



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

BASELINE SURVEY ON:

PERCEPTION AND SATISFACTION OF JUSTICE SYSTEM SERVICE'S USERS AND PROVIDERS IN CASES OF GENDER BASED VIOLENCE

Justice system
service's
providers:

- ✓ Judge
- ✓ Prosecutor
- ✓ Defender
- ✓ Private
Lawyer
- ✓ Court
Officer



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Court service's
users:

- ✓ Prosecutor
- ✓ Defender
- ✓ Private
Lawyer
- ✓ Victim
- ✓ Defendant
- ✓ Convicted
- ✓ Witness

23rd NOVEMBER 2023

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1. INTRODUCTION

1.1. Institutional Background

The Judicial System Monitoring Programme (JSMP) was established in 2001 as an independent and non-government organization based in Dili, Timor-Leste.

The main objective of JSMP at that time was to monitor the ad-hoc court proceedings in Jakarta, Indonesia and the Special Panels for Serious Crimes in Timor-Leste.

JSMP has a vision to contribute towards the establishment of a democratic society that guarantees justice and human rights for all people. JSMP's mission to achieve its vision is to work in a spirit of collaboration to promote and protect democracy, law, justice and human rights through monitoring, legal education and advocacy.

JSMP's main programs and activities that are currently taking place are monitoring of all of the courts in Timor-Leste, including the Court of Appeal, monitoring of the National Parliament, providing legal aid to female and child victims, providing legal and civic education, advocacy and publications.

Cases that are given priority by JSMP during court monitoring as well as during the provision of legal aid are cases involving gender-based violence (GBV), especially those with female and child victims, cases of corruption and cases relating to transnational crimes such as human trafficking, money laundering, etc.

In relation to monitoring at the National Parliament, JSMP's priority is plenary meetings and meetings of Committee A. JSMP provides legal and civic education to university students, the police, community leaders and also community members. In relation to advocacy, JSMP gives priority to issues relating to human rights and justice, especially the work and functioning of the justice sector and legislative sector to provide opinions and meet with the relevant bodies and institutions of the State in order to improve their work and amend laws that don't reflect the interests, reality and aspirations of the East Timorese people.

The training materials that JSMP normally distributes when providing legal and civic education, or in training activities, cover democracy, the role of sovereign organs, public participation in the law-making process, access to formal justice, human trafficking, gender-based violence and leadership. JSMP is currently providing advocacy on a range of issues, namely amending the Penal Code to criminalise incest, amending the Civil Code to acknowledge marriages from other religious denominations in addition to the Catholic religion in the provisions of Article 1475, and also advocacy for society to acknowledge the existence of members of the LGBTIQ+ community, and also to ensure the rights of persons with disabilities and promote gender equality and social inclusion.

1.2. Background to the Survey

This survey was conducted in the context of several previous surveys on related topics conducted by other organisations. These include, with key findings identified as follows:

1. The Asia Foundation, Report on Law and Justice in Timor-Leste: A Survey of Citizen Awareness and Attitudes Regarding Law and Justice, 2013.¹ This survey built on similar survey in 2004 and 2008².
2. JSMP's interviews in 2013 on the welfare of judicial actors and capacity of legal institutions³
3. The Asia Foundation's 2016 Nabilan Baseline Study on Violence against Women and Children in Timor-Leste.⁴
 - a. This shows that 77% of women in their lifetime have experienced serious physical violence from their partners and 78% of girls have experienced emotional abuse and neglect and 24% of girls and 42% of boys have experienced sexual abuse before the age of 18.
4. The Asia Foundation's 2022 Report of Timor-Leste Safety, Security and Justice Perceptions Survey⁵ that captured perceptions of the general public and community leaders on security, safety, dispute resolution, and the Polícia Nacional de Timor-Leste (PNTL), and built on four previous iterations of a community-police perceptions survey in 2008, 2013, 2015, and 2018.
 - a. This shows that communities predominantly take their criminal cases and disputes or problems in the first instance to community leaders rather than other entities. This study also shows that community leaders use their knowledge about community values and norms to resolve problems rather than formal laws.

This survey builds on this work by focusing on the functioning of the tribunal as part of the formal justice system and the perceptions of users of the tribunal in relation to GBV cases specifically.

Further, the survey was undertaken in the context of:

1. Sustainable Development Goals (SDGs) 2015-2030 in the Justice Sector, including goal 16.3 that aims to promote the rule of law and access to justice.

¹ Accessible at

https://www.cdeunodc.inegi.org.mx/unodc/articulos/doc/Asia/Timor%20Oriental/2013/TLS_2013Reporte_en.pdf.

² The Asia Foundation, Report about Law and Justice in Timor-Leste 2008. Accessible at:

<https://www.laohamutuk.org/Justice/08AsiaFoundationLawJusticeSurveyEn.pdf>

³ JSMP, 2013, Access to Justice in Timor-Leste: The welfare of judicial actors and capacity of legal institutions. Accessible at https://jsmp.tl/wp-content/uploads/2012/05/RelatoriuBemEstarAutorJUDISIARIU_ENGLISH.pdf.

⁴ The Asia Foundation, 2016. Understanding Violence against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study Summary Report. Accessible at <https://asiafoundation.org/wp-content/uploads/2016/05/UnderstandingVAW-Timor-Leste.pdf>

⁵ The Asia Foundation, Report of Timor-Leste Safety, Security and Justice Perceptions Survey, 2022.⁵ Accessible at <https://asiafoundation.org/wp-content/uploads/2022/06/Timor-Leste-Safety-Security-and-Justice-Perceptions-Survey-2022.pdf>.

2. The Government of Timor-Leste's Strategic Development Plan 2011-2030 for the justice sector that prioritises institutional development, reform and legal framework, human resource development, infrastructure and information technology, and access to justice.⁶
3. The Constitution of Timor-Leste's provision for equal rights for all citizens, equal protection under the law, the recognition of human dignity and non-discrimination⁷.
4. Constitution of Timor-Leste's validation of the following relevant international treaties:
 - a. the International Convention on Civil and Political Rights (ICCPR)
 - b. the Convention on the Elimination of Discrimination against Women
 - c. Convention against Torture
 - d. Convention about Rights of Children
5. Guiding Principles for the treatment of victims of GBV within criminal proceedings⁸:
 - a. Victims must be treated with compassion and respect for their dignity and privacy
 - b. Victims are entitled to have access to an effective criminal justice system and prompt redress
 - c. Victims must be informed about their rights, their powers and entitlements, the timing and progress of their case, and the disposition of their case
 - d. Victims must be able to participate in the proceedings actively and express their views and concerns, which should be presented and considered at appropriate stages of the criminal proceedings
 - e. Victims must have adequate assistance throughout the legal process
 - f. Children, in their position as victims or witnesses, must have access to specialized protection and support services, considering their particular needs.

⁶ Timor-Leste Government, 2010, Strategic Development Plan 2011-2030, accessible at https://www.mj.gov.tl/files/JSSP_ENGLISH.pdf.

⁷ Articles 1, 16 and 17 of the Constitution of the Democratic Republic of Timor Leste.

⁸ As outlined in the UNDP Timor-Leste, Law and Practice of the Criminal Procedure in Cases of Gender-Based Violence in Timor-Leste, 2022 (**Spotlight Report 2022**) based on the UNODC, "Handbook on effective prosecution responses to violence against women and girls", and the United Nation's 1985 "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power".

In assessing court users' perceptions in relation to GBV cases specifically, the survey provides insights on whether the frameworks described above are being met more generally.

Relevant rights in the ICCPR

- 1) right to be treated - all persons are equal before courts and tribunals (Art 14(1))
- 2) the right to a fair and public hearing before a competent, independent and impartial court or tribunal established by law (Art 14(1)),
 - a) unless specifically circumstances exist, a judgment should be made public (Art 14(1))
- 3) right to be presumed innocent until proved guilty according to the law (Art 14(2))
- 4) right to informed promptly and in detail in a language which they understand of the nature and cause of the charge against them (Art 14(3)(a))
- 5) right to have adequate time and facilities (including documents) for preparation of defense and to communicate with counsel of their own choosing (Art 14(3)(b))
- 6) right to be tried without undue delay or in a reasonable time (Art 14(3)(c) and Art 9(3))
- 7) right to legal assistance and to defend themselves and tried in their presence (Art 14(3)(d))
- 8) right to free assistance of an interpreter if required (Art 14(3)(f))
- 9) right not be compelled to testify against themselves or confess guilt (Art 14(3)(g))
- 10) right to have your conviction reviewed by a higher court according to law (Art 14(5))
- 11) right to call, examine, or have examined, witnesses and challenge adverse evidence (Art 14(3)(e))

