



JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL

Judicial System  
Monitoring Programme

Institutional Report  
2012



[www.jsmp.tl](http://www.jsmp.tl)

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# Our donors



Justice Facility  
A Bilateral Co-operation between  
the Governments  
of Timor-Leste and Australia  
2008-2013



## Our vision

# A democratic society that guarantees justice and human rights for all.

## Our mission

Work in a spirit of collaboration to improve and protect democracy, law, justice and human rights through:

- monitoring
- legal education, and
- advocacy.

## Our history

The Judicial System Monitoring Program (JSMP) was established in 2001 in Dili, Timor-Leste to monitor the processes of the Ad Hoc Human Rights Tribunal in Indonesia and the Special Panels for Serious Crimes in Timor-Leste.

JSMP now exists as a Timorese led not-for-profit organisation working to improve the judicial and legislative systems in Timor-Leste.

## Our work

JSMP conducts monitoring activities on trial processes in the district courts and the Court of Appeal and reports on developments in the formal justice system. We also monitor the activities of the National Parliament and its committees. Based on our monitoring activities, JSMP publishes thematic reports, Justice Updates, press releases, case summaries and analysis of draft legislation.

JSMP also provides community education as part of efforts to increase community awareness and understanding of the formal justice system, democracy and human rights. JSMP works with communities, police, women's groups, local authorities, Village Councils, students and journalists to achieve our vision.

# Organisational structure

## JSMP Board

President: Mr. Ivo Jorge Valente, Vice Minister of Justice

Vice President: Ms. Angelita Sarmento, National Electoral Commission

Board Members:

Ms. Natercia Barbosa, National Petroleum Authority

Mr. Joaquim da Costa, Civil Society Advisor to the Prime Minister

Mr. Jose Neves, Deputy Commissioner of the Anti-Corruption Commission

Mr. Helder M Sarmento, Advisor to the Ministry of State Administration

Mr. Aniceto Neves, Advisor to the President

Mr. Aurelio Guterres, Representative of UNDP/Finland in Timor-Leste and Rector of UNTL

Francisca da Silva, JSMP

**Director: Luis de Olivera Sampaio**

**Deputy Director: Casimiro dos Santos**

**Legal Research Unit (LRU)**

**Coordinator:**  
Roberto da Costa Pacheco

**Legal Officers:**  
Osorio de Deus  
Cristovao da Costa  
Ana Paula Marcal  
Adolfo Soares  
Jose do Rego

**Database officer:**  
Filomena de Almeida

**Parliament Watch Project (PWP)**

**Coordinator:**  
Roberto da Costa Pacheco

**Parliament Monitors:**  
Zeferino da Costa  
Mateus Xavier  
Eurosia de Almeida  
Jose Pereira

**Women's Justice Unit (WJU)**

**Coordinator:**  
Flora Soriano M

**Legal Officers:**  
Jaime Martins dos Santos  
Osorio Jose da Conceicao

**Outreach Officer:**  
Francisca da Silva

**Advisor:**  
Anna Yang

**Victim Support Service (VSS) \***

**Coordinator:**  
Maria do Rosario Fatima Coreia

**Legal Officers:**  
Marcelina Amaral  
Jose Celestiano  
Xisto Soares  
Laura Afonso de Jesus  
Krisantos Kolo

**Database officer:**  
Mario Duarte

**Advisor:**  
Lisa Mortimer

**Finance & Management Unit**

**Finance Manager:**  
Nani da Cruz

**Finance Assistant:**  
Ingrasia Maia

**Administrative Assistant:**  
Deoneia Barreto dos Santos

**Gardener:**  
Luis Soares

**Cleaner:**  
Jesuiha Manuela Correia

**Drivers:**  
Manuel Ruida Cunha  
Adao da Cruz  
Fernandes  
Francisco Taequi  
Leonel Ferreira Agostinho

**Security:**  
Agostinho Magno  
Florindo Gusmao Freitas  
Hermano Soares  
Santiago Monteiro

**Outreach Unit**

**Coordinator:**  
Jose Moniz

**Media officers:**  
Emanuel R. Soriano  
Lidia Borges da Silva  
Rita de Jesus Guterres

\* On 21 December 2012, VSS became an independent organisation, ALFeLa

# Introduction from the Director

I am pleased to report that 2012 was a productive year for JSMP. As in previous years, JSMP implemented all core activities through its four units – the Legal Research Unit (LRU), Women's Justice Unit (WJU), Public Relations/Outreach Unit and Victim Support Service (VSS). These activities were made possible due to funding from our donors, the Justice Facility (AusAID), the Asia Foundation (USAID), the Government of Norway, MISEREOR and United Nations Population Fund (UNFPA). The total amount of funding provided was US\$859,168.

