system encourage people to resolve their conflicts within the community. The formal justice sector is generally perceived as slow, courts are often located a great distance away, and a court process may be expensive (e.g. travel costs, lodging costs, costs of filing a case). In some cases, the court is not yet equipped to receive complaints, hear cases, and/or pass judgments. For example, given that there is no land law in place yet, land disputes that are filed with the district administrator remain unsettled. The same is true for paternity claims made by women. Since there is no DNA testing facility and the technology is incredibly expensive, there is little tangible evidence for a judge to base a decision. When cases are unresolved, it does not encourage communities to seek redress through the formal justice system.

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<sup>12</sup> Decree Law No.5 of 2004.

Furthermore, official laws and processes may not comply with customary law practices and a traditional understanding of justice. Although cases may be prosecuted officially, and the perpetrator punished for his action, tension at the community level between the family of the victim and the family of the perpetrator may not be resolved. Court sentences do not satisfy the damaged party within the community. In assault cases, for example, the perpetrator may be imprisoned, but when he is freed, social harmony still needs to be re-established. In addition, the concept of detention is not a common local punishment. One interviewee sarcastically referred to the jail as a “hotel” because the perpetrator is regularly fed and his basic needs are met. Ironically, and unfortunately, this is not the case for many Timorese still living in remote villages where food is scarce.

As already noted, the police sometimes pass domestic violence cases and simple assaults back to the community and the village authorities. Police officers are well aware that the formal justice system can take a long time to process a case and that an official sentence does not necessarily satisfy the community. However, seeing cases passed back does not encourage people to report disputes to the police in future.

Further problematic is the formal justice system's lack of response to the social reality at the community level. Even if cases go to court, the communal sense of justice remains unaddressed and the community is left with ongoing tension as a repercussion. It is therefore not surprising that village authorities see community level mediation as an important tool for conflict resolution.

Even in murder cases, a parallel process can take place at the village level, in which the victim's family receives restitution, or in which the village leadership has to become involved to guarantee reconciliation when the perpetrator returns home from prison.

In Viqueque, a husband and a wife lived separately, and the woman began a relationship with another man. This angered her husband and in a fit of rage, he killed the other man. He was convicted and went to prison. However, the two families were not at peace yet, the prison sentence did not grant the victim's family any type of restitution. The latter desired to follow the traditional conflict resolution process in order to establish peace. It is very important, according to customary law practices, that the process allows them to “take back the blood.” The conflict is still unresolved, since the traditional process of restorative justice cannot be implemented while the perpetrator is in prison.

The traditional way of administering justice through conflict resolution is still very relevant. The community elders and the disputing parties sit together, in the sacred house with the sacred heirlooms and negotiate a resolution. The heirlooms and the presence of the ancestors is a powerful control mechanism within the villages, creating an atmosphere in which people do not dare lie, and make sincere efforts to find solutions. In contrast, the formal justice system, involving the police or the courts and the prospect of imprisonment, do not have the same effect. They do not replace the social control mechanisms. If customary law practices are marginalized or replaced, it is important that holistic conflict-resolution mechanisms are developed. Otherwise, there will be a crucial missing piece in the application of justice and the perception of its legitimacy. The traditional mechanism for resolving conflicts was developed over time, and the customary law practices utilized provide for the peaceful coexistence of villagers within a community. The modern justice system emphasizes the individuals in dispute versus a community that may have been disturbed. Due to an entirely different understanding of justice, it would be unwise to promote the formal justice system as the sole mechanism of administering justice and resolving conflicts. Therefore, formal justice sector institutions need to respond to socio-political realities at the community level.