1.3. Terminology

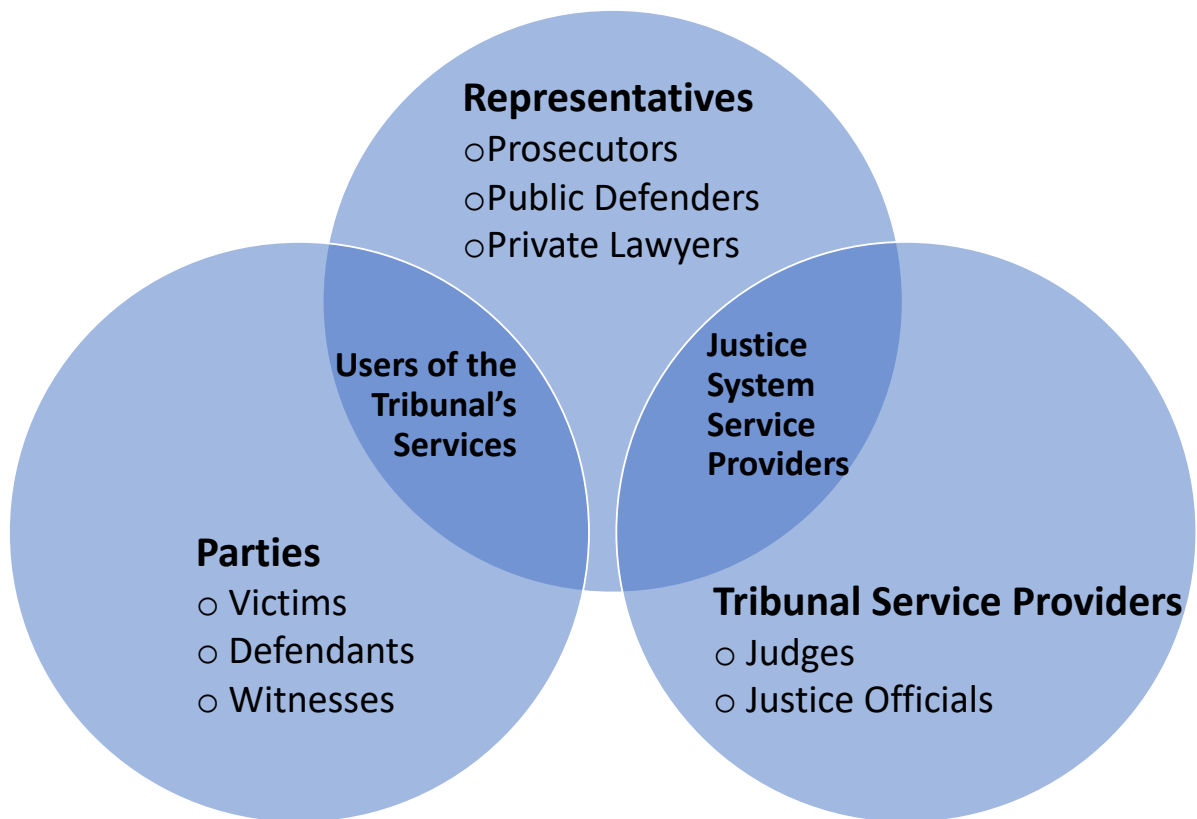
This report uses the following terminology:

- Parties including Victims, Defendants, Convicted Persons and Witnesses.
- Representatives including Prosecutors, Public Defenders and Private Lawyers.
- Tribunal Service Providers including Judges and Tribunal Officials.

Sometimes, this report refers to two of these groups together as follows:

- Users of the Tribunal's Service including Parties and Representatives
- Justice System Service Providers including Representatives and Tribunal Service Providers.

This different terminology is also described in this graph to show the terms used to describe one or two groups:



For simplicity, the word 'defendant' is used here to refer to both defendants and convicted persons, with just 1 defendant in a not-yet-decided case and 1 defendant being absolved on the crime being surveyed. Where we specifically discuss the position of convicted persons, this term is used.

1.5 Project

JSMP undertook this survey as part of a project funded by KOICA via United Nations Development Program (UNDP) to improve access for women and girls to the formal justice system through monitoring, dissemination of information and a survey.

1.6 Objective

This component in this baseline study has the overall aim of carefully considering information about the work and functioning of the justice sector through a survey on the satisfaction of those who use court services and tribunal service providers in cases of GBV in order to:

- Develop an understanding about positive and negative experiences with the justice system, impediments to access and things that can be improved, and
- To have baseline data that can be assessed to make improvements in the future.

The specific aim is to explore and compare:

- the level of satisfaction and perceptions of parties such as victims, defendants, convicted persons and witnesses,

- the level of satisfaction and perceptions of representatives such as prosecutors, public defenders and private lawyers, and
- the level of knowledge and perceptions of tribunal service providers such as judges and justice officials,

regarding the work and functioning of the judicial system and justice in relation to cases involving gender based violence and to understand their perceptions about court proceedings.

The baseline survey was intended to provide *initial values* that will serve as a basis for comparing the data collected at later points in time, and therefore being able to assess the progress of the justice system's response to GBV cases and the satisfaction of court clients.

Also, the final aim is to provide recommendations to relevant bodies and institutions in the justice sector for consideration in order to be able to improve or promote and consolidate the judicial system and justice in terms of guaranteeing the rights of all people to justice that is effective, efficient and fair in relation to cases involving gender based violence.

2. METHODOLOGY

This section describes the methodology used to conduct this study.

2.1 Survey Design

The baseline survey utilized a questionnaire, completed via verbal interview, as the key tool used for collecting primary data. The survey included a range of questions to establish baseline values and describe the current situation regarding users of the court system's satisfaction with the tribunal's services in cases of GBV. The survey included a combination of the following types of questions:

- questions about respondents' consent
- questions about demographics,
- open questions to get qualitative answers,
- closed questions to get quantitative responses, and
- short answer questions.

This mix of questions was used so that:

- the survey can be replicated and provide comparative quantitative data across future surveys
- respondents were able to give substantive comments in qualitative questions to help inform our understanding of the key issues arising in the quantitative questions, and
- responses to the substantive questions could be compared with differences in respondents' demographic status.

The design of the survey was informed by JSMP's experience of similar surveys, regular engagement with court users and actors, and understanding

of the judicial system for GBV cases in Timor-Leste, alongside the template court satisfaction survey produced by the European Commission for the Efficiency of Justice.⁹

The survey involved three questionnaires, one for each group of respondents, being:

- the parties as court users (victims, defendants, convicted persons and witnesses)
- the representatives as court users and justice system service providers (prosecutors, representatives and private lawyers)
- tribunal service providers as judges and tribunal officials.

2.2 Survey Process

JSMP began by preparing the questionnaires for all three groups of respondents, and JSMP established a team of legal researchers to conduct the survey consisting in the four municipalities. Then the team discussed, reviewed and amended by the team to ensure they reflected standard terminology.

The team started the survey with the first respondent group, being the parties, with the aim of first understanding their experiences and perceptions before surveying the justice system service providers. After this, the team did interviews of the second group (representatives) and finally the third group (judges and tribunal officials).

Interview activities were carried out directly by JSMP staff who regularly monitor the courts.

2.3 Survey Coverage

2.3.1 Location of Survey

The baseline survey was conducted in the district courts, namely the Dili First Instance Judicial Court (DFIJC), Baucau First Instance Judicial Court (BFIJC), Suai First Instance Judicial Court (SFIJC) and Oekusi First Instance Judicial Court (OFIJC). In addition, this study was conducted in mobile courts and also in Becora Prison, Dili and Gleno Prison.

2.3.2 Identification of Respondents

The process of identifying respondents was not the same, and was based on the category of each type of respondent. Respondents were identified from:

- the category of tribunal service provider and representatives, through a written request for permission to be interviewed, to the highest leader of the institution.

⁹ European Commission for the Efficiency of Justice (CEPEJ), Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe member States (7 December 2016). <https://rm.coe.int/168074816f>

- category of parties by identifying victims, defendants and witnesses in cases of gender-based violence after trials at the courts, and also identifying victims through JSMP's legal aid work.
- category of convicted persons, whereby JSMP prepared a written request to the Prison Director to allow convicted persons in cases of gender-based violence to be interviewed.

Respondents were identified from each of the four court districts and mobile courts with:

- each type of party being interviewed in each district and a mobile court
- each type of representative was interviewed in each district
- a judge and a tribunal official were interviewed in each district.

JSMP sought to include a mix of gender, representatives from the LGBTIQ+ community, respondents with disabilities and court clients who engaged with all 4 of the district courts as well as mobile courts. Only victims, defendants and witnesses 14 years old or above were interviewed to ensure appropriate consent and capacity.

2.3.3 Sample Size

In total, 123 people were interviewed as part of the survey. The sample size of each group surveyed means that their results are indicative rather than representative.

Survey of Parties in the Court

A broad cross section of parties were interviewed:

The parties based on the jurisdiction their trial took place in was as follows:

Jurisdiction	Defendant/convicted	Victim	Witness	Total
Dili	17	8	1	26
Baukau	13	6	3	22
Suai	8	12	2	22
Oekusi	12	6	2	20
Total	50	32	8	90

The above includes:

- 4 defendants who were interviewed in Gleno Prison,
- 6 defendants (including 1 defendant in preventative prison who's case had not yet been decided) who were interviewed in Becora Prison, and
- 8 from mobile courts in the Dili jurisdiction (Ermera and Likisá).

The parties by gender was as follows:

Parties' Gender	Women	Man	Other	Total
Victim	32	-		32
Defendant/Convicted	1	48	1	50
Witness	2	6		8
Total	35	54	1	90

1 of 90 party respondents identified as LGBTIQ+, as who identified as 'other' for gender category. 1 of 90 party respondents identified as having a disability.

The parties had a diversity of education levels:

Parties' Education	Defendant	Victim	Witness	Total
None	11	2	2	15
Primary	6	8		14
Middle School	8	9	1	18
Secondary	18	10	4	32
University	7	3	1	11
Total	50	32	8	90

The party respondents ages ranged from range of 15 years to 61 years or above:

Parties' Age	Defendant	Victim	Witness	Total
15-17	1	4		5
18-20	2	2		4
21-49	40	25	7	72
50-60	2	1	1	4
61 above	5			5
Grand Total	50	32	8	90
Average¹⁰	37.78		37.5	35.79

Survey of Justice System Service Providers

A number of representatives (25) and tribunal service providers (8) were interviewed.

The justice system service providers based on the jurisdiction they were interviewed in was as follows:

Jurisdiction	Representatives			Tribunal Service Providers		Total
	Prosecutor	Public Defender	Private Lawyer	Judge	Tribunal Official	
Dili	1	1	3	1	1	7
Baukau	2	2	3	1	1	9
Suai	2	2	3	1	1	9
Oekusi	2	2	3	1	1	9
Total	7	7	12	4	4	34

The representatives interviewed included:

- 7 prosecutors
- 7 public defenders, and
- 12 private lawyers, some of whom operate on their own and some operate with a company like an NGO or private legal society. 9 of

¹⁰ Determined using the middle number of the age range and 65 years old in the case of "61 or above".

the 12 private lawyers interviewed were representing their client pro bono (Q7 S2).

These representatives had a range of experience levels as a lawyer, with nine representatives had been practicing for 5 years or less, nine for 6-10 years, six for 11-20 years, and one for more than 20 years.

The justice system service providers interviewed by gender was as follows:

Respondent	Female	Male	Other	Total
Prosecutor	-	6		6
Public defender	2	5		7
Private lawyer	2	10		12
Judge	-	4		4
Tribunal official	-	4		4
Total	4	29		33

All the tribunal officials surveyed were aged 18-49 while two judges interviewed were 18-49 and two were 50-60. By comparison, 19 representatives interviewed were 49 years old or less, four were 50-60 years old and two were 61 or above.