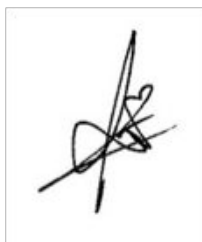
In 2012, JSMP monitored 430 cases from the four district courts, namely the Dili, Baucau, Suai and Oe-Cusse district courts. From the total number of criminal cases monitored, 37% involved domestic violence and a further 10% involved sexual violence. This meant that almost half of all cases monitored by JSMP in 2012 involved gender-based violence. Through VSS, JSMP also provided legal assistance to women and children in 216 new cases, in addition to providing legal assistance to existing clients.

On 21 December 2012, VSS was launched as an independent legal aid organisation, Women and Children's Legal Aid (ALFeLa), as envisaged by JSMP from 2005. I hope that ALFeLa will continue to grow in strength and everyone at JSMP is committed to working together with ALFeLa to promote women and children's rights in Timor-Leste.

In 2012, JSMP continued to provide information to the public about the justice and legislative system in Timor-Leste by publishing press releases, case summaries and parliament bulletins. JSMP also published two thematic reports, 'Parliamentary Privilege and Immunity: How to ensure equality before the law' and 'Incest in Timor-Leste: An unrecognised crime'. These reports examined issues observed by JSMP during court and parliament monitoring and identified areas for reform.

To increase public understanding of and participation in the justice sector and democracy in Timor-Leste, JSMP organised 4 national and district-level seminars as well as numerous community education activities in the districts. These activities were provided to community members, local leaders and students, with the aim of improving their understanding of the formal justice system, democracy and the law-making process, human rights and women's rights.

JSMP remains committed to its core activities of court and parliament monitoring, community legal education and advocacy, to achieve our vision of a democratic society that guarantees justice and human rights for all. We are also committed to improving the impact of these activities in the future. In 2013, JSMP will focus on strengthening our internal capacity, improving the quality of our outreach material and strengthening partnerships with local and international stakeholders. These efforts need the ongoing support from all stakeholders, particularly our donors. I hope that with their support, JSMP can continue our work into the future.



**Luis de Oliveira Sampaio**

Executive Director

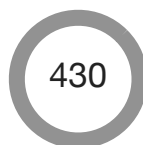


# Overview of 2012

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## Court monitoring

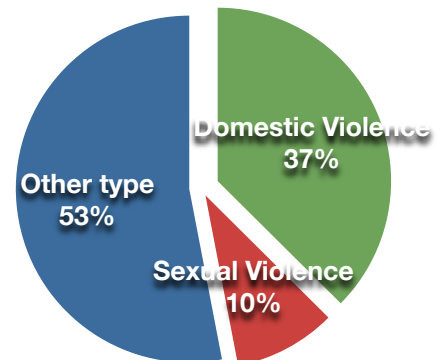
In 2012, JSMP continued monitoring activities in the four district courts of Dili, Baucau, Suai and Oecusse, and the Court of Appeal. The Baucau and Suai district courts were regularly monitored by LRU staff who were permanently assigned to these courts. The Oecusse and Dili district courts were monitored by staff from LRU and WJU who were assigned from the Dili JSMP office. WJU staff also made regular trips to all of the district courts to monitor gender-based violence cases.



Total number of criminal cases monitored by JSMP in 2012



Total number of civil cases monitored by JSMP in 2012



Types of criminal cases monitored by JSMP in 2012

From the 430 criminal cases monitored, 161 cases (37% of all cases) were crimes of domestic violence. The majority of these domestic violence cases involved violence committed against women by their spouses.

