

## **JUSTICE INSTITUTIONS STRENGTHENING PROGRAM (JISP)**

**Contract No. DFD-I-01-04-00175-00**

**2nd Quarter FY2011 Report**

**January 1, 2011 – March 31, 2011**



**Participants at Basic Administration Course Training**

**February 2011**

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April 2011

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## **TIMOR-LESTE JUSTICE INSTITUTIONS STRENGTHENING PROGRAM (JISP):**

On May 10, 2005, USAID/Timor-Leste (USAID/TL) awarded IQC Contract No. DFD-I-00-04-00175-00 to Management Sciences for Development, Inc. to implement JISP. The present period of implementation is set to expire on March 31, 2012 with technical activities concluding on 31 December 2011.

### **EXECUTIVE SUMMARY**

JISP builds administrative and management capacity in Timor-Leste's justice sector institutions by providing training and technical support in the areas of general administration, strategic planning, financial management, human resources administration, good governance and anti-corruption practices. The core approach of MSD is to provide parallel academic and practical training through long-term courses such as the Executive Financial Management and Training Support Program (EFMTS) currently being administered. JISP also deploys experts and advisers to provide technical assistance and support for capacity-building in several justice agencies. A key objective of JISP is to enable justice sector institutions to perform key management functions, enhance their effectiveness, develop greater efficiency in their day-to-day operations and increase their capacity to perform their mandated functions under the law. Various contract modifications over the past six (6) years have enabled JISP to consolidate and refine its support for justice and accountability institutions. JISP currently provides support to the Anti-Corruption Commission (CAC), Office of the Public Defender (OPD), the Courts, the Office of the Inspector General (OIG), the Provedor for Human Rights and Justice and the Ministry of Justice.

During the report period USAID agreed to a no-cost extension to JISP from the earlier completion date of June 30, 2011. At the time of writing this report, budget realignment and a revised work-plan through to March 31, 2011 were in the course of preparation prior to submission to USAID for approval.

Three new activities began during the quarter under review and one activity was completed. The three new activities included the deployment of a Senior Audit Adviser to the Office of the Inspector General, the commencement of production of a long term strategic plan for the Anti-Corruption Commission and the launch of a three month Basic Administration Course for newly recruited support staff in the Court of Appeal and the Anti-Corruption Commission. The activity which was concluded was the production of a report entitled *Criminal Investigation in Timor-Leste: Status Report*. This report, based on research conducted between November 2010 and January 2011, provides a full assessment of the investigative capacity of seven (7) Timor-Leste agencies.

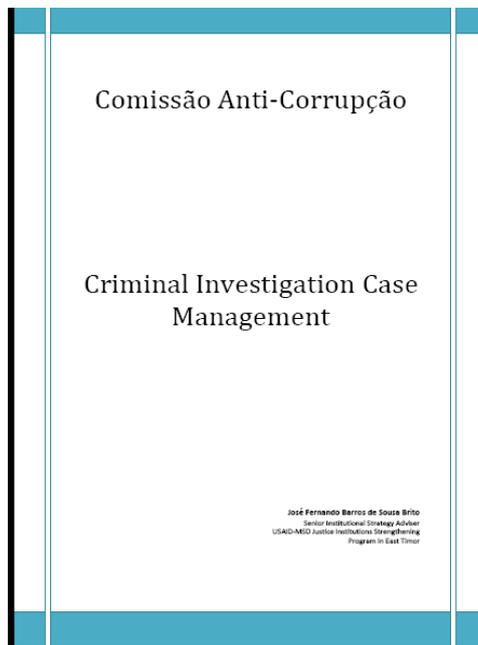
The JISP continued to provide formal and on-the-job training for investigators at the Anti-Corruption Commission. The JISP also offered new modules under the Executive Financial Management Training Support and Basic Auditing courses. Assistance to the administration of the Office of the Public Defender (OPD) continued and at the end of the review period MSD was actively engaged in the recruitment of a Public Defender Inspector and a replacement for MSD's USAID funded adviser who resigned at the end of March 2011.