None of the justice system service providers were interviewed in a mobile court.

2.4 Data Collection

The data collection was carried out between 2 March and 29 June 2023. Program staff, supervised by managing staff, carried out the surveys.

The coordinator and the database manager were in charge of the administration of the questionnaires and the eventual product of data collection. The coordinator guided and supported the interviewers and helped resolve minor difficulties.

When conducting interviews, JSMP staff introduced the organization and the interviewer, why were conducting the survey, explained how the information would be used and the survey's objective, confirmed that they consented to be interviewed and had sufficient time to do so, and explained explain the confidentiality and privacy of the information they would share.

The survey was conducted using paper forms for ease of completion by staff, while they interviewed respondents in the field. Those paper forms were then inputted into JSMP's database on a daily or weekly basis, as soon as possible after receipt by the Database Manager. The survey data was then downloaded into Excel for ease of data cleaning and analysis using tables and charts to show frequency and percentages of variables.

2.5 Limitations

The surveys were conducted using an interview approach to enhance respondents understanding and engagement. The data was self-reported by

respondents and not verified against the case decisions. It is not clear if the interview approach, rather than having respondents directly fill out the forms anonymously, affected their honesty or responses, but this was seen as the most effective method in the context.

The survey did not include a question about the offence that was the basis of their court proceeding. Therefore, we cannot verify that all respondents interviewed by staff were in fact involved in a GBV case and whether staff applied a consistent understanding of what GBV means. Further, we were not able to analyse the rest of the data with this information, such as offences and the length of proceedings, which may be correlated.

Some of the language in the survey was formalized and not the most common vernacular amongst people in Timor-Leste. While staff were trained in how to explain the questions, it is possible that different explanations or interpretations of questions were given. At the point of analysis, assumptions had to be made that the responses were in fact comparable. Further, a small number of questions needed to be amended during the survey due to regular misinterpretation (e.g. questions about the language of the court and the respondent). This meant that the question asked alongside each response needed to be considered during the analysis process.

Moreover, due to last minute changes to the surveys, inconsistencies arose between the questions and language used in each of the three surveys. While the results can still be compared, the nuance of comparison is limited.

The length of the survey may have posed methodological challenges, with answers to questions later in the survey being potentially less accurate than earlier responses. This also limited short answer qualitative responses offered by respondents. It may also have been the reason why many respondents did not answer some questions.

A very limited number of respondents identified as LGBTIQ+ (1 respondent). This could be due to cultural norms in Timor making it very unlikely for people to self-identify or share this with others. Similarly, only one respondent identified as having a disability. This means that their responses do not have statistical value based on their demographic grouping and so analysis was very limited on these issues.

2.6 Process of Data Analysis

The data was analyzed using Excel Pivot Tables, an advanced data analysis tool within MS Excel. The analyzed data was crosschecked for consistency and presented in the form of tables, graphs, charts and figures where appropriate.

Sometimes the findings below discuss an average score. This refers to where a question gave several options of responses on a scale, such as “not satisfied” being 1 through to “very satisfied” being 5 or “very bad” being 1 to

“very good” being 5. In the findings, this is sometimes used to describe as an average score out of 5 to compare the average scores between groups of respondents.

While there was one party respondent that identified as LGBTQ+ and one that identified as having a disability, this was insufficient data to draw conclusions the differences experienced by people with disabilities or who identify as LGBTQ+.

Where differences based on demographic data like gender, age, jurisdiction, role in the court were identifiable, these are noted in the findings.

3. FINDINGS AND ANALYSIS

This section describes both the findings of the survey and JSMP's analysis of these results. The findings and analysis of the survey are described in three key categories, each with key sub-themes, that were explored through the survey. The responses from all three groups of respondents are considered in each category and theme. A final additional section captures the general comments and suggestions given by all respondent groups.

3.1 Functioning and Service of the Courts

This section will discuss the responses to questions asked in the survey about the tribunal process and all stakeholders' satisfaction with the functioning and service of the tribunal.

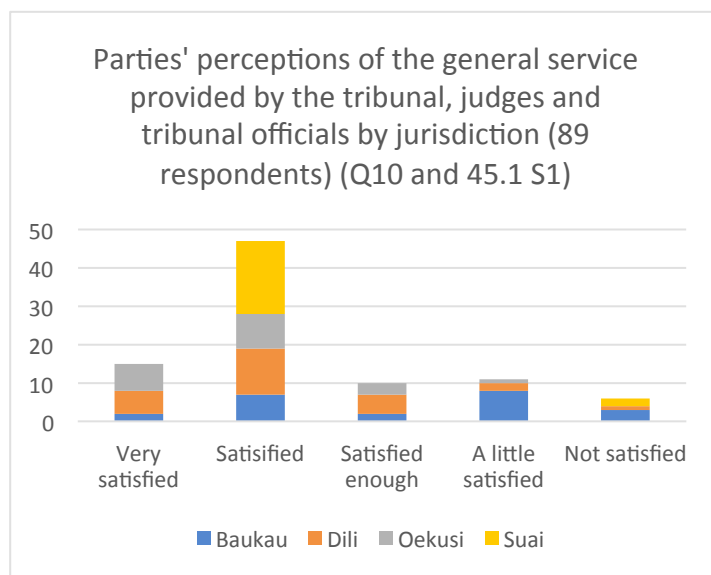
3.1.1 General service

Respondents were asked in general about the service provided by the tribunal.

All 8 tribunal service providers (judges and tribunal officials) thought the public service provided by the tribunal was good or very good (giving an average score of 4.4 out of 5 where 5 is very satisfied) (Q10.1 S3). These tribunal service providers also expected users of the tribunal's services (representatives and parties) to be more satisfied than they were, giving an average score of 4.25 out of 5. Specifically, 7 out of 8 tribunal service providers expected tribunal users to be satisfied or very satisfied (Q16 S3). By comparison, the parties surveyed (victims, witnesses, and defendants) gave a lower average score of 3.6 out of 5 from parties as to the general service of the tribunal, judges and tribunal officials. The majority (62 of 89 respondents) of parties were satisfied or very satisfied but 30% were not satisfied, a little or only satisfied enough. Assessing these responses by court jurisdiction, parties with cases in Baucau gave an average score of 2.9 out of 5, compared with Suai (3.7), Dili (3.8) and Oekusi (4.1) respectively (Q10 and Q45.1 S1).

While there was a high level of satisfaction regarding the service of the judges, tribunal officials, and tribunal among representatives, representatives gave the following key reasons for why they were not satisfied (Q16 S2):

- Schedule and delay in cases:



- the tribunal gave notification for a hearing and then suddenly the hearing did not happen or was delayed, and

- too many cases being put on the trial agenda at the same time thereby delaying hearings (e.g. the court will often schedule a trial in the morning but the trial will not happen until the afternoon).

As a lawyer I am not satisfied with the work of the court such as preparing the schedule and delaying cases, for example our client travelled a long way to court and suddenly the court delayed the trial just because the judge went to a meeting or training, actually the court could have informed the lawyer or client beforehand so that the client wouldn't waste time, and money on transport and accommodation (Private Lawyer, Baucau) (Q16 S2).

- Sometimes notification of a hearing does not go to everyone who needs it (e.g. just to the lawyers and not to the parties).
- Some judges do not give consideration to private lawyers (e.g. they do not give them the allegation or the trial agenda).
- Limited court officials add to longer wait times (e.g. waiting for 30 minutes to confirm a case with a tribunal officials).
- Difficult for parties with young children.

Not happy with the service provided by some officials in relation to proceedings, sometimes confirmation was sought from the officials but because they were busy there was a waiting time of 30 minutes to obtain confirmation. And some officials notified the clients only two days before the trial (Private Lawyer, Suai) (Q16 S2).

A comparative analysis of the data reveals that the tribunal's sense of satisfaction from justice service providers was higher than the actual satisfaction of both types of tribunal users. JSMP believes that the tribunal should seek to better understand the tribunal service users' experience with their services and to improve its services, such as by applying the recommendations from representatives.

3.1.2 Timing of the Tribunal Process

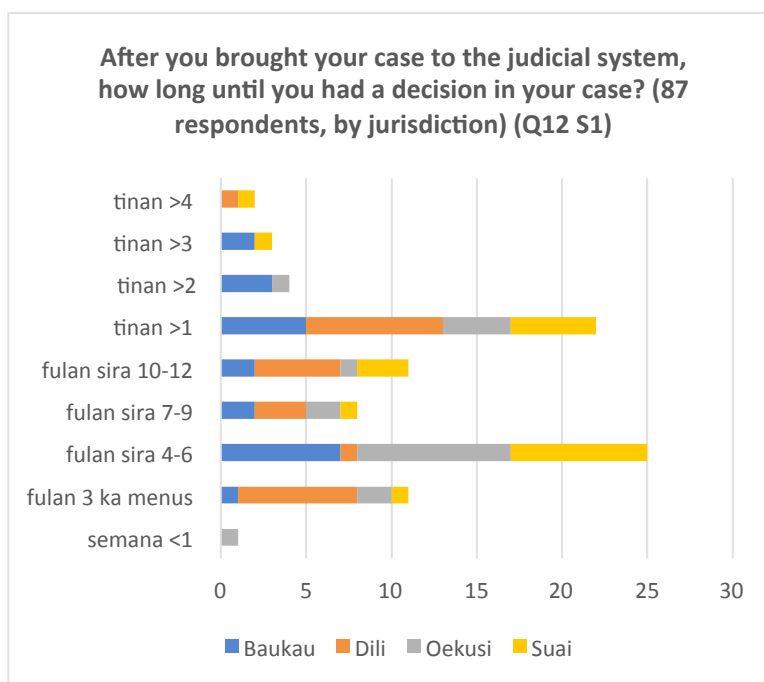
3.1.2.1 Length of Process

Parties were asked about the time between when they filed their claim and both when they received a date for judgment and a decision for their case. The results suggest that almost all parties received a date for their trial within 4 weeks of the trial being held (Q11 S1). Furthermore, of the 87 parties who responded to the question with completed cases:

- the average time from filing their claim to receiving a decision was 11.85 months,
- the mean (middle value response) was 8.5 months,
- the minimum was 2 days and

