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**JUSTICE INSTITUTIONS  
STRENGTHENING PROGRAM (JISP)  
Contract No. DFD-I-01-04-00175-00**

**2nd Quarterly Report – FY2010**

**January 1<sup>st</sup> – March 31<sup>st</sup>, 2010**

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## **Executive Summary**

In June 2005, USAID awarded the Justice Institutions Strengthening Program (JISP) for Timor-Leste to Management Sciences for Development, Inc. (MSD). The JISP builds administrative and management capacity in Timorese justice sector institutions with training and technical support in general administration, financial management, human resources administration, good governance and anti-corruption practices. The core of MSD's approach is the development of justice institutions through the Financial Management Training and Support Project (FMTS) and the Inspection Projects within the courts and the prosecution. A key theme of the JISP is to support justice sector institutions in their management functions, enhance their effectiveness, and develop greater efficiency in their day-to-day operations. Extensions of project activities have allowed the JISP to consolidate and intensify support for justice and accountability institutions. The JISP expanded technical support to justice sector institutions such as the Office of the Inspector General, Timor-Leste's Anti-Corruption Commission, and the Office of the Prosecutor General.

The JISP continues to work collaboratively with its partners to complete the FY09 work plan activities. This quarterly report tracks progress against those activities and reports any adjustments.

### **Some of the highlights for this quarter include:**

- Continued Inspection Services of the OPG to assess their performance and integrity
- Status of MOJ MOU
- Status of PDO Inspector MOU
- Admin Support for OPG district offices
- Status of EFMTS
- Senior AC Advisor
  - NACS.
  - AC policy,
  - OIG

### **Activities planned for third quarter FY 2010**

During the next quarter, April 1 – June 30, 2010, JISP plans to engage in the following activities:

- Continue Inspection Service Project and provide pedagogical inspections to assess the performance and integrity of national prosecutors
- Support the Superior Council of the Prosecution
- Support the Superior Council of Magistrates with a Judicial Services Inspector
- Initiate Executive Financial Management and Training Support (EFMTS) program with the Permanent Secretary of the Ministry of Justice
- Finalize MOU with Minister of Justice and recruit candidate to serve as Inspector Public Defender and Secretary to the Superior Council of the Public Defender
- Continue technical support to the Vice Prime Minister and assist him in implementation of the National Anti-Corruption Policy
- Finalize a National Anti-Corruption (AC) Policy Implementation Plan
- Assist in the implementation of the Development Plan for the Office of the Inspector General
- Assist the Office of the Public Defender (OPD) with administrative support in organizing new District Offices

## **Project 1: Judicial Services Inspection**

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Judicial Services Inspection activities were suspended when The Honorable Judge Margarido Veloso ended her contract on December 31, 2009. MSD currently is negotiating with counterparts to resume her contract. Judge Veloso anticipates returning to the program. Negotiations for her continued deployment through new contract are on-going. Judge Veloso anticipates returning to the JISP as Judicial Inspector and Secretary to the Supreme Council of the Magistrate in April. The final decision will be made by the Supreme Council of the Magistrate.

## **Project 2: Prosecution Services Inspection**

The Inspector Prosecutor has the primary function to gather information and conduct evaluations regarding the performance, merits and professional integrity of prosecutors and support officers. Equally important, the Inspector Prosecutor has the specific function to conduct inspections, inquiries, investigations and to initiate disciplinary cases against prosecutors and officers from the Office of the Prosecutor General (OPG) under authority of the Superior Council of the Prosecution.

Dr. Arlindo Figueiredo supports the OPG and the SCP as Inspector Prosecutor and Secretary to the SCP. Dr. Figueiredo's tenure with the JISP began in August 2008.

### **2.1 Secretariat Support to the Superior Council of the Prosecution**

The Superior Council of the Public Prosecution Service (SCPP) held its first extraordinary meeting in February. The Annual Report of the Prosecutor General's Office was presented and discussed. The Report will be presented to the national Parliament, along with statistical data and productivity data for all prosecutors for the year 2009. The following action items were proposed:

- To establish a Trustee of Minors in all Judicial Districts
- To establish Curators of Minors in the Jurisdiction of Family and Minors to provide specialized services
- Guarantees that the interest and representation of minors required under the constitution and other statutes will be the responsibility of the Public Prosecution Services
- The Inspector of the Prosecution Services presented the annual rotation of prosecutors and proposed the allocation of attendance fees to members of the Superior Council of the Prosecution. This proposal will be submitted to the Government for approval of funds

A retreat was held in the Village of As, District of Los Palos, during the month of January the retreat was attended by all Magistrates of the Public Prosecution and senior management. The Inspector for the Prosecutors Office, Dr. Arlindo Figueiredo, presented planning recommendations for:

- Criminal Investigations
- Creation of new services; and
- Development of new legislative measurements for a more effective Public Prosecution Service

These recommendations formed the basis for drafting and presentation of the Prosecution Service component in the strategic section of the Plan for the Justice Sector.