JSMP also monitored many cases of sexual violence, including 16 cases of sexual abuse of children. These statistics demonstrate the worrying prevalence of violence against women and girls in Timor-Leste. In 2013, JSMP will produce a thematic report on the implementation of the Law Against Domestic Violence, focusing on the issue of sentencing and charging, to highlight some of challenges remaining in protecting women from violence.

## Parliament monitoring

JSMP, through the Parliament Watch Project (PWP), continued to monitor plenary sessions of the National Parliament and the activities of Committee A of the National Parliament. Between January and December 2012, PWP monitored 78 sessions of the parliament and Committee A. Observations were shared with the public through press releases, the 2012 PWP Annual Report and a Parliamentary Bulletin which analysed the 2012 General Elections. JSMP also provided analysis of draft legislation through three submissions, namely submissions on amendments to the Law on Parliamentary Elections, amendments to the Law on the Presidential Election and amendments to the Law on the Regulation of Private Lawyers and their Training.





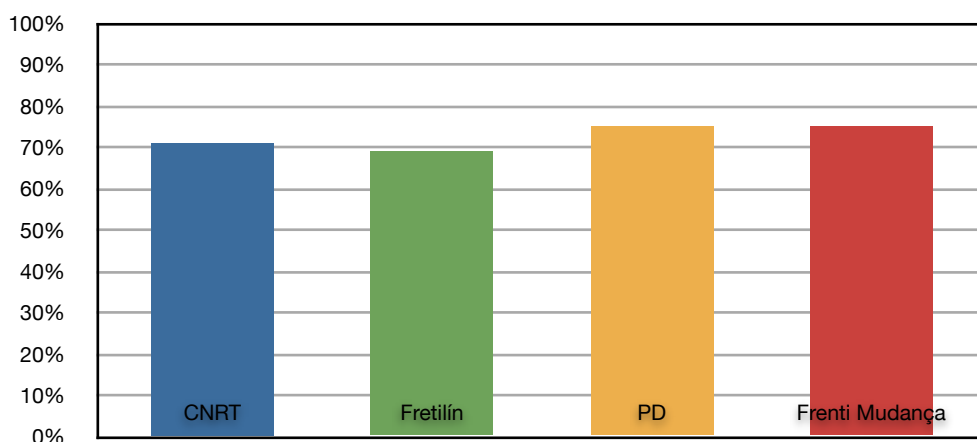
78

Total number of parliamentary sessions monitored by JSMP in 2012



3

Total number of JSMP submissions on draft legislation in 2012



Average attendance of MPs in plenary sessions – August to December 2012 (Third Legislative Period)

## Legal assistance for women and children

In 2012, JSMP through the VSS provided legal assistance to women and children in 216 new cases, as well as continuing to provide legal assistance to clients from previous years. Through this program, JSMP has been able to help vulnerable victims find protection and justice through the formal justice system.

On 21 December 2012, VSS was launched as an independent legal aid organisation, Women and Children's Legal Aid (ALFeLa). This launch has been planned since 2005 and was the result of years of hard work by JSMP staff and support from our donors, The Asia Foundation, Justice Facility and UNFPA.



## Community legal education

J SMP continued conducting community education activities in rural areas with the aim of improving people's understanding of the formal justice system, democracy and their rights. J SMP works closely with local leaders, community members, police, students and media to conduct these activities.

19

### Total number of community education activities in 2012

504

### Total number of participants

9

### Total number of districts visited

Liquiça:

- 1 workshop on democracy for high school students (3/2/2012)
- 1 workshop on human rights, gender and women's rights, domestic violence and the formal justice system for female community members (30/4/2012)

Baucu:

- 1 workshop on human rights, gender and women's rights, domestic violence and the formal justice system for female community members (9/2/2012)

Lautem:

- 1 workshop on the process of drafting laws at the National Parliament for community members (12/4/2012)
- 1 workshop on the criminal justice system for community members (31/5/2012)

Aileu:

- 1 workshop on democracy for high school students (2/2/2012)



Bobonaro:

- 1 workshop on human rights, gender and women's rights, domestic violence and the formal justice system for female youth (13/9/2012)
- 1 workshop on the criminal justice system for community members (11/7/2012)
- 1 workshop on the criminal justice system for high school students (13/7/2012)