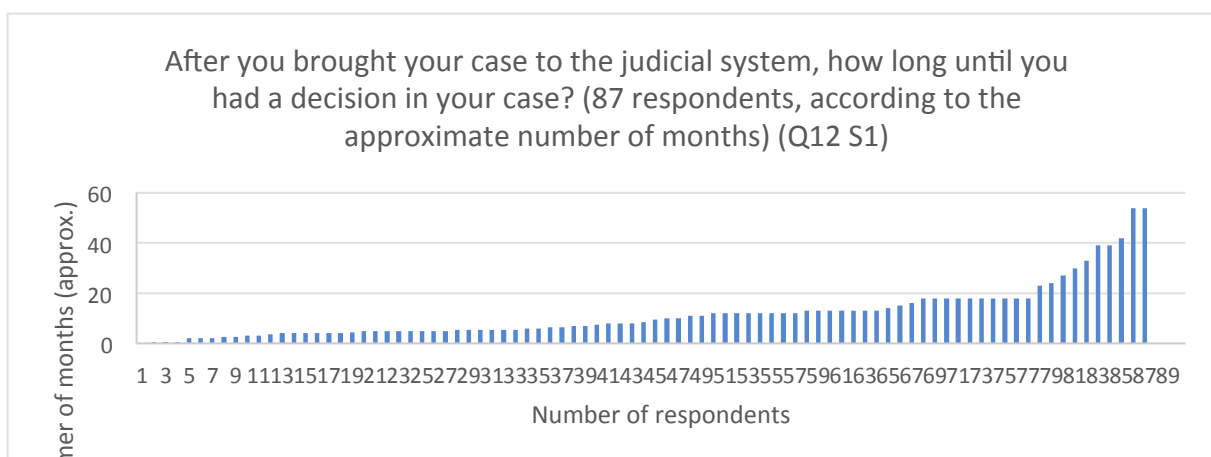
- the maximum was 54 months (or 4 and a half years) (Q12 S1).

The average length of time in each jurisdiction varied somewhat, with Oekusi having the shortest average of 8.75 months (out of 20 finished cases), Dili averaging 10.86 (out of 25), Suai averaging 12.43 (out of 22) and Baucau averaging 14.14 months (out of 22) (Q10 and Q12, S1). Based on 8 respondents who had their case in a mobile court (in any jurisdiction), the average length of time in a mobile court was a little longer (8.9 months on average) (Q12 S1).



These figures were determined by adapting the survey responses into a number of months (if it was not originally in that form) and rounding down where the specific number of months was unclear. Therefore, there is a small possibility of analytical errors and based on the small sample size of a survey, definitive conclusions cannot be drawn. Further, since the survey did not ask for details regarding the type of GBV cases, it is unknown whether that would explain these differences (e.g. we would normally expect a GBV related murder case to take longer than a standard case of domestic violence).

Overall, the graph is clear that there is a significant range of timeframes of GBV cases, based on the experiences of the 87 parties who responded. On average, the length of the tribunal process is very long. JSMP's view is that these results show a limitation of Timor-Leste's justice system in meeting the human right to be tried without undue delay (Article 14(3)(c) ICCPR) and

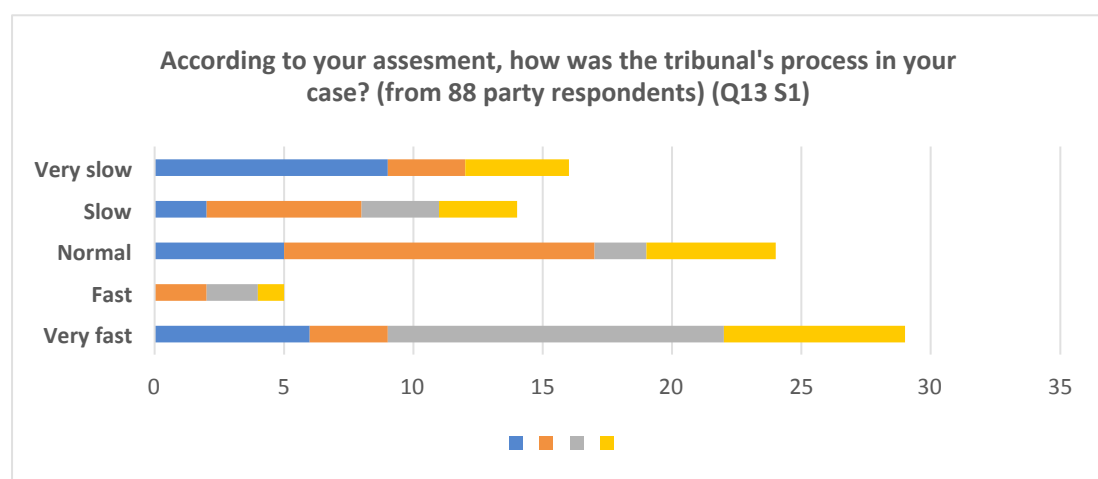


principles of justice for victims that focus on prompt redress.¹¹ A quick trial is particularly imperative in GBV cases, where many victims and defendants are living together or otherwise in regular contact.

When comparing this result with others, JSMP can deduce some trends:

- There was not a stark difference in parties' confidence in the justice system during their case based on the length of time their case took. There was a small decrease in confidence as the length of time increased. For example, the average score given for their confidence was:
 - 3.8 out of 5 (with 5 meaning very high confidence, and 1 meaning little confidence) from 57 responses whose cases went for 1 year or less.
 - 3.5 out of 5 from 30 responses whose cases went for more than 1 year and up to 4.5 years (Q12 and Q33 S1).
- Similarly, there was not a stark difference in the parties' perception of impartiality of judges in their cases based on the length of their cases but a small decrease in the perception of impartiality as the length increased. While not definitive, the average score given to their perception of the impartiality was:
 - 3.3 out of 4 (where 4 is very impartial, and 1 is not impartial) for those whose case went for 1 year or less
 - 2.9 out of 4 for those whose cases went for longer than 1 year up to 4.5 years (Q12 and Q32 S1).

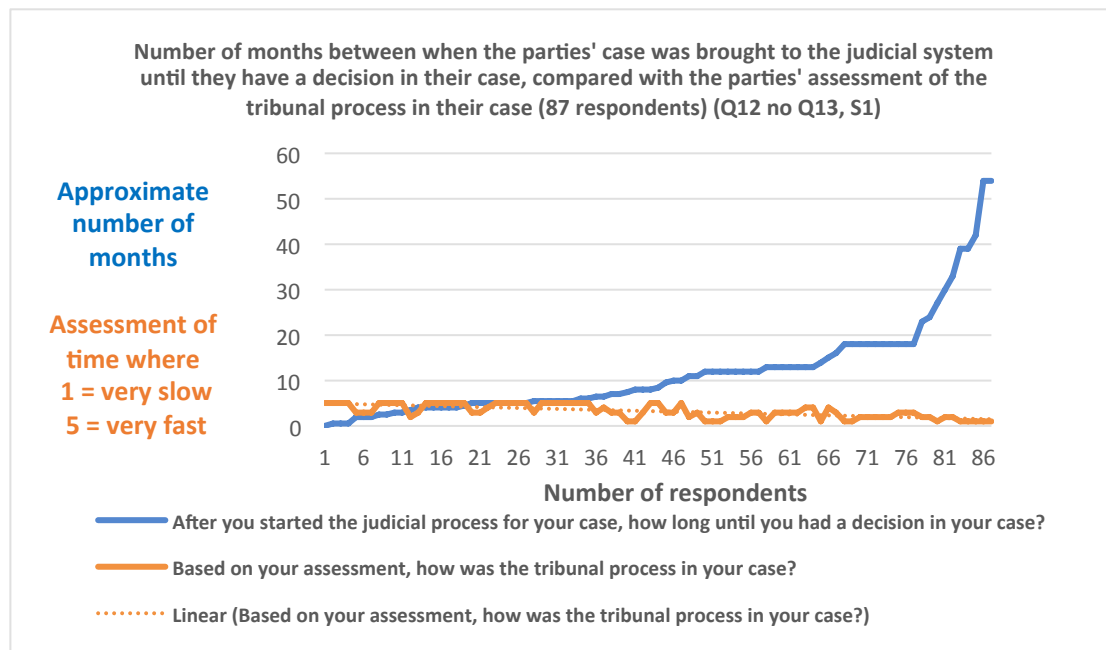
While these figures are not definitive, they indicate that parties' perception of



a judges' impartiality and their confidence in the court system may be negatively impacted the longer the case is open in the tribunal.

¹¹ See principles 5 and 6(e) of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly resolution 40/34, 29 November 1985 (accessible at <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>) and Spotlight Report 2022, p23.

The parties were also asked to give their assessment of the speed of the tribunal process. There was a real disparity in the results: 33% said it was **very fast**, while 34% said it was slow or very slow (Q13 S1). This range was



similar when considering the 8 mobile court cases specifically, but it did change depending on the jurisdiction. For example, most people from Oekusi felt the process was very fast (13 of 18) with an average score of 4.25 out of 5 (with 5 being very fast), compared with the Baucau's 2.6 out of 5, where 11 of 22 thought it was slow or very slow, and Dili's 2.7 out of 5, where 8 of 23 thought the same. In qualitative responses, several parties stated wanting the process to go more quickly, so that victims feel justice.