## Scope of Work

The evaluation team was tasked to develop an approach that elicits and analyzes relevant information, provides for structured interviewing techniques, and provides key findings and conclusions in regards to TAF and MSD programming funded by USAID. In addition, the team was expected to identify the justice sector programming opportunities, needs, and make appropriate recommendations. The following list of questions was provided to guide the team:

### Approach:

1. How have the specific approaches adopted by TAF and MSD produced results? What are the weaknesses of these approaches? Have opportunities regarding impact been missed?
2. Were the results obtained by the current implementers produced at an acceptable cost compared with alternative approaches to accomplishing the same objectives?
3. To what extent have the programs addressed the needs of women, children, urban and rural poor, and other vulnerable groups? Are there additional opportunities for addressing the needs of vulnerable groups?
4. What has been the relative effectiveness of activities with non-state mechanisms and with state institutions in improving the protection of the legal rights of women, children, and other vulnerable populations, and in reducing impediments to achieving fair, impartial and consistent justice? What approaches have been most effective and what additional opportunities exist for engagement in each area?
5. Have the programs (MSD and TAF) achieved an appropriate balance of support to state justice institutions and non-state justice and dispute resolution mechanisms? What are the risks of engaging with each set of institutions and how have the programs managed those risks? What is the appropriate balance in addressing the rule of law challenges?
6. How effectively has each of the programs engaged Timorese stakeholders at the local and national level? To what extent do the approaches pursued address the priorities of various stakeholders?
7. How effectively have programs coordinated with USAID or other donor programs to achieve overall strategic objectives? What additional opportunities exist for leveraging other USAID or other donor programs?

### Relevance:

8. How effective have the current programs been in addressing the key rule of law challenges in Timor-Leste?
9. How successful have each of the programs been in meeting opportunities for reform and overcoming constraints?
10. How have they complemented, enhanced, duplicated or interfered with other reform initiatives in the justice sector, e.g. the United Nations, multi-lateral organizations, and ROL programs supported by other donors?
11. What additional or future activities should be considered?
12. Were the Mission goals appropriate to the Timor-Leste context and was USAID management appropriate and able to effectively respond to changes on the ground?
13. How have USAID activities in the state (formal) or non-state (informal/customary) performed relative to those of other donors?

### Impact:

14. What has been the qualitative and quantitative impact of TAF and MSD on the legal system?
15. Did the programs adequately strengthen Key Foundations of Good Governance (value of positive impact for USG resources invested)? What did the TAF and MSD accomplish and how effective were each in making progress toward achieving the Mission's DG Strategic Objectives and relevant intermediate results?
16. To what extent have each of the programs contributed to the stated goals of (a) building an independent judicial system; (b) increasing access to competent, fair, impartial and consistent justice and dispute resolution mechanisms; (c) furthering citizen knowledge of legal rights and legal and judicial processes; (d) enhancing women's access to justice and/or protection of

- their legal rights; and (e) improving the quality and availability of services provided by justice institutions? What approaches have been most effective in achieving each of these goals?
17. What are the generalized lessons learned regarding the approach, design content, management structure, and duration of USAID/Timor-Leste's support to these programs?