Oecusse:

- 1 workshop on the process of drafting laws at the National Parliament for community members (28/3/2012)
- 1 workshop on human rights, gender and women's rights, domestic violence and the formal justice system for female youth (9/8/2012)
- 1 workshop on the formal justice system for journalists (8/2/2012)

Viqueque:

- 1 workshop on the criminal justice system for community members (23/2/2012)
- 1 workshop on the criminal justice system for police (26/9/2012)

Manufahi:

- 1 workshop on the process of drafting laws at the National Parliament for community members (16/5/2012)
- 1 workshop on the criminal justice system for community members (17/5/2012)

Ainaro:

- 1 workshop on democracy for high school students (1/2/2012)
- 1 workshop on human rights, gender and women's rights, domestic violence and the formal justice system for female community members (7/6/2012)

## Seminars

On 23 August 2012, JSMP held a national seminar to bring community leaders to meet members of parliament. This seminar is conducted yearly by PWP to facilitate communication between the National Parliament and communities. The theme for 2012 was 'National Parliament meets the People' and was attended by 40 representatives from the districts of Suai, Lautem, Manufahi, Ainaro and Dili. Participants discussed issues affecting communities at the grass-roots level, such as lack of transport and financial resources to support them to develop their villages.

On 15 November 2012, JSMP organised a national seminar on 'Witness Protection'. This seminar reviewed the application of the Law on Witness Protection and was attended by the Minister of Justice, President of the Court of Appeal, a representative from the Office of the Public Prosecutor, a representative from Amnesty International and a representative from academia. A total of 150 participants attended this seminar from a range of backgrounds, including government institutions, the UN, judiciary, and academia.

On 6 December 2012, JSMP held a national seminar on the crime of incest as part of the 16 Day Campaign to End Violence Against Women. This seminar was attended by 86 participants.





8

Total number of seminars held in 2012



586

Total number of seminar participants



District level seminars: In August 2012, JSMP held 2 district-level seminars in Liquica and Ermera on the theme of 'Implementing the Law Against Domestic Violence' as part of advocacy to eradicate gender based violence in Timor-Leste. The seminars were attended by 175 participants.

University seminars: JSMP held 3 seminars for university students from Universidade Dili, Universidade da Paz and Universidade Oriental. These seminars were aimed at increasing the participation of women in the formal justice system in Timor-Leste. A total of 135 participants attended these seminars.



## Publications



JSMP published numerous reports, case summaries and press releases in 2012 to share information with the public on issues impacting the justice and legislative sectors of Timor-Leste. The main objectives of JSMP publications are to improve transparency of judicial institutions as well as promote law reform.

In 2012 JSMP published two thematic reports:



'Incest in Timor-Leste: An unrecognised crime' (August 2012): This report examines the prevalence of incest in Timor-Leste and the gaps in the existing framework of protections for victims. It makes a number of recommendations for strengthening of legislative protections, improved resources, capacity building and public education. JSMP launched this report with a press conference attended by the Secretary of State for the Promotion of Social Equality, Minister for Health and the Public Prosecutor.



'Parliamentary Privilege and Immunity in Timor-Leste: How to ensure equality before the Law?' (June 2012): This report examines the scope of parliamentary privilege and immunity in Timor-Leste by analysing two corruption cases against the Deputy Prime Minister Jose Guterres and Minister of Justice Lucia Lobato. These cases highlight the need to clarify the policy of providing broad immunity from criminal proceedings to members of the parliament and government, and its potential conflict with the principle of equality before the law.

JSMP also launched in 2012 two annual reports, 'Overview of the Justice Sector 2011' and PWP annual report 'Building together a strong democracy for the future 2011'. JSMP also contributed to the 2012 Annual Report of the Asian NGO Network on National Human Rights Institutions (ANNI) which was launched in September 2012 in Thailand. All JSMP publications can be accessed online at: <[www.jsmp.tl](http://www.jsmp.tl)>.