When their evaluation of the speed of their case is compared to actual months of their case, the data suggests that the parties were more likely to perceive the process as slow the longer the case went on (see the orange dotted trend line below) (Q12 and Q13 S1):

Timeframe for Decisions

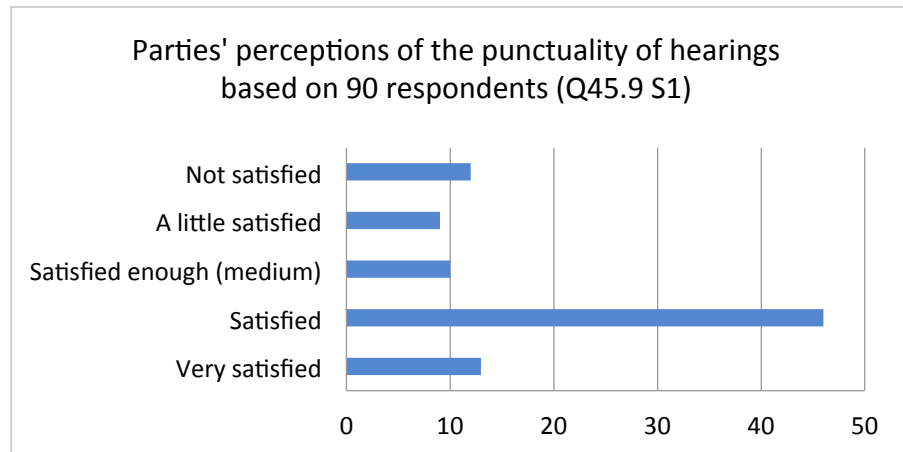
Parties gave an average score of 3.8 out of 5 for the timeframe for making decisions (*prazu hodi fo sai desizaun*) with 79% of them being satisfied or very satisfied. Defendants' were a bit more likely to be satisfied with the timeframe. Parties in Baucau had the most negative responses, with 6 of 19 respondents saying they were not or only a little satisfied (Q45.15 S1). Representatives were mostly either satisfied or satisfied enough with the timeframe for notifying decisions with an average score of 3.4 out of 5 (Q15.2 S2). One prosecutor was not satisfied at all, while 2 private lawyers were only a little satisfied (Q15.2 S2). This compares to the 4 of 6 tribunal service providers who thought it was very good (Q13.2 S3).

3.1.2.2 Organisation and Punctuality of Hearings

In terms of hearings themselves, the parties gave an average score of 3.4 out of 5 for the punctuality of hearings (with 5 being very satisfied), where 23% were not or not a little satisfied (Q45.9 S1). Parties in Dili were satisfied enough, scoring 3 out of 5 on average, compared with the parties in Oekusi who were more than satisfied scoring 4.25 out of 5 (Q10 and Q45.9 S1). Representatives gave an even lower average score of 2.9 out of 5 for punctuality of hearings, particularly representatives from Baukau and Oekusi (Q14.4 S2). This is similar to the rank given by tribunal service providers themselves

of 3.4 out of 5 (71% said “good enough”) (Q12.4 S3).

Justice system service providers were also asked about the



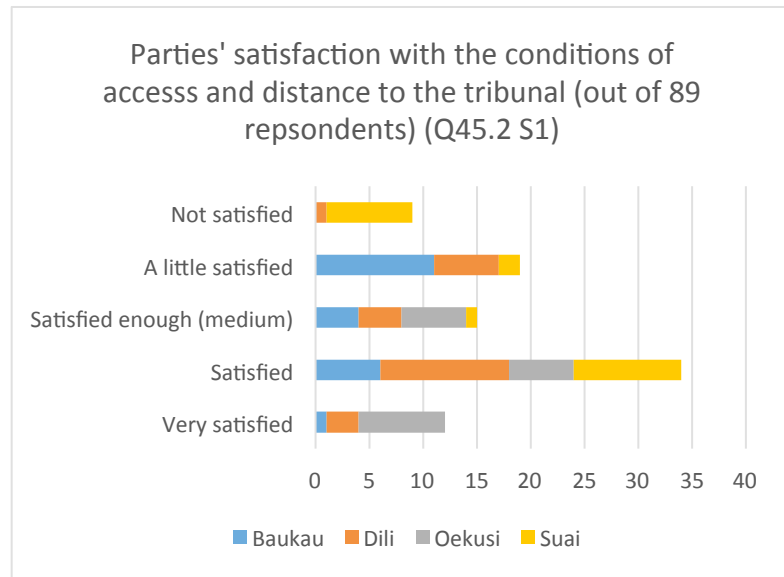
organisation of hearings. Representatives gave an average score of 3.5 out of 5 for their satisfaction with the organisation and conduct of trials, with representatives from Baucau giving the lowest score of 2.6 out of 5 compared with Dili's 4.4, Oekusi's 3.8 and Suai's 3.6 (Q14.5 S2). By comparison, the tribunal service providers gave a score of 4.4 out of 5, indicating that it was good or very good (Q12.5 S3).

Of 24 representatives who responded to their satisfaction about the coordination of the schedule for hearings, 15 said they were satisfied, 3 said they were satisfied enough, and 4 were either not satisfied or only a little satisfied. None were 'very satisfied'. Overall, representatives gave an average score of 3.2 out of 5. Representatives from Baucau had the lowest average score with 2 saying they were not satisfied at all, while private lawyers overall were the least satisfied group (Q12.1 S2). JSMP theorises that this may be due to the direct connection between delays and adjournments of hearings with private lawyers' income. By comparison, the tribunal service providers gave the coordination of the schedule for trials an average score of 4 out of 5 (Q10.2 S3).

These results suggest that the punctuality of hearings, while overall “enough”, is a point of improvement for all groups in GBV cases in the justice system, and that some of these issues may depend on the tribunal's organisation of trials.

3.1.3 Facilities and Access

Parties and representatives thought the conditions and distance of access to the court was worse than the tribunal service providers' thought (Q45.2 Q1, Q12.9 S2, Q10.10 S3). 31% of parties said they were not satisfied or only a little satisfied with conditions of access and distance to the tribunal, with the parties giving an average score of 3.2 out of 5 (Q45.2 S1). The satisfaction of parties varied significantly depending on the jurisdiction, with an average score of 4.1 out of 5 (where 5 meant very satisfied) in Oekusi compared



with an average score of 2.6 out of 5 in Suai. Those aged 15-17, and victims, were the least satisfied, compared with other comparative groups. This compared with 4% of representatives who were not, or only a little, satisfied, otherwise giving an average score of 3.9 out of 5, with again highest score going to Oekusi (Q12.9 S2). Most tribunal service providers thought the conditions for access were good, but some said it was just 'sufficient' (Q10.10 S3). Therefore, the conditions of access and the distance of access to the tribunal continue to be something that could be improved.

The defendant has a sight impairment to both right and left eyes: In relation to the facilities, I don't know what they had there because I have a sight impairment in both of my eyes and I can't see at all, I just want to say that in the trial room people spoke with the use of microphones and I think that this was good. (Defendant, Baucau) (Q47 S1).

88% of parties were satisfied enough, satisfied, or very satisfied with the facilities and services of the tribunal in general, with only 12% not, or only a little, satisfied (Q45.5 S1). 20 parties in Oekusi were significantly more satisfied (with an average score of 4.6 out of 5) than the 21 parties who responded in Baucau with the lowest average score (3.2 out of 5) (Q10 and 45.1 S1). When asked to explain why, parties raised issues like insufficient chairs, waiting rooms that are too small or there being no waiting room. Some expressed their appreciation to use a sound system. Such comments were generally the same for permanent and mobile courts (Q47 S1).

The waiting room was small and there were no chairs (Convicted person, Mobile Court in Ermera) (Q47 S1)

By comparison, when asked specifically about the tribunal's facilities, a higher percentage (26%) of representatives were not, or were only a little, satisfied with the tribunal's facilities. The representatives gave Baucau the lowest score

and Oekusi the best. Their results generally indicated that private lawyers and representatives under 50 years old were less likely to be satisfied with the facilities (Q12.10 S2).

While only 71 parties responded to this question, most were happy with the furniture and equipment in the hearing room, with only 18% being not, a little or only satisfied enough (Q45.6 S1). Representatives were overall less happy, with 57% being not, a little, or only satisfied enough, giving an average score of 3.1 out of 5 and scoring the Suai tribunal as the worst (Q14.3 S2). This was similar however to the opinion of tribunal service providers, with 75% of respondents saying it was just sufficient ('natoon) (Q12.3 S3).

Users of the tribunal's services (parties and representatives) thought the directional signage in the court building was worse than the tribunal officials thought (Q45.3 S1, Q12.7 S2, Q10.8 S3). Tribunal service providers thought the signage in the court building was good, with an average score of 4.4 out of 5 (Q10.8 S3). 83% of representatives and 70% of parties which responded were also satisfied or very satisfied with the directional signage. However, 23% of parties were not satisfied or only a little satisfied (Q45.3 S1, Q12.7 S2). Dili got the lowest score from both representatives and parties (Q12.7 S2), while Oekusi got the highest score from the parties with all being satisfied or very satisfied with directional signage (Q45.3 S1).

These results suggest overall that while the majority of people in each group perceive the tribunal's facilities to be satisfactory, there is still a somewhat large group among parties and representatives that think the facilities in the tribunals are not sufficient, as well as the furniture and signage specifically. Improving these things may be a simple way to potentially improve users of the tribunal's services' perception of the justice process in GBV cases.

41% (9 of 22) of representatives thought the facilities and services provided by the court to help persons with disabilities, women and children in cases of GBV (e.g. access, toilets, translation, address signs, separate room for victims, transportation) were not sufficient (Q19 S2). 6 of 7 representatives from Baucau said no, compared with 2 of 6 from Oekusi and 1 of 7 from Suai, suggesting that the facilities in Baucau may be particularly inappropriate for people with disabilities, women and children in GBV cases. Private lawyers and representatives under 50 years old were more likely to think they were insufficient (Q19 S2). 50% of tribunal service providers agreed that these facilities were insufficient (Q21 S3).

Further, while 63% of representatives said the conditions for meeting with their clients were satisfactory or very satisfactory, 32% were not satisfied or only a little satisfied, with an average score of 3.5 out of 5. Lawyers working in Dili gave the worst score (Q14.1 S2). Tribunal service providers thought similarly (with an average score of 4 out of 5), with most thinking the conditions for representatives meeting their clients were good or very good. Only one tribunal service provider responded that they are bad and another 2 said that they were only sufficient ("natoon") (Q12.2 S3).

The issues raised by both representatives and tribunal service providers included, in order of prominence (Q20 S2 and Q22 S3):

- There is no specific room for victims of GBV (including women, child and victim with a disabilities) which can mean, among other things, that defendants can pressure the victim and make the victim afraid when they enter the tribunal.
- There are insufficient places for lawyers to speak to their clients because there is only one place for representatives to consult with their clients and no separate place for prosecutors and defenders before trial.
- No specific place for witness before and during trial.
- No accessibility for persons with disabilities, or specific space for people with disabilities. There was specific mention of victims using wheelchairs and the need for a ramp, and that the new (Dili) court facilities will provide a ramp to support victims.