## List of People Interviewed

ORGANIZATION	NAME	POSITION
AATL (Associação dos Advogados de Timor-Leste))	Jose Pedro Camões	President
ARD	Geraldo Gomez	Field Office Manager
ARD	Nigel Thomson	Deputy Chief of Party / Senior Legal Adviser
ARD	Kim G. Glenn	Chief of Party
ARD	Ibere Lopes	Legal Adviser
AusAID	Markus Edwardes	Country Program Manager
AusAID	Antonio Vitor	Program Officer
AusAID	Gerald Gahima	Senior Justice Adviser
Avocats Sans Frontiers	Carolyn Tanner	Head of Mission
District Administration (Viqueque)	Francisco da Silva	District Administrator
ECM	Lino Lopez	Director
ECM	Elvino Freitas	Assistant lawyer
FFSO	João Ndun	Director
GTZ	Eva-Maria Jongen	Team Leader, Transitional Justice Project Timor Leste
GTZ	Brigitte Podborny	Deputy Team Leader, Rural Development Program
ISMAIK	Sister Julieta Soares	Sister
ISMAIK	Joana da Costa	Sister
JSMP	Casimiro dos Santos	Acting Director
JSMP	Luis de Oliveira Sampaio	Acting Deputy Director
JSMP	Roberto da Costa Pacheco	Legal Research Unit Coordinator
JSMP	Maria Agnes Bere	Women Justice Unit Coordinator
JSMP	Sribuana da Costa	VSS Unit Acting Coordinator
JSMP	Jose Maria Moniz	Outreach Unit Coordinator
Justice Facility	Milena Pires	Civil Society Strengthening Specialist
LBH-URA (Dili)	Rozinda Araujo Tilman	Director
Ministry of Justice	Crisogno Neto	General Director
MSD	Gerard Abeto Mosquera	Chief of Party
MSD	Brian Francisco	Deputy Chief of Party
MSD	Martin Papay	Financial Management Training
MSD	Roger Batty	Anti-Corruption Advisor
MSD/ Office of the Provedor	Gina Alvez	Director, Public Assistance Unit
Oecussi Court	Vasco Key	Court Administrator
Office of the Prosecutor-General	Ivo Valente	Deputy Prosecutor-General
Office of the Provedor	Eldefonso Lopes	Staff Public Assistance Unit
Office of the Provedor	Josefa Soares de Jesus	Staff Public Assistance Unit
Office of the Provedor	Maria de Fatima	Staff Public Assistance Unit
Office of the Provedor	Marito Magno	Director of Good Governance Unit
Office of the Provedor	Amrosio Graciano Soares	Investigator of Good Governance
Office of the Public Defender	Sergio de Jesus Hornai	Coordinator
Ombudsman for Human Rights and Justice	Sebastião Dias Ximenes	Provedor
OMT (Aileu)	Maria dia Mantina	Coordinator
PNTL (Baucau)	Madalena Ximenes	VPU Officer
PNTL Oecussi	Adolfo Ximenes	Chief of Community Police
PNTL Oecussi	Berta Sakuelo	VPU Officer
Rede Feto Timor Leste	Ubalda Filipe Alves	Director

Sub-District Baucau	Tomas Ximenes	Sub-District Administrator
Sub-District Ossu (Viqueque)	Candido Henrique da Silva	Sub-District Administrator
Sub-District Pante Makassar (Oecussi)	Goncalo Eko	Sub-District Administrator
Sub-District Pante Makassar (Oecussi)	Adelino da Cruz	Local Government Official
Sub-District Venilale (Baucau)	Julio Tome da Silva	Sub-district administrator
Village Bobocasse (Oecussi)	Marculino Tafin	Village chief
Village Bobocasse (Oecussi)	Sabastião Kobo	FFSO Intern
Village Kunya (Oecussi)	Abilio Askali	Village chief
Village Tirilolo (Baucau)	Aleixo da Silva Belo	Village chief
Village Tirilolo (Baucau)	Domingos dos Reis	Lian nain, member of Conselho de Suco
Village Ussi Tassae (Oecussi)	Liberato Pune	Village chief
Village Uma Wa'in Kraik (Viqueque)	Angelo Miguel da Silva Soares	Village chief
TAF	Silas Everett	Representative
TAF	Kerry Brogan	Law Program Advisor
TAF	Jose Soares	Senior Program Officer
UNDP	Jennifer Choi	Programme Officer & Human Rights Focal point, Democratic Governance & Capacity Development
UNDP	Raquel Yrigoyen Fajardo	International Legal Consultant on Access to Justice
UNMIT	Franz Petutschnig	Judicial Affairs Officer
USAID	Mark Anthony White	USAID Representative
USAID	Brian Frantz	Program Officer
USAID	Ana Lourenco Guterres	Project Management Specialist
The World Bank/Justice for the Poor	Pamela Dale	Program Coordinator
Yayasan HAK	Jose Luis	Director
Village Bobometo (Oecussi)	Baptista Tafin	Village chief
Village Bobometo (Oecussi)	Francisco Oke	FFSO Intern

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