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STRENGTHENING PROJECT**



JUSTICE INSTITUTIONS STRENGTHENING PROGRAM (JISP)

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

3rd Quarter FY2011 Report

April 1 to June 30, 2011

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July 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 program is scheduled to conclude on March 30, 2012.

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) and Basic Audit Course (BAC) 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 Prosecutor General (OPG), Office of the Public Defender (OPD), the Courts, the Office of the Inspector General (OIG), and the Ministry of Justice.

This report documents JISP activities between April 1, 2011 and June, 30, 2011. During this period, USAID agreed to a no-cost extension to JISP. The program completion date was extended from June 30, 2011 to March 30, 2012. A revised work plan and realigned budget detailing activities and proposed expenditures for the extension period were submitted to and approved by USAID.

The revised work-plan envisages five additional items: (a) assisting the Government of Timor-Leste (GoTL) to meet 'conditions precedent' required for the release of resources under the Millennium Challenge Corporation's Threshold Program (MCCTP), (b) harmonizing the transition between the services being provided by MSD through JISP with those being provided by Casals and Associates (Casals), the MCCTP implementer, to the OIG and the CAC (c) recruiting and deploying an Adviser and Mentor to a newly appointed Timorese member of the Court of Appeal (d) building an IT based information and case management system for the CAC and (e) arranging a smooth and timely close out for JISP.

There are two headline success stories to report for the quarter under review. First, the CAC, has commenced 13 (thirteen) investigations and made its first arrest based on the training in criminal investigation and operational guidance provided by JISP's Strategic Adviser embedded in the CAC. Second, as a result of JISP's interventions through the Senior Audit Adviser embedded in the OIG, an agreement was reached between the OIG and the Inspectors General of the 13 (thirteen) line Ministries on a National System of Control and each party has agreed to sign and implement a Memorandum of Understanding. This agreement is critical as the GoTL is required to make progress in this area as a condition precedent under the MCCTP.

Modules 1, 2 and 3¹ of the EFMTS were completed during the period under review. Module 1 of the BAC was almost complete. Assistance to the administration of the Office of the Public Defender (OPD) continued. At the end of the reporting period, MSD was awaiting the approval of the Superior Council for Public Defense (Superior Council) before actively engaging 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.

JISP provided a course on administration and office management provided to fifty-seven (57) staff members from the Court of Appeal and CAC. The course concluded successfully on June 30, 2011.

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

JISP assists the Government of Timor Leste meet conditions precedent required by Millennium Challenge Corporation's Threshold Program. Based on its existing relationships with the counterparts, the JISP team was asked by USAID to facilitate the meeting of two conditions precedent to the allocation of resources under MCCTP. The two conditions are:

1. The formalization of a relationship between the OIG and the Inspectors General of 13 (thirteen) line Ministries through which they would coordinate their activities, share information, reports, resources and support training initiatives.
2. The establishment of formal arrangements through which CAC and the Prosecutor General (OPG) would communicate about corruption investigations while respecting their independence and separate roles.

JISP assists the formalization of a relationship between the Office of the Inspector General and line Ministries. As a direct consequence of the technical assistance provided by Mr. Billy Tarrillo, the Senior Audit Adviser embedded in OIG by JISP, an agreement was reached on June 22, 2011 between the OIG and the line Ministries' Inspection Units to establish a National System of Control. At the end of the reporting period, all but two (2) of the parties to this agreement had signed a Memorandum of Understanding giving temporary effect to the agreement and the remaining signatures are expected in the first weeks of the next reporting period.

Additionally, on June 22, 2011 the parties agreed that the Memorandum of Understanding would be replaced by Parliamentary legislation. To this end, Mr. Tarrillo is drafting the legislation for submission to the Prime Minister for approval.

JISP assists the Anti-Corruption Commission and the Prosecutor General establish formal lines of communication. During this reporting period, JISP also facilitated discussions to meet the requirements established under the second condition precedent. Progress on the second condition precedent has been more problematic; however, progress has been made. The Investigation Assessment Report researched and written by the JISP Team "Criminal Investigation in Timor-Leste: A Status Report" was submitted to the 7 (seven) counterparts concerned at the beginning of April, 2011. *Inter alia* the report

¹ There will be a total of 6 (six) modules.

contained recommendations, which if met, would satisfy the second condition. Due to an unfortunate misunderstanding within OPG, the purpose of the report was not understood by those within OPG tasked with reviewing it. However, at a meeting with the Deputy Prosecutor General attended by USAID's COTR and MSD's Chief of Party (COP) a full understanding of the report's purpose was reached. The Deputy Prosecutor General said that independently of the report he had drafted a Memorandum of Understanding between OPG, CAC and the National Police covering the receipt and processing of corruption cases and that this would be forwarded to CAC and the police with the consent of the Prosecutor General.