3

Number of annual reports published in 2012

2

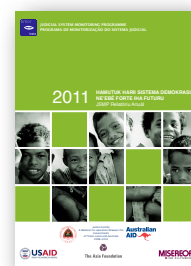
Number of thematic reports published in 2012

35

Number of case summaries published in 2012

102

Number of press releases published in 2012



# Radio & information dissemination

In 2012 JSMP produced 3 radio programs to share information with the public on issues affecting the justice sector. The first radio program covered land issues and domestic violence, and brought together questions from community members to be answered by experts. A further two radio programs were produced on the topic of past crimes and reparations for victims. These programs were produced with the aim of debating how best to ensure justice for victims of human rights violations during the occupation and the proposed Law on Reparations and Law on and Institute of Public Memory.

JSMP also launched a new-look website [www.jsmp.tl](http://www.jsmp.tl) on 14 December 2012. The new JSMP website is a clean and easy to access resource site for all JSMP publications. Since its launch in December, the website has had 4,868 visits. JSMP is committed to continuing to improve the quality of the website.

4,868

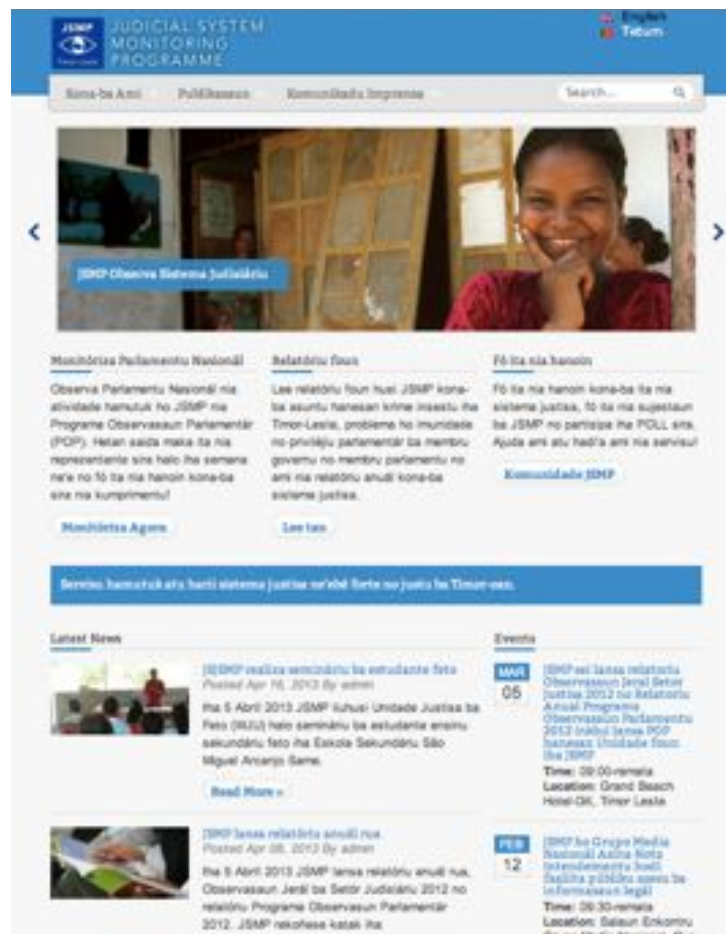
Total number of visits to the new website since its launch

11,074

Page views since the launch of the new website

2,969

Total number of unique visitors to the new website since its launch



[www.jsmp.tl](http://www.jsmp.tl)

JSMP disseminated 2,000 posters and booklets containing information on violence against women and accessing assistance through legal aid, NGOs and shelters. JSMP also produced 200 'Stop Violence Against Women' bags and t-shirts which were distributed to participants of trainings in the districts.



# Strengthening partnerships

## **Building a strategic partnership with Amnesty International**

In 2012, JSMP reaffirmed its strategic partnership with Amnesty International and agreed on several important activities to be conducted jointly throughout 2012. JSMP representatives made two visits to Jakarta, Indonesia, to conduct advocacy activities relating to responsibility for past crimes. This was in addition to lobbying at the national level with the Association of Victims to accelerate the approval of the draft Law on Reparations and Law on an Institute of Public Memory that are still pending at the National Parliament. Amnesty International also helped JSMP with institutional strengthening through internship activities on fundraising which was carried out in Yogyakarta, Indonesia.