Other issues raised by just representatives included (Q20 S2):

- Lack of confidentiality and security for victims to discuss with prosecutors,
- Insufficient seating in the court room, especially when there are multiple representatives or defendants,
- Long waiting times particularly due to multiple cases being scheduled at the same time,
- No specific place for defendant before and during trial,
- No mobile trial room,
- Lack of a court record, and
- Bad internet.

Finally, another issue raised by just tribunal service providers was the lack of court transport to take parties home at night (Q22 S3).

These same themes reappeared when representatives were asked to comment on whether the facilities and service of the tribunal was sufficient for clients. Their most frequent response was that there is only one meeting place for all lawyers to meet their clients and/or that there was no specific place for prosecutors, defenders, or private lawyers to meet with their clients. Moreover, there was no meeting place for lawyers to meet clients in mobile trial rooms, which is particularly a problem for confidentiality and security (Q17 S2). After this, other key themes included the need for a court record, long waiting times at court, particularly due to many trials being set for the same time, insufficient and inappropriately placed seating, no specific place for victims of GBV during the trial, and bad internet (Q17 S2).

Sometimes the Defence and Prosecution were present in court but because many trials were scheduled to take place at the same time we had to wait for a very long time (Public Defender, Male, Suai) (Q17 S2).

The court room for the trial really needs recording equipment (Public Defender, Male, Oecusse) (Q17 S2).

These results show that the specific facilities provided for persons with disabilities, women and children in cases of GBV were insufficient. Improving these, in accordance with the respondents' suggestions, will improve the justice system's broader response to GBV cases and encourage the community to report GBV cases. Survey results also show that the conditions for representatives meeting their clients must be improved so that there is private and confidential space for all parties to speak with their representatives prior to trial.

Court facilities are lacking because there is no room available for lawyers to speak with their clients such as victims in cases of GBV. The facilities are not sufficient for victims of GBV as there is no separate room for victims. For example: currently at the court the defendants and victims just sit together in the same place/chairs that have been provided by the court and this absolutely does not make victims feel safe at the court. (Private lawyer, Male, Baucau) (Q17 S2).

3.1.4 Administration

3.1.4.1 Responsibilities

The tribunal service providers on average thought the clarity of the organisation and administrative responsibilities within the tribunal were 4.25 out of 5 (Q10.5 S3). Representatives by comparison gave an average score of 3.6 out of 5, with Baucau lawyers giving the lowest average score (of 3) and Suai giving the highest (of 4.3) (Q12.4 S2).

3.1.4.2 Requests

While most representatives thought the tribunal responded quickly to requests, 7 of 24 respondents were satisfied enough or only a little with the speed of responses to requests with an average score of 3.7 out of 5. Private lawyers responded the least positively raising the question of whether private lawyer requests are not prioritised by the courts (Q13.9 S2). By comparison, all 8 tribunal service providers thought the tribunal was good or very good at responding to requests quickly (Q11.8 S3).

3.1.4.3 Archive

The vast majority of representatives were satisfied with the easiness of consulting the archive, giving an average score of 3.9 out of 5. Again, private lawyers responded the least positively (Q13.12 S2). By comparison, most of the 7 tribunal service providers who responded thought it was very good (Q11.11 S3).

3.1.4.4 Database Management

Most representatives were satisfied with the management of the process database, giving a total average score of 3.8 out of 5, but 5 of 23 representatives were only a little or satisfied enough (Q13.11 S2). All 8 tribunal service providers thought the management of the database was good or very good (Q11.10 S3).

3.1.4.5 Website

Most tribunal service providers thought the functioning and quality of the tribunal website was good (giving an average score of 3.9 out of 5 for functionality and 4.1 out of 5 for quality) (Q10.6 S3; Q10.7 S3). In comparison, most representatives thought both the website's function and quality were satisfactory enough (*kontente naton (mediu)*) with an average score of 2.6 out of 5 for both and 4 of 17 respondents saying both factors were "not satisfactory" (Q12.5 and 12.6 S2). Of the demographic groups, representatives in Baucau, representatives under 50 years old, and private lawyers were the least satisfied. While it is unclear, this may further indicate an informational disparity between private and public lawyers, and at least a little higher expectation among younger lawyers.

3.1.4.6 Document Access

All tribunal service providers said that access to the law and documents in the judicial area (*Asesu ba lei no dokumentu sira iha área judisiál*) was good or very good (Q10.3 S3), whereas only 71% of representatives thought this (Q12.2 S2). This suggests there is still room for improvement, particularly from the representatives' perspective. Representatives under 50 were more likely to be only satisfied enough which might reflect different technological expectations while private lawyers were overall less satisfied which might indicate a different experience of access to relevant legal documents.

3.1.5 Communication from and with the Tribunal

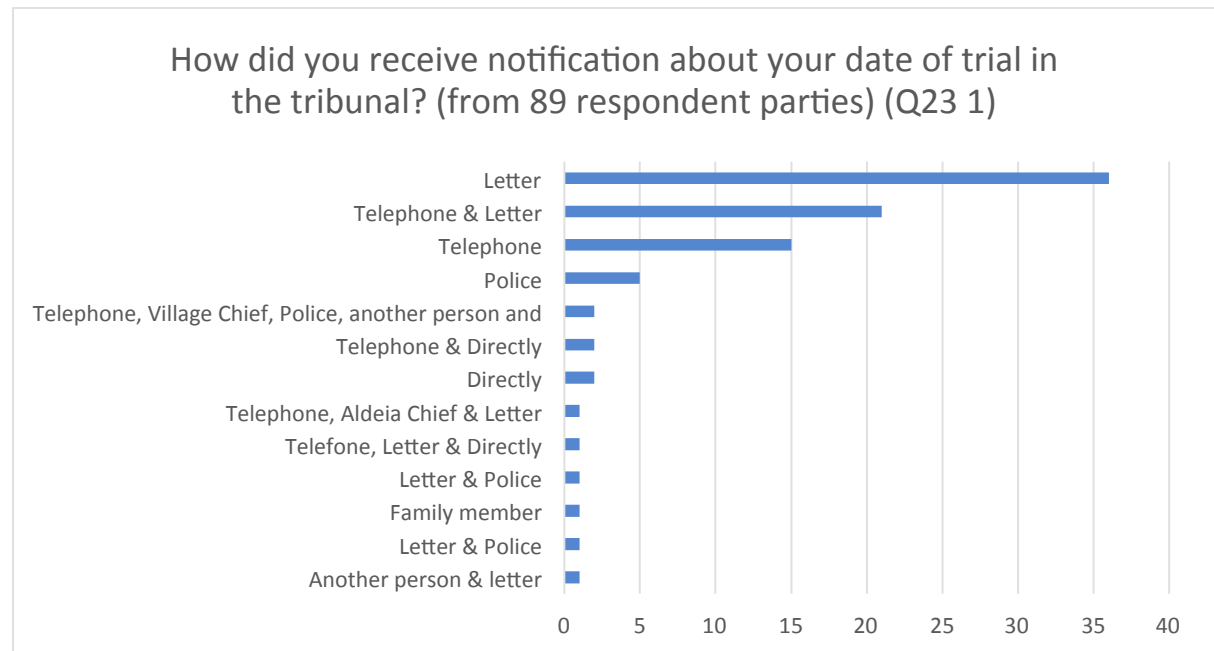
3.1.5.1 Means and Quality

The main means of communication between users of the tribunal's services and the tribunal was in person (directly), with telephone being second (Q21 S1, Q11 S2, Q11 S3). 85% of parties identified that they communicated either directly, or directly and with telephone, and 11% communicated primarily through letters (Q21 S1). All women and victim parties used direct or telephone communication. All representatives said they use either direct communication, or both direct and telephone communication (Q11 S2).

All 8 tribunal service providers thought the tribunal's communication with representatives was good or very good (Q11.9 S3). Similarly, the representatives were generally satisfied with the communication between the tribunal and representatives (Q12.3 S2). When asked about the quality of communication from the tribunal to representatives during cases, 4 of 25 representatives were only a little or satisfied enough (Q13.10 S2).

All parties (89) who had a decision in their case received a notification about the date of their trial (Q15 S1). They also indicated the method by which they received notification of their trial date, many given multiple responses. Of therefore 123 total responses, 51% were letter, 34% were telephone, 6% were another person, and 4% were directly. Overall, letter and telephone were the predominant form of notification with the police being third. 1 respondent (a defendant in the Baucau jurisdiction) apparently received their notification

through an unconventional means, being a member of their family, while 2 (defendants in the Dili and Baucau jurisdictions) received directly in person.



3.1.5.2 Language and Translation

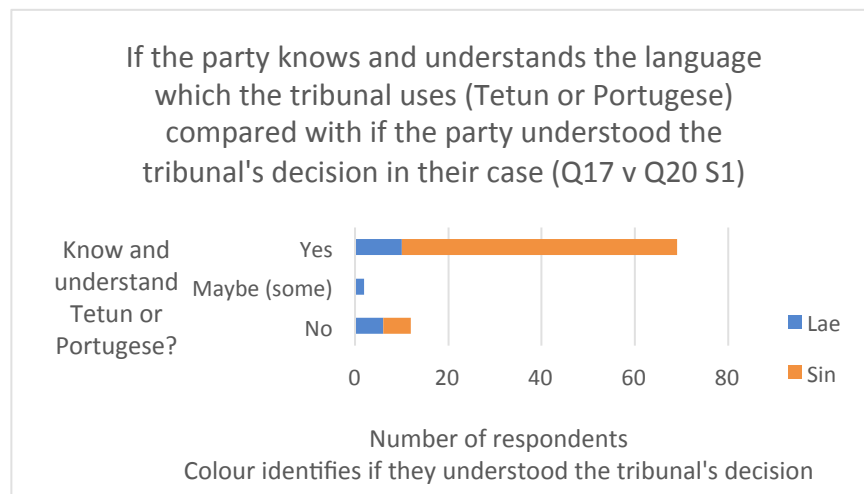
Victims were asked whether the trial in their case was in a language (i.e. Tetun or Portuguese) that they knew and understood, and then whether they were provided with a translator, with 88 responses (i.e. 2 witnesses saying it did not apply) (Q17 & Q18 S1):

- 12 parties said they did not understand Tetun or Portuguese, and all 12 of these said they got a translator in court. In general, parties were offered translators if they did not speak the language used in court (Tetun or Portuguese) (Q17 and 18 S1). This reflects the tribunal service providers' perspective (to a slightly different question) that the tribunal offers a translator when Tetun is not the parties' mother tongue (Q8 S3).
- 74 parties who said they knew Tetun or Portuguese, but 5 appeared to still get a translator.
- 2 parties (victims in mobile courts in Ermera and Liquisa) gave unclear responses, saying that while they spoke Tetun:
 - they did not understand the decision because the words were technical, or
 - they only know/understand some Tetun and so it was very difficult for them to understand the tribunal. This victim perceived that that they should have received a translator to understand the case in their local language to facilitate them understanding the technical language of the court.