Contemporaneous discussions have been conducted with the Anti-Corruption Commissioner who has agreed that he will draft and circulate a Standard Operating Procedure (SOP) within CAC outlining the communication process with the OPG. Following internal discussions on the issue, work on drafting the SOP will be undertaken by Mr. Jose Brito, the Senior Institutional Strategy Adviser embedded by JISP in CAC.

Harmonizing the work of JISP with that being provided under the Millennium Challenge Corporation's Threshold Program (MCCTP) begins. Until December 31, 2011, JISP will continue to work closely with two justice institutions, the CAC and OIG, which are also scheduled to receive assistance through the MCCTP. Roger Batty, MSD's COP, and Brian Pinkowski, Casals' COP, are conducting a series of weekly meetings to ensure a consistent approach and to avoid duplication of effort. These meetings have been supplemented by regular meetings chaired by USAID and attended by the 2 (two) COPs where progress and harmonization are discussed. Increasingly these meetings will focus on arrangements to transition JISP's ongoing work to the MCCTP

The Anti-Corruption Commission (CAC) makes its first arrest. The CAC commenced 13 (thirteen) investigations and has made its first arrest based on the training in criminal investigation provided by Mr. Brito and his operational guidance and support. Following a request from the Anti-Corruption Commissioner, Dr. Aderito de Jesus Soares, USAID has agreed to extend the deployment of the Mr. Jose Brito until December 31, 2011.

The training provided by Mr. Brito has performed been elementary and the need for intensive training over a sustained period has been accepted by the CAC staff. This training continued throughout the reporting period, the focus of the training has moved from formal classroom training sessions to on-the-job training and mentoring.

Based on his experience elsewhere, Mr. Brito has been designing an IT based secure information and case management system for CAC. At the end of the reporting period, the JISP was calculating costs for the development of the system and preparing to submit a budget to USAID for review and approval. Upon approval, the build will involve the deployment of a short term technical adviser and the purchase, installation and commissioning of IT hardware and software.

Mr. Brito continued his work in drafting and arranging the translation of Standard Operating Procedures for CAC throughout the report period.

CAC is scheduled to receive additional US assistance provided through the MCCTP. Casals, the MCCTP implementer, has deployed a Public Outreach expert to CAC and will shortly be fielding further support to develop CAC's investigations capacity. Mr. Brito will be working

closely with this person to ensure consistent advising and a smooth transition to the longer term assistance to be provided to CAC through the MCCTP.

Progress on development of long-term Strategic Plan for the Anti-Corruption Commission is delayed. 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 COP Roger Batty and Rui Gomes of UNDP in Timor-Leste to co-facilitate the process needed to develop the long term plan. Work on the plan commenced during a three (3) day workshop held in Dili between February 22nd and 24th. A report of these proceedings was prepared by MSD and submitted to CAC. For CAC's operational reasons it was not possible to schedule further workshops during the reporting period, however, the Commissioner has stated his intention of prioritizing the remaining workshops in the next quarter.

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 act as Secretary to the Council. The Public Defender has requested USAID/MSD support the recruiting and funding for this position.

At its first ever meeting in May 2011, the Superior Council requested MSD draft a Scope of Work (SOW) for the position and to provide Portuguese and Tetun translations. This has been done and MSD is currently awaiting the approval on the SOW and a formal request to recruit and deploy the Inspector from the Superior Council during its second meeting. The scheduling for the second meeting is pending and dependent upon the availability of the Council's Chair, the Minister of Justice.

Delays in recruiting administration and IT adviser in the office of the Public Defender. The Public Defender has advised that now that the Superior Council is in existence, the requested recruitment and deployment of an administration and IT adviser must receive prior approval from the Superior Council. Consequently, the JISP has drafted a SOW for review by the Council. Similar to the Public Defender Inspector recruitment, this activity has been delayed pending a second meeting of the Superior Council.