## **Forum Asia and the Asian NGO Network on National Human Rights Institutions**

JSMP is a member of Forum Asia and the Asian NGO Network on National Human Rights Institutions (ANNI) and continues to play an active role in representing Timor-Leste at the international level. In 2012, the Executive Director of JSMP spoke at a seminar on court decisions in South Korea.

As a member of ANNI, JSMP also submitted a chapter on the performance of the Ombudsman for Human Rights in Timor-Leste titled 'Timor-Leste: Growing in capacity' for the 2012 ANNI annual report.



## **Networking at the national level**

In 2012 JSMP continued to actively participate in national advocacy activities through participation in the working groups, stakeholder meetings, seminars and conferences. JSMP is a member of a number of working groups, including the Working Group on the National Action Plan on Gender Based Violence, Working Group on Resolution 1325, Child Protection cluster and CEDAW Working Group.

In 2012 JSMP participated in a number of meetings organised by Rede ba Rai (Land Network) to discuss the draft Land Law Package and developed a submission on the draft legislation. JSMP also participated in regular meetings organised by UNMIT on the justice sector, in particular regarding amendments to Law No. 11/2008 on the Regulation of Private Lawyers and their Training. JSMP advocated with other NGOs for amendments to this law in order to increase the transition period. These advocacy efforts resulted in the passage of amendments which allowed private lawyers to continue practising until the end of 2015.

In 2012, JSMP also met with new MPs to introduce them to JSMP activities, particularly parliamentary monitoring. A separate meeting was also held with the President of the National Parliament, Vicente Da Silva Guterres, the Deputy President of the National Parliament, Aderito Hugo da Costa, and the President of the PD Bench in parliament, Maria Lurdes Bessa, to outline JSMP's mandate and activities.

## Staff performance & development

JSMP continued to strive to increase staff performance by providing development opportunities and support. In 2012, staff members attended English language classes provided by an external consultant and JSMP advisors. In addition, all staff were given training on writing and research techniques. These activities will continue in 2013 to further support staff development.



Several staff members attended training activities overseas. These included training on human rights, security and peace held in Sweden and Cambodia, a workshop on the protection of children's rights held in Sri Lanka, and human resource management and fundraising training that was carried out by the 'Satu Nama' in Yogyakarta, Indonesia. Two staff members from WJU and VSS also attended a 6 week fellowship program conducted by the American Bar Association on gender based violence which was held in Washington, United States of America.

JSMP staff also attended in-country training on the legislative process that was provided by facilitators from Indonesia, training on Parliamentary Election Monitoring and a workshop organised by FONGTIL on sustainable development.

JSMP is committed to improving opportunities for staff development in order to ensure the sustainability of JSMP programs in the future.





# JSMP funding

In 2012, JSMP received financial support from a number of international donors who are committed to supporting the development of democracy and the justice system in Timor-Leste. The following table details the funds received by JSMP in 2012. An independent audit report is available from the JSMP office on request.

Source of funding	Funds received (USD)	Expenditure (USD)
The Asia Foundation	\$89,297.00	\$80,130.76
Government of Finland	\$24,931.00	-
Government of Norway	\$362,811.00	\$170,957.60
Justice Facility	\$339,840.00	\$276,189.54
Misereor	\$12,416.00	\$11,984.37
UNFPA	\$29,872.64	\$29,756.71
Total	\$859,167.64	\$569,018.98

# Looking forward to 2013

In 2013, JSMP will continue our core activities of monitoring the courts and the National Parliament. JSMP will focus on staff development, improving the quality of our outreach materials and strengthening partnerships with local and international stakeholders. Based on the results of the JSMP strategic planning day and commitments to donors, each unit will carry out the core activities as set out below:

## **Management**

- Conduct fundraising to ensure the continuity of programs and the institution
- Review existing institutional policies to ensure compliance with the Labour Law
- Evaluate the new Performance Development Review system
- Review the JSMP strategic plan to respond to changing donor priorities and development challenges
- Identify opportunities for staff capacity development
- Strengthen relationships with stakeholders including NGOs, the government, court actors and universities, and
- Strengthen networks with organisations at the national, regional and international levels.