In coordination with the USAID Timor-Leste Democracy and Governance Office, the MSD project team implemented the following activities during the reporting period:

**The Anti-Corruption Commission (CAC) commenced investigations with JISP’s adviser providing strategic advice and mentoring.** USAID responded positively to a request from the Anti-Corruption Commissioner, Dr. Aderito de Jesus Soares to extend the deployment of the USAID-funded Institutional Strategy Adviser Jose Brito and he was continuously deployed by MSD at CAC throughout the reporting period. In the previous quarter, Mr. Brito commenced basic investigations training with the nine newly recruited investigators. This continued with increased intensity during the report period and became more practical with exercises on investigations and surveillance. These exercises were coupled with new sessions which focused on basic investigative documentation.

CAC has now commenced the investigation of a number of cases. Whilst by law the actual investigation work has to be undertaken by CAC’s own investigators, Mr. Brito has provided strategic advice on the processes and tactics to be followed in pursuing these matters.

Mr. Brito has produced one hundred and ten (110) pages of Standard Operating Procedures (SOPs) which have been approved by the Commissioner. These SOPs are being used as the base for the formal training and mentoring. The SOPs are being translated from Portuguese to Tetum, this is challenging as Tetum does not easily convey legal complexities. Further SOPs are in the course of production.



Cover of MSD drafted SOP for CAC

CAC is scheduled to receive additional US assistance provided through the Millennium Challenge Corporation’s Threshold Program (MCC). Casals and Associates, the program implementer, will deploy a Corruption Prevention and Public Outreach expert to CAC. Casals will also be fielding further support to develop CAC’s investigations capacity. The USAID/Timor-Leste Mission, MSD and Casals and Associates have agreed that the Casals investigation expert will work in support of Mr. Brito and that there will be bi-monthly meetings between the Mission, MSD and Casals to ensure full coordination and supportive collaboration.

Mr. Brito has now developed a proposal for an IT based information management system and has been preparing CAC's systems in readiness for them to be able to interface safely with the National Case Management System. CAC have indicated a wish to seek USAID funding for the development, installation and roll-out of this system and a formal detailed request is in the course of preparation.

**MSD co-facilitates development of long-term Strategic Plan for the Anti-Corruption Commission.** To cover the first year of its existence CAC produced a short-term strategic plan which is scheduled for completion in 2011. CAC now needs a long-term plan for the period through the end of 2014. The Commissioner requested MSD's Chief of Party Roger Batty and Rui Gomes of UNDP in Timor-Leste to co-facilitate the process needed to develop the long term plan. Work commenced during a three (3) day workshop held in Dili between February 22<sup>nd</sup> and 24<sup>th</sup>. In addition to facilitating plenary and group discussions, MSD secured the workshop venue and provided logistics support. A report of these proceedings was prepared by MSD and will form the basis for additional workshops scheduled for April and May 2011. The final results from these workshops will be published in June 2011.



**First day of CAC's Strategic Planning Workshop  
MSD's Chief of Party and MSD's Logistics Team (rear)**

**Public Defender (PDO) seeks changes to assistance provided by MSD.** During the period covered by this report, MSD completed the procurement of office storage furniture to accommodate the manual case file management system which USAID-funded Administration Specialist Esmerina Petutschnig designed and implemented at the PDO Head Office and its four District Offices. Mrs. Petutschnig also continued to provide administrative support and

training and to represent the Public Defender on a committee established to oversee conversion of the manual case management system to an IT base. Mrs. Petutschnig tendered her resignation effective March 31, 2011.