These results indicate a general compliance with the right to free assistance of an interpreter if required.¹² However, they also indicate a broader issue of comprehension of the tribunal, regardless of whether the party technically knows the language or not. This issue is reflected in several results in the survey related to understanding (Q14, 17-18, Q20, Q42 S1) which suggest that a party knowing or speaking Tetun does not mean they understand the language that the tribunal is using or what the tribunal is saying.

For example, parties who said they did not understand Tetun or Portuguese were more likely than those who did (50% of 12 respondents) to say that they did not understand the tribunal's decision in their case (Q20 and Q17 S1).

By comparison, only 14% of 69 responding parties said they understood Tetun or



Portuguese **but** did not understand the decision in their case (Q20 and Q17 S1). This suggests that there may be a correlation between knowing the language of the tribunal and understanding its' decisions. This also indicates that parties' comprehension of the tribunal's language and the decision is an area that could be improved. While it is noted that other variables may mean that a party might not have understood the decision in their case (like an inferior representative), the tribunal could assist further by asking more detailed questions about the party's comprehension of the tribunal's language to determine if a translator would be beneficial (not just essential) and using simple and clear language.

However, other results indicate that perhaps this is not as much of an issue. When asked about their level of satisfaction with the language which the judges and representatives used in the tribunal, on average, parties gave a score of 4.1 out of 5 with only 9 of 90 respondents being less than satisfied (Q45.13 S1). It is unclear though how the word 'lian' was interpreted in this question and whether this indicates satisfaction with the use of Tetun or the level or technicality of the language used.

3.1.5.3 Information

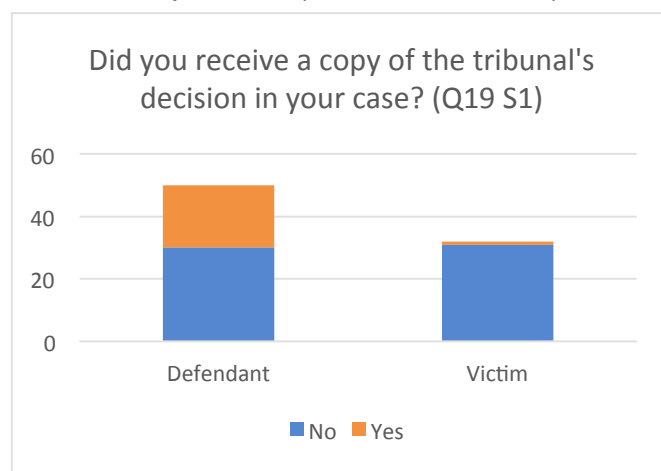
When asked about the information given by the tribunal, tribunal service providers all thought the information given by the tribunal was good or very good (Q10.9 S3). However, 15% of parties were not satisfied or only a little

¹² Article 14(3)(f) ICCPR.

satisfied, compared with 73% who were satisfied or very satisfied (Q45.18 S1). All 20 parties in Suai were satisfied, while parties in Baucau were the least satisfied, with 8 being not satisfied or only a little satisfied (Q45.18 and Q10 S1). 8% of representatives were only a little satisfied with the information given by the tribunal, with 71% being satisfied or very satisfied. Representatives from Dili and private lawyers gave the lowest scores by group (Q12.8 S2).

3.1.5.4 Decisions

74% (61 of 82) of all victims and defendants said they did not receive a copy of the decision in their case from the tribunal (Q19 and Q2 S1). This includes 31 of 32 (97%) victims which said they did not receive a copy, compared with 30 of 50 (60%) defendants and convicted persons (Q10 and Q19 S1), raising the question of why victims did not receive the decisions. 8 of the defendants' who had not received a copy of the decision were in prison at the time of the survey (Q19 S1), which suggests a failure of the justice system service providers to not adequately communicate with parties, particularly with those who are continuously affected by the decision of the court. The



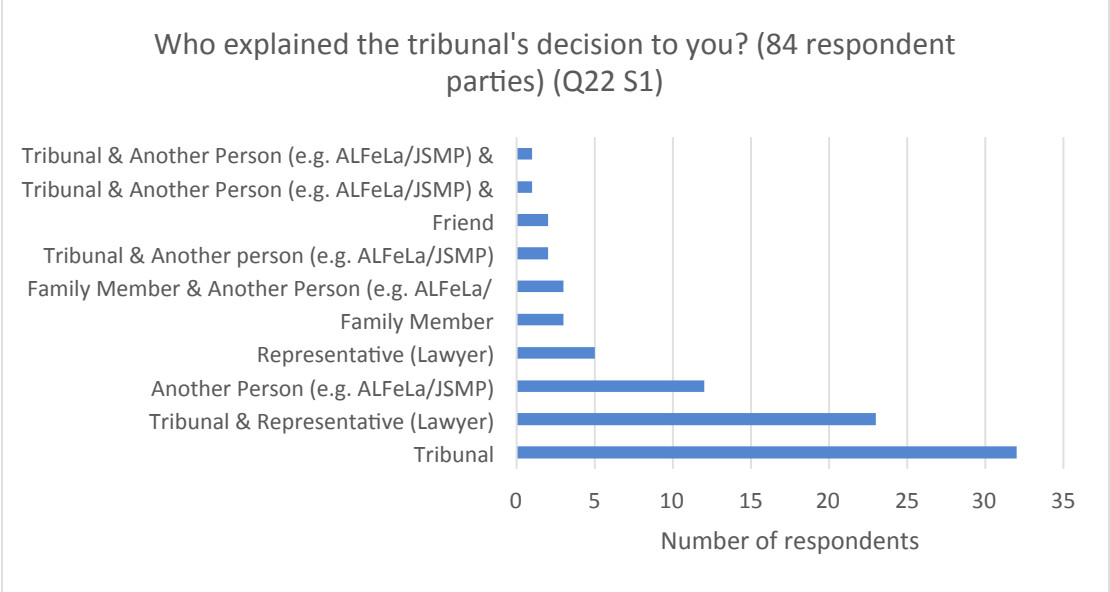
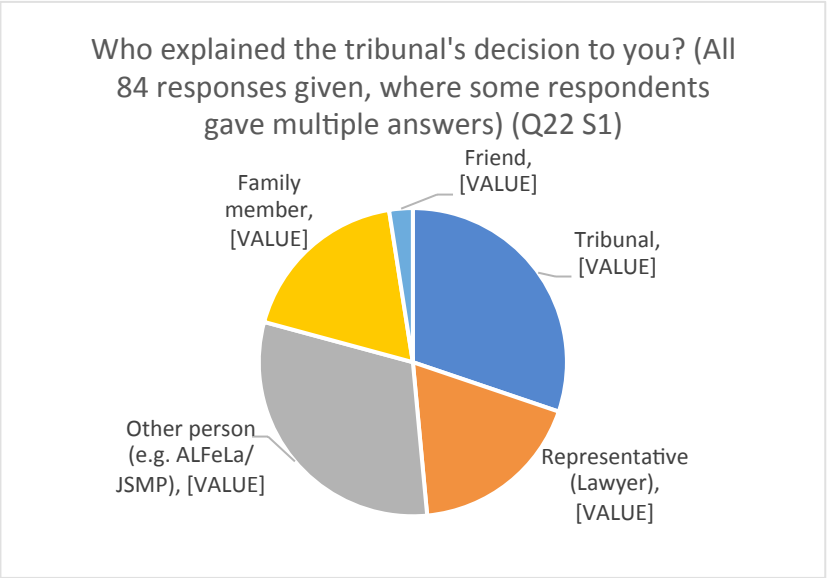
results indicated some jurisdictions were worse than others on this point, with all 20 respondents in Suai saying they did not receive a copy of the decision, compared with 22 of 25 in Dili, 13 of 19 in Baucau and 7 of 19 of those in Oekusi where most received a copy (Q10 and 19, S1). These results indicate that the requirement for victims to be informed through formal notification when a final decision is made in the case with a copy of the court judgement (article 92(2) of the CCP) is regularly not being met.

Explanations of decisions

Further, the parties were asked who explained the tribunal's decision to them. 84 parties responded, most giving multiple responses (e.g. the tribunal, their representative and another person). In total, 63 said the tribunal explained the decision to them, with 32 of those saying the tribunal exclusively explained it, while the rest said they also received explanation from various other sources like their representative, another person (e.g. ALFeLA or JSMP) or a member of their family (Q22 S1). In total, 29 respondents said their representative explained the decision to them, but only 1 relied exclusively on their representative's explanation and 24 relied on both their representative and the tribunal together. 23 respondents had it explained by another person like ALFeLA or JSMP, with only 12 exclusively from this. Finally, 2 respondents (both of whom were witnesses from Oekusi) had it explained exclusively from a friend, 12 (all victims from Baucau, Dili and Suai) exclusively from another

person like ALFeLA or JSMP, 3 (who were victims from Oekusi and Dili) exclusively from a family member and another 3 victims (from Oekusi) exclusively from a family member and another person like ALFeLA or JSMP (Q22 S1).