## **Legal Research Unit**

- Monitor cases at the district courts and the Court of Appeal
- Build internal expertise on the Civil Code, land law and corruption cases
- Conduct community legal education activities on human rights and accessing the formal justice system
- Organise national seminars for university students and legal professionals
- Undertake legal research and analysis on thematic issues such as corruption, access to justice and the Civil Code, and
- Continue building the partnership with Amnesty International and carry out joint advocacy and capacity building activities.

## **Women's Justice Unit**

- Implement a pilot project on children's justice in Timor-Leste
- Monitor cases involving children and women at the district courts and the Court of Appeal
- Conduct community legal education for women and girls on human rights, gender-based violence and accessing the formal justice system
- Conduct advocacy on law reform to improve protections for women and girls in incest, domestic violence and sexual assault cases, and
- Undertake legal research and analysis on thematic issues such as sentencing in domestic violence cases, access to justice and the Civil Code.

## Parliament Watch Project

- Establish as a new unit
- Monitor activities of the National Parliament and Committee A of parliament
- Conduct community legal education activities on democracy, good governance and the role of state institutions, and
- Disseminate information to the public on parliament's activities.

## Outreach Unit

- Disseminate information to the public through regular JSMP publications, newspaper articles, website, Facebook and newsletters
- Improve the JSMP website as a resource for the public and advocacy tool for JSMP, and
- Conduct advocacy activities on justice for victims for past human rights violations with local and international partners



## Types of criminal cases monitored by JSMP in 2012

Case type	Number
Simple offences against physical integrity - domestic violence - article 145	124
Simple offences against physical integrity - article 145	92
Mistreatment of a spouse - article 154	19
Sexual abuse of a minor - article 177	16
Corruption - article 292 – 302	15
Domestic violence - without specific article	14
Homicide - article 138	13
Serious offences against physical integrity - article 146	12
Rape - article 172	12
Property damage - article 258	11
Attempted homicide - article 23, article 138	10
Aggravated homicide - article 139	10
Larceny - article 251	8
Aggravated larceny - article 252	6
Manslaughter - article 140	6
Aggravated property damage - article 259	5
Illegal gambling - article 322	5
Robbery - article 253	5
Sexual acts with an adolescent - article 178	4
Attempted rape - article 23, 172	4
Infanticide - article 142	3
Mistreatment of a minor - article 155	3
Aggravated rape - article 172, 173	3
Appropriation through abuse of trust - article 256	2
Threats - article 157	2
Prohibition from driving - article 209	2
Serious offences against physical integrity - domestic violence - article 146	2
Aggravated homicide - domestic violence - article 139	2
Aggravated appropriation through abuse of trust - article 257	1
Attempted sexual abuse of a minor - article 23, 177	1
Criminal association - article 188	1
Fraud - article 266	1
Property damage with use of violence - article 260	1
Drunkenness and intoxication - article 212	1
Illegal import and export of goods or merchandise - article 315	1
Aggravated forgery - article 304	1
Forgery of documents or technical report - article 303	1
Tax fraud - article 314	1
Voter fraud - article 237	1
Serious coercion - article 159	1
Crimes committed outside national territory - article 307	1
Crimes against fauna or flora - article 217	1
Crime against humanity	1
Unlawful electoral canvassing - article 233	1
Negligent offences against physical integrity - article 148	1
Attempted homicide and arson - article 23, 139, 263	1
Human trafficking - article 163	1
Attempted aggravated rape - article 23, 172, 173	1
<b>Total</b>	<b>430</b>

## Types of civil cases monitored by JSMP in 2012

Case type	Number
Land / property dispute	5
Divorce	2
Child support	1
Rental dispute	1
<b>Total</b>	<b>9</b>

## Cases monitored by JSMP in 2012 - by each court

Court	Criminal cases	Civil cases
Baucau	97	1
Dili	162	6
Oe-Cusse	49	0
Suai	116	2
Other	6	0
<b>Total</b>	<b>430</b>	<b>9</b>



## **JSMP's vision**

A democratic society that guarantees justice and human rights for all.

## **JSMP's mission**

JSMP will work in a spirit of collaboration to improve and protect democracy, law, justice and human rights through:

- Monitoring
- Legal education, and
- Advocacy.



**Working together to create a strong and fair justice system for all Timorese.**