## 2.2 Inspector Prosecutor (IP)

In his role as Inspector Prosecutor, Dr. Figueiredo conducted inspections of prosecutorial staff assigned to work in Dili, Baucau, and Oecussi. Several inspection visits were made to the District Prosecutor's Office District of Baucau and Suai to take stock of the working conditions of magistrates and status of organization of services.

He was sent to establish two cases of disciplinary investigations against prosecutors, one by decision of the Superior Council of the Prosecution and the other by a decision of the Prosecutor General. Both cases were investigated and disciplinary actions taken by the Superior Council of the Prosecution. From mid-March to April special inspections, by direction of the Prosecutor General, will be made on the status of corruption cases.

## 2.3 Juridical Advice to the Prosecutor General's Office

**Annual Report:** Worked with the Prosecutor General to prepare and submit the Annual Report of the Prosecutor General's Office to the National Parliament. Attended presentation of report to the Parliament.

**Strategic Plan:** Prepared and submitted the Public Prosecution Service Component of the Strategic Plan for the Justice Sector to the Coordination Council of the Ministry of justice and justified the proposals before the Council of the Ministry of justice. The Plan was approved.

**Proposals:** Presented and defended the following proposals on behalf of the Public Prosecution Services before Council of Ministers:

- **The Organic Statute of Technical Support and Administrative Services and Corporate Services.** This statute addresses for the first time the Technical Support Services and Administration of the Public Prosecution Service. The proposal was approved by the Council of Ministers and will go to Parliament for discussion and approval.
- **Ad Hoc changes to the current Statute of the Public Prosecution Service.** Changes were made on career development and promotion of Public Prosecutors. It also clarifies the role of the Prosecutor General with the High

Administrative and Audit Court. Changes were also made in the processes concerning the operation of the Superior Council allowing it to function with a simple majority rather than two thirds.

**The IP submitted a piece of legislation for a new unique number for case tracking. The new Case Tracking System improves Access to Justice due to improved case tracking:**

**Problem:** The OPG assigns case numbers to cases originating with outside agencies. The OPG case number was not associated to the originating agency number assigned by their Registries. Follow up by the originating agency on case status for its use or for client information was very difficult to impossible since cases could not be tracked within the OPG system. Cases would be lost in the system and would have to be resubmitted or defaulted.

**Solution:** The Inspector Prosecutor coordinated an agreement between the Court of Appeals, OPG, PNLT and Customs and Revenue for assignation of a unique number that would track through the system from origination to closure. All cases will carry a five place alpha numeric number representing the originating agency, a number from the Registry of the originating agency, which will remain as the control number of the case until final disposition.

**Advantages:** Eliminates case duplication, practically eliminates misfiling and lost cases. Improves interagency and inter-institutional coordination.

**The IP will work with the AC Advisor, Mr. Roger Batty, to incorporate case tracking capacity for other agencies that will submit cases to the OPG.**

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**Judicial Training Center:** Assistance was provided to the Prosecutor General and the Director of the Judicial Training Center to define types of training, curriculum content, training and time schedule for courses to Bailiffs and Magistrates of the Public Prosecution Service

### **Project 3: Public Defender Services Inspection/Support Project**

The Superior Council of the Public Defender (SCPD) is the highest policy-making and oversight body of the Office of the Public Defender of Timor-Leste. It exercises jurisdiction over all public defenders and support personnel, national and international, duly appointed under relevant Timor-Leste laws and regulations. An integral component of the SCPD is inspection services. The Inspector Public Defender has the function to gather information and conduct evaluations regarding the performance, merits and professional integrity of public defenders and judicial officers including international staff. Equally important, the Inspector Public Defender has the specific function to conduct inspections, inquiries, investigations and to initiate disciplinary cases against public defenders and support officers under authority of the SCPD.

The Inspector Public Defender reports to, and receives instructions from the SCPD. And while his or her authority is limited to making recommendations, the findings and

recommendations he or she presents to the SCPD are crucial to ensure the soundness and integrity of the decisions of the SCPD as a collegial and deliberative body.