USAID funded Senior Audit Adviser continues to have impact at Office of Inspector General (OIG). Following a request from the Inspector General, Senior Audit Adviser Mr. Billy Tarrillo's deployment to his office has been extended to December 31, 2011.

Aside from his achievements relating to the meeting of a condition precedent to MCCTP funding, Mr. Tarrillo has continued to guide and support 5 (five) ministerial level and audits and inspections while providing operational advice on a number of investigations underway at the OIG. Six (6) such investigations have resulted in referrals to the Prosecutor General. The Prosecutor General has commented on the increasing quality and relevance of the reports he has received from OIG. Additionally, Mr. Tarrillo has provided weekly training sessions to all OIG staff on audit and inspection processes.

Based on recommendations made in 2009 by the USAID/JISP funded Senior Anti-Corruption Adviser to the then Vice Prime Minister, the GoTL has approved an increase in staffing levels for the OIG. It has also approved the recruitment of a mid-level audit adviser to

supplement and complement the work being undertaken by Mr. Tarrillo. Mr. Tarrillo has assisted with the necessary recruitment processes and will assist in the candidate selection.

The OIG is also due to receive further technical support from the MCCTP.

Executive Financial Management and Basic Auditing Courses continue. These courses, launched in September 2010 continue to operate on schedule. Tests quizzes and assessments undertaken since inception of the courses have shown a satisfactory increase in participant knowledge. 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 BAC 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) participants attended both sessions.

At the end of the report period three (3) of six (6) modules for EFMTS and one (1) of three (3) modules for the BAC were completed. Both courses will conclude in February 2012.



**JISP's Assistant Trainer Joaquim Taek Lau
Grading EFMTS participant exams**

JISP successfully concludes Administration and Office Management Course for staff of the Court of Appeal and the Anti-Corruption Commission. On June 29, 2011, the last training session of this successful course was delivered by JISP personnel. The course covered the Constitution, office and meeting routines, document handling and recording, ethics and time management. A total of 57 (fifty-seven) participants (21 (twenty-one) from CAC and 36 (thirty-six) from the Appeals Court) completed the course of whom 48 (forty-eight) or 84%, passed all assessments and 45 (forty-five) of the participants will receive an Achievement certificate at a closing ceremony scheduled on July 7, 2011. The top 9 (nine) participants, those who averaged over 80% in all assessments, will also receive Recognition

Certificates. The remaining participants will receive participation certificates. Five (5) participants resigned from service during the course.

Post Graduate Certificates awarded to 4 USAID/JISP funded students on University of Hong Kong Course. In November/December 2010, four (4) USAID/JISP funded students attended the prestigious Post Graduate Course in Corruption Studies, provided annually by the University of Hong Kong. The four (4) participants were the Deputy Prosecutor General, the Deputy Provedor, the Director of Investigations at CAC and her deputy. The course included a number of demanding assignments. In May 2012, all four (4) students were advised that they had met the requisite standards and that they had been awarded the certificate.

JISP proposes to fund the attendance of three (3) additional senior officials to the course which will run in November 2011.

Activities planned for next quarter July to September 2011:

- Drafting a law to give permanent effect to the MOU signed by The Inspector General and Line Ministries' Inspectors General.
- Submission of draft law to the Prime Minister.
- Drafting, signing and implementing the CAC Standard Operating Procedure governing the CAC's relationship with the Office of the Prosecutor General on corruption investigations.
- Continuing liaison between USAID, MSD and C&A governing program harmonization and transition.
- Continuing training of CAC's investigators.
- Continuing strategic and operational support to CAC's investigations and development.
- Submitting a budget proposal for CAC's IT based secure information and case management system.
- Recruiting and deploying a short term technical adviser.
- Procuring and installing hardware and software.
- Designing workshops to finalize CAC's strategic plan.
- Recruiting and deploying a Public Defender Inspector.
- Recruiting and deploying an Administration and IT adviser in the Office of the Public Defender.
- Continuing strategic advice and supports to the operations of the Inspector General.
- Continuing training of staff of Inspector General in Audit and Inspection services.
- Assisting the Inspector General in the recruitment and deployment of a mid-level expatriate expert in auditing.
- Assisting the Inspector General in recruitment of additional staff.
- Continuing implementation of the EFMTS and BAC courses.
- Conducting closing ceremony and presenting certificates to BAC and EFMTS participants.
- Registering and pre-course counseling for three (3) students participating in Post Graduate Course in Corruption studies at the University of Hong Kong.