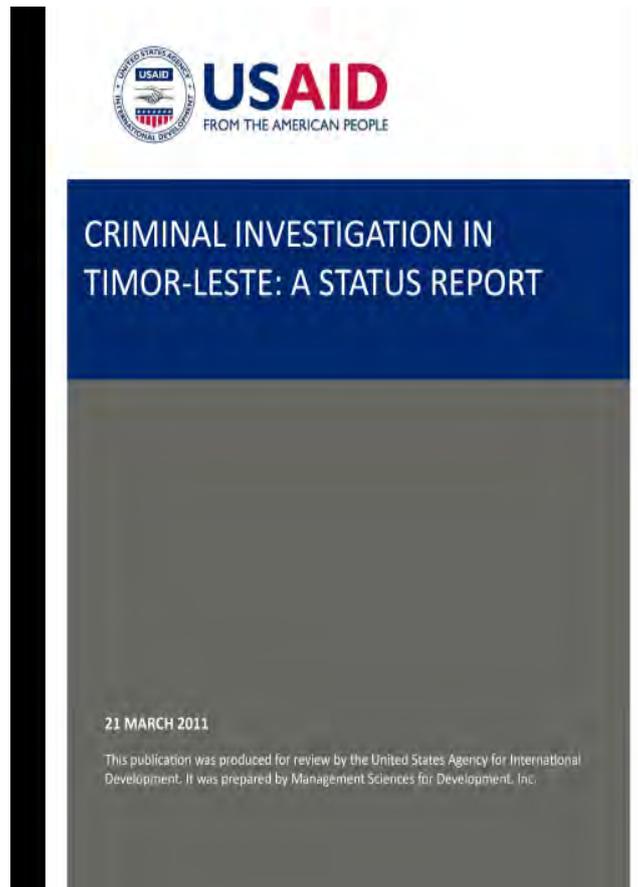
In order to implement the IT based system within PDO, Dr. Sergio Hornai, the Public Defender has sought USAID/MSD assistance to recruit and deploy a qualified and experienced IT specialist with the ability to train and mentor staff in all the PDO's offices in the use of the new system. Recruitment activity to meet this request commenced during the reporting period.

**Public Defender requests USAID/MSD assistance in recruitment of Public Defender Inspector.** After a considerable delay, the National Parliament of Timor-Leste has appointed its nominee to be a member of the Superior Council for the Public Defender. Now that the Superior Council has its quorum it can engage a Public Defender Inspector to undertake inspections of Public Defenders and to act as Secretary to the Council. The Public Defender has requested USAID/MSD support in the recruitment and funding for this position. MSD has commenced the recruitment process and hopes to take advantage of an existing Memorandum of Understanding between the Office of the Public Defender in Timor-Leste and a similar organization in Brazil.

**MSD Strategic Planning Adviser completes review of the investigation capacities of seven Timor-Leste agencies that undertake criminal investigation work as part of their mandates.** Mr. Alex Nicholas completed his contract on January 28, 2011 with the production of his assessment of the investigation capacities of seven official agencies within Timor-Leste that encounter criminal conduct during the execution of their mandates. A report of Mr. Nicholas's findings is to be published shortly and distributed to the role players and counterparts for commentary with a view to mapping ways of addressing the large shortfalls of skills, knowledge and experience which the assessment identified in all the agencies surveyed. The assessment also identified systemic weaknesses in how the various agencies interact and in particular how each interacts with the Office of the Prosecutor General (OPG).

The other agencies reviewed were the Office of the Inspector General (OIG), the Provedor for Human Rights and Justice (PDHJ), the Anti-Corruption Commission (CAC), the Department of Customs, the Public Service Commission (PSC) and the Banking and Payments Authority (BPA).

Two useful bi-products have emerged from Mr. Nicholas' work. The first is a draft Memorandum of Understanding between OPG and OIG. This suggests points of contact between the two agencies and would result in clear and logical processes for the cross referral of matters and in mutual training and development. The second document produced by Mr. Nicholas is a draft amendment to the Diploma Law which would modify the structure of the OIG. If enacted the amendment would facilitate the strengthening of OIG's ability to undertake investigations and be in line with the Prime Minister's expressed request in this regard.



Front cover of the Report

**USAID funded Senior Audit Adviser has immediate impact on Office of Inspector General (OIG).** Mr. Billy Tarrillo, Senior Audit Adviser was embedded in the Office of the Inspector General with effect from January 24, 2011 and made an immediate impact. Mr. Tarrillo has completed a review of the skills, knowledge and experience of the OIG's Audit and Inspection staff which has resulted in the production of a training needs analysis. This makes for somber reading as it demonstrates the current enormous gap between the demand for the OIG's services and the office's ability to deliver.

Of equal importance has been Mr. Tarrillo's documented review of the structures and capacities of the Internal Inspection Units which exist within most, but not all, Ministries and Secretariats of State. Mr. Tarrillo also facilitated the first plenary meeting between the heads of these units and the Inspector General himself. Until this meeting there had been no linkage between these critical units and OIG, no coordination of effort and no cross reporting. As a result of the meeting, the agencies agreed to conduct quarterly meetings and develop protocols and Memoranda of Understanding. These meetings, protocols and the MOUs will be used to develop a National System of Control. The parties also agreed, in principle, to share expertise and training. Mr. Tarrillo has now commenced a systematic review of the skills and capacities of the Line Ministry Units with a view to achieving a national picture of shortfalls and training needs.