The Chief Public Defender has requested USAID Timor-Leste and its implementing partner MSD/JISP to sustain funding support for the position of an Inspector Public Defender and Secretary of the Superior Council of the Public Defender for a period of 18 months, beginning in January 2010.

On September 29<sup>th</sup>, then JISP Chief of Party (COP) Brian Francisco and Chief Public Defender reached agreement on the principle tasks and deployment schedule of an Inspector Public Defender. JISP drafted a scope of work and timelines for recruitment which has been submitted to USAID. Recruitment of an international expert will begin following approval of the Scope of Work by USAID.

**Current Status:** The SCPD will not be fully organized until June 2010. Selection of the Inspector Public Defender will be made by the SCPD. It is estimated that selection of the IPPD will take all summer with an IPDO on board by September. An MOU has been submitted to the OPD.

### **3.1 Public Defense Administration Support**

Administrative Specialist, Ina Petutschnig, provided technical support to the administrative staff and senior management of the Office of the Public Defender. She focused her efforts over the last year on strengthening the capacity of the OPD administrative staff to organize and manage case files, properly plan and execute the OPD budget, and establish internal procedures which aid in the efficiency and effectiveness of the office.

### **District Operations**

The Office of the Public Defender has now established offices and operations in Baucau, Suai, and Oecussi. In August, Ms. Petutschnig provided logistical support for the inauguration of the Oecussi Office, which was intended to symbolically open all of the OPD district offices. How district offices communicate and coordinate activities with the Dili Office will be a significant challenge for the Chief Public Defender and his staff. He has recognized this as a priority and asked for Ms. Petutschnig continued advice and assistance. At request of the PDO Ms. Petutschnig will start in April to provide support for integration and coordination of PDO offices opened in new Districts. Part of her time will also be dedicated to JISP administrative functions.

## **Project 4: Executive Financial Management Training and Support (EFMTS)**

In 2006, JISP launched its two-year Financial Management Training and Support Program. While the FMTS Course was successful in providing training to finance officers and administration staff within the Justice Sector, it did not provide training for the managers and decision-makers within the sector. And while it is apparent that finance officers within

the justice sector require additional education and training, it is equally important to ensure that the *managers* of those finance officers, and other key decision-makers who rely on financial information, are financially literate and have a comprehensive understanding of their financial and managerial responsibilities.

The Executive Financial Management Training and Support Program (EFMTS) is designed to meet this need by presenting materials and lessons employed in the FMTS Program from the perspective of supervisors and managers. Generally, the EFMTS is intended for middle- and upper-management within the justice sector, to provide management with a better understanding of GoTL financial management systems and the ability to use these systems to make informed financial decisions, control budget execution, and ensure oversight of financial operations and their budgets.

In addition, the EFMTS is intended to reach beyond the scope of financial decision-making skills and address the need for training justice institution managers in their broader roles as decision-makers and leaders. The EFMTS will include leadership training modules including human resource management and communication skills in order to better equip senior staff with the tools to manage their institutions and become leaders within the sector.

The success of the FMTS project resulted in a request by the Ministry of Justice (MOJ) for an Executive FMTS. The MOJ signed an MOU on 30 March 2010, for the JISP to provide a comprehensive 12-month training and capacity building course for supervisors and managers. The MOU was originally submitted to the MOJ in September, 2009; with training scheduled to start in January 2010. The new EFMTS course includes the following modules:

- General management overview and leadership skills
- Financial management
- Human resource management
- Information Technology (IT)
- Problem solving and decision making
- Project planning and management
- Communication skills

Development of new leadership and management modules will be done in April and the new EFMTS courses will start in May. A total of 25 slots will be available with first priority to MOJ and open to other GoTL agencies as slots are available. The OPG has identified 7 candidates.

## **Project 5: Senior National Anti-Corruption Strategy (NACS) Advisor to the Vice Prime Minister (VPM)**

The engagement of a **Senior National Anti-Corruption Strategy Adviser (SNACSA)** was requested by the Office of the Vice Prime Minister, Dr. Mario Carrascalao, to assist in the development of a blueprint for the government's national anti-corruption strategy over the short- and medium-term (5-10 years). The Adviser will provide technical advice to the Vice

Prime Minister on anti-corruption policy and will assist in establishing broad support for the government strategy to combat corruption.

An important component of any anti-corruption strategy is an institutional foundation. In this regard, part of the Adviser's role is to provide support and assistance to the Inspector General of Timor-Leste, a senior ministerial-level official, in developing a strategic vision and a short and medium range plan for his office. The Office of the Inspector General plays a crucial role in ensuring government integrity, transparency, and accountability.

The continuing efforts of the JISP to promote and implement AC policies have, in the past few months, come to fruition. Since being appointed the new VPM has aggressively worked on the construction of a National Anti-Corruption Strategy (NACS) and policy. Under his leadership and with the assistance of a JISP international consultant, a NACS draft was produced and an AC Policy was authored by the GoTL and signed by the PM. The NACS provided the foundation for the drafting of broad principles and key activities embodied in a National Policy for AC. This policy is a major achievement for the GoTL it provides the principal components for implementing a NACS. Draft NACS presented to VPM on 5 November 2009 and although he approved the document it is not final nor is it yet adopted as an official document. The draft was used as the reference document for development of a National AC Policy. With the advice of the **SNACSA** the following AC framework and actions were finalized in this quarter:

### **5.1 Supporting organizations under the VPM.**

- **National AC Working Group (NACWG):** Organized in February as a result of a NACS document. Made up of key GoTL agencies. Purpose is to coordinate agency operations, audits, inspections, identify duplication of effort and track measures dealing with the prevention of corruption. The working group will meet monthly and will be chaired by the VPM. Institutions that do not report to the executive will attend at their option. Members are:
  - Office of the Prosecutor General (OPG)
  - Anti Corruption Commissioner (ACC)
  - Bank Payment Authority (BPA)
  - Public Service Commission (PCSC)
  - Police TL (PNTL)
  - Provedor for Human Rights and Justice(PDHJ)
  - Office of the Inspector General (OIG)
  - Customs Service (CS)
  - High Tax and Audit Court (HATAC) - when established.
- **NACWG Executive Secretariat:** Recently organized administrative unit under the office of the VPM will coordinate logistics: agenda, minutes, action items, follow up, MOU actions and other initiatives. Promotes integration of effort between agencies.

- **National AC Forum:** Integral to civil society awareness, education and dissemination of information. The Forum will include members of the media, church and business leaders, NGOs, NACWG. The first meeting is scheduled for May. The Office of the VPM will organize logistics for the meeting.

**5.2. National AC Policy:** Draft NACS document developed with the VPM staff was coordinated with the key agencies and presented to the VPM on 5 November 2009. The document was a background document to develop a National AC Policy. The Policy was approved by the Council of Ministers on 18 February 2010 and published on 3 March 2010. The Policy is now an official document of the state. The AC Policy contains 14 overarching principles for the development, coordination and implementation of AC initiatives. A National AC Policy Implementation Plan is being drafted for each of the following principles.

- Promotion of an evaluation of the levels and types of corruption in the country, including a list of the institutional factors.
- Involvement of all the Ministries and State institutions in the fight against corruption through plans of action and annual reports.
- Restructuring and reorganisation of the IGE (Inspectorate-General of the State), making it more effective.
- Adoption of legislative and administrative measures to make IGE more effective in the investigation, auditing and prevention of corruption.
- Creation of Inspection and Auditing Units in the Ministries and Secretariats of State where they still do not exist.
- Encouragement, by means of awareness raising campaigns, of public and private institutions to adopt auditing and inspection mechanisms providing access to specialized training.
- Assurance of:
  - a) A more open and transparent provisioning system
  - b) A reconciliation and management system in the collection of government proceeds
  - c) Greater efficiency in the management and protection of state property;
  - d) Simplification of administrative processes in view of improving the services rendered to the public
  - e) Accountability of civil servants by means of public access to complaint books
  - f) Limited access to certain government documents by means of self-regulation
  - g) Follow-up of the pension progress for the improvement of the Dili Customs and Harbour Management Services through the creation of a Sub-Commission of the Council of Ministers
- Requirement for a statement of assets and revenues from the Ministers and State Secretaries pursuant to the law
- Requirement for a statement of assets and revenues of the senior officials of Public Administration pursuant to the law

- Adoption of a Code of Conduct for the government members
- Adoption of legislation regarding Political Donations
- Requirement for exact and timely justification of the trips abroad of the Ministers and Secretaries of State. These measures also apply to civil servants
- Promotion of anti-corruption public-private partnerships, creating sustainable cooperation and coordination between government, civil society and private sector
- Signing of Memoranda of Understanding with Australia, Indonesia and Singapore to fight money laundering and to prevent transnational crimes

**5.3 National AC Policy Implementation Plan:** Draft completed and under coordination. The Plan will form the basis for implementing NACP principles and AC efforts with OIG, OPG, NACWG and National AC Forum.