Additionally, Mr. Tarrillo commenced a system of weekly counseling sessions with the OIG's Inspectors and Auditors through which he reinforces their learnings from the JISP provided Basic Audit Course which inspectors and auditors are attending contemporaneously. He has produced a draft work-plan for the rest of 2011 for the OIG and is providing strategic advice to the IG on specific audits, inspections and investigations.

**Executive Financial Management (EFMTS) and Basic Auditing Course (BAC) continues.** These courses, launched in September 2010 continue to operate on schedule and tests, quizzes and assessments undertaken since inception have shown a satisfactory uptake of knowledge by the participants. Participants in the EFMTS are middle to senior Managers from the Ministry of Justice, the Courts, the Office of the Inspector General, the Office of the Prosecutor General, the Provedor for Human Rights and Justice and the Public Defender. The Basic Auditing Course focuses on staff from the Office of the Inspector General. There are thirty (30) participants in the EFMTS and thirty-nine (39) in the BAC, eight (8) of whom attend both sessions.

In response to participants' desire to have the training officially recognized, negotiations were commenced to have it accredited with the Instituto Nacional da Administração Pública (INAP).

**President of Court of Appeal and Anti-Corruption Commissioner attend launch of Basic Administration training course – training commences.** Following earlier discussions, formal agreement was reached in February 2011 for JISP to provide training in basic administration and office management to newly recruited support staff to the Court of Appeal and the Anti-Corruption Commission. The course was launched by Cheryl Williams, the USAID Timor-Leste Acting Mission Director on February 28, 2011, in the presence of Judge Dr. Claudio Ximenes, the President of the Court of Appeal, Judge Dra. Maria Natercia Gusmao of Dili District Court and Dr. Aderito de Jesus Soares, the Anti-Corruption Commissioner. Sixty two (62) of the course's beneficiaries were also at the course launch. The course consists of eight (8) modules to be delivered in two (2) classes of thirty-one (31) over a four (4) month period. It will conclude in June 2011. Topics covered include the Constitution, office and meeting routines, document handling and recording, ethics and time management. The training is being provided by JISP's EFMTS team who are now running three (3) simultaneous courses.



**BAC Course Opening**  
**Cheryl Williams, USAID/Acting Mission Director**  
**Roger Batty, MSD CoP**  
**Judge Dr. Claudio Ximenes, President of the Court of Appeal**  
**Dr. Aderito de Jesus Soares, Anti-Corruption Commissioner**

### **Activities planned for next quarter April 2011 to June 2011:**

- Continue implementing the EFMTS and BAC courses.
- Complete the BAC for the Courts and Anti-Corruption Commission and hold closing ceremony and presentation of certificates for participants.
- Complete training needs assessment for Office of Inspector General and the line Ministries Inspection Units staffs.
- Provide strategic support to operations of OIG.
- Provide strategic support to Anti-Corruption Commission.
- Continue investigator training at Anti-Corruption Commission.
- Continue development of Standard Operating Procedures at Anti-Corruption Commission.
- Finalize the proposal to develop an IT information and intelligence platform at the Anti-Corruption Commission.
- Finalize the Strategic Plan for Anti-Corruption Commission including stakeholder consultations.
- Publish and distribute the Investigation Assessment and survey counterparts.
- Approve and sign a MOU between Office of the Prosecutor General and the Office of the Inspector General.
- Approve written instruments defining the interaction between the Anti-Corruption Commission and the Prosecutor General.
- Recruit and deploy a Public Defender Inspector.
- Recruit and deploy an IT specialist at Office of Public Defender.
- Develop and seek approval for a writing training package at the Provider for Human Rights and Justice.
- Develop and seek approval for an IT hardware and software procurement proposal to enable graduates of the former FMTS program to implement their new skills on-the-job.
- Conclude negotiations with President of Court of Appeal on the recruitment and deployment of an International Adviser.