This means that ultimately, 18 victims said that they did not have the decision explained to them by the prosecutor or the tribunal, which raises questions about whether victims are attending court decisions,

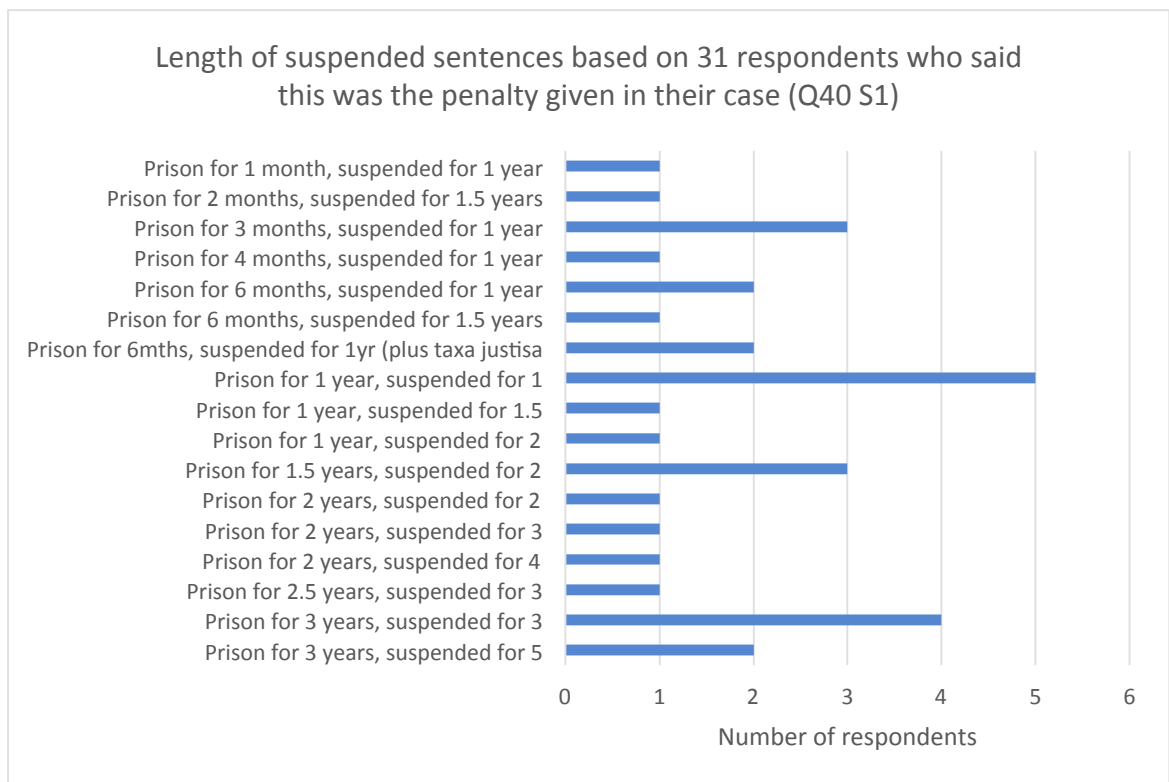


whether the tribunal is explaining the decision effectively and particularly, the role of representatives in actively engaging with victims throughout the process.

Penalties in GBV cases

The survey also indicated common sentences in GBV cases as all respondent groups provided information about the penalties that the defendant received in their cases, or the most common sentences in GBV cases. While this information is not statistically significant given the small sample sizes, it does point to the types, length and amount of penalties that can arise in GBV cases. For example:

- Almost all judges and tribunal officials said a suspended sentence was the most common sentence in GBV cases (Q23 S3).
- Representatives mentioned suspended sentences and fines as the main sentences given, but said standard prison, fines (sometimes with prison or preventative prison as alternatives) and admonitions were also used in GBV cases (Q28 S2).
- Parties that identified the punishment the defendant in their matter received indicated that suspended sentence (32 of 76 responses), fines (21) and prison times (17) were the most common punishments (Q37 and 38 S1).
- The 31 suspended sentences described by the parties involved prison sentences from 1 month to 3 years, with suspended sentences being from 1 to 5 years as shown in this graph (Q40 S1).



- The 16 prison sentences described by the parties ranged from 3 to 25 years (Q39 S1), with 4 being 5 years or less, 4 being 6-10 years, 5 being 11-20 years and one being for 25 years. 4 (3 defendants and 1 victim) respondents who said that their case ended in a prison sentence later also said that the tribunal's decision was not just and that they were not satisfied or only a little satisfied with the tribunal's decision (Q39, Q45.17 and Q49 S1), noting that it is possible that a victim and defendant were talking about the same case.
- The 20 fines described by the parties ranged from \$15 to \$240, where the most common was \$60 (5 responses) and the average of all is \$81.25 (Q37 and Q41 S1).

It can also be observed from the results that:

- Out of 75 party respondents who answered what type of penalty the defendant received in their case (Q37 and Q38 S1), only 1 said they also paid compensation of \$1000 in addition to receiving a prison sentence (Defendant from Manufahi). Given victim's rights to compensation under the Criminal Procedure Code¹³ and the ability for the prosecutor to bring a compensation claim concurrently with the criminal proceeding, this is a significant indication that prosecutors are routinely not utilising their power to seek compensation for the victim, undermining the rights of victims.
- No respondents said that alimony (maintenance) was paid by the defendant to the victim which may similarly indicate that prosecutors are routinely not seeking alimony claims concurrently with criminal proceedings despite having the power to do so in cases of domestic violence. However, this is not conclusive given the phrasing of the question about the 'penalty' received in the case that may have limited responses inclusive of this consideration.
- Regardless, the results indicate that the courts and prosecutors may not be effectively utilising, or informing victims of, the available legal provisions (including for provisional maintenance¹⁴) to:
 - reparate the victim's rights and return them to position as close as possible to if the crime was never committed, or
 - allow the victim to be economically independent of the defendant during and after the tribunal process through alimony payments, which JSMP's experience suggests increases the difficulty for victims to report, cooperate and continue to pursue the complaint.

The survey also referred to one situation where a defendant was absolved because the tribunal determined that the victim consented to the acts, one where preventative prison was used while the trial was on hold, and one where the victim did not know the result of their case (Q37 and 38 S1). This further highlights themes raised in the results like:

- Victims not receiving information about the decision in their case and
- Differences of opinions between victims and defendants on whether acts of GBV were consensual and how the judge determined the truth.

3.1.6 Sufficiency of Resources

Based on their experience in the justice system, the majority (76%) of parties thought the resources available to the tribunal were sufficient (*to'o*), while 18 thought they were not enough (*la to'o*) and 3 thought there were really not enough (*la to'o loos*). Most parties in Baucau, Oekusi and Suai thought the resources available to the tribunal were sufficient while 52% of parties in Dili thought they were insufficient or very insufficient (Q51 S1).

¹³ Article 72(2) of the Penal Procedure Code.

¹⁴ Article 32 of the LADV.

The responses from the justice system service providers on the availability of resources in tribunal were generally not as positive. 64% of representatives thought the material resources that the tribunal had was not enough (*la to'o*), and 88% of representatives thought that the human resources of the tribunal was not enough (*la to'o*) (Q26 and 27 S2).

- Private lawyers (11 of 12), and lawyers from Suai (7 of 7) were more likely to say that the material resources of the tribunal were not enough (Q26 S2).
- All 12 private lawyers said the human resources were not enough, compared with prosecutors (4 of 6) and defenders (5 of 7 with 1 saying it was very insufficient) (Q27 S2).

Tribunal service providers were overall even less positive than representatives, with 88% of tribunal service providers saying the tribunal's material resources are not enough. 2 said it was really not enough (*la to'o loos*) and just 1 saying it was enough (*to'o*). 100% of tribunal service providers thought the tribunal's human resources are not enough, 3 of 8 saying really not enough (Q19 and 20 S3).

When asked for more detail, representatives were mixed about whether they thought the changes in the trial process in relation to GBV cases since 5 years earlier made it now the same (14 of 25) or better (11 of 25) (*mudansa prosesu julgamentu iha tribunál relasiona ho kazu VBJ durante tinan lima ikus ne'e*) (Q24 S2). Prosecutors and defenders were more likely to say the process had gotten better (9 of 13) while those under 50 were more likely to say that it stayed the same (13 of 19) (Q24 S2). Tribunal service providers were more positive, with 7 of 8 saying it was better and one saying that it was the same (Q17 S3). Overall, this suggests that there have been some positive changes in relation to the trial process in the last 5 years.

Representatives were also asked about their assessment of any changes regarding the weight of cases and work involved in GBV cases during the last 5 years (*mudansa ruma iha tribunál relasiona ho pezu serbisu ba kazu sira kona ba VBJ durante tinan 5 ikus ne'e*) (Q25 S2). The vast majority (22 of 25 representatives) said the volume of work had increased more than the resources available (*volume serbisu sa'e lalais liu duké rekursus sira ne'ebé iha*) (Q25 S2). The tribunal service providers were asked the same question and 6 also said that the volume had increased more than the resources available (*Volume traballu sa'e lalais liu duké rekursus sira ne'ebé iha*) with the remaining 2 saying it was the same (Q18 S3). This indicates that there may be a mismatch of resources to GBV cases in the court, and that further resources should be prioritised for GBV cases to meet this gap.

3.2 Services of Justice System Service Providers

3.2.1 Tribunal Service Providers

The parties were asked several questions about the service they received from judges and tribunal officials during their case. When the parties were asked to comment generally on this (specifically

I am only a little satisfied because I am a person with a sight impairment, and it is hard for me to walk, the court contacted me to ask me to receive the notification at the court. As a person who has a sight impairment, they can bring the letter to my location/home. (Defendant, Baucau) (Q46 S1).

why they were not satisfied with how the tribunal officials and judges served them (Q46 S1)), they indicated following key reasons:

- The court did not stick to its schedule
- The process was very long to have their matter heard or receive a decision (responding to the question ‘where is the justice?’)

I am moderately satisfied because members of the aforementioned village always ask me if there is justice or not? This case happened a long time ago and the trial hasn’t happened yet, I am a witness and this case has taken a very long time to go to trial. The cases took a long time, nearly a year, and only then the court proceeded with a trial. (Witness, Baucau) (Q46 S1).
- Parties had to travel far (e.g. from Viqueque to Baucau).
- Victims had to interact with the defendant in court.
- Did not receive notification directly from the court (e.g. from the police), and sometimes with limited information.

3.2.1.1 Tribunal Officials

Attitude and service

When asked about the attitude and service of court officials, 11% of parties were either a little satisfied (kontente ituan) or not satisfied at all (la kontente) compared with 81% being content or very content (Q45.10 S1). Parties in Oekusi were the most satisfied (with an average score of 4.05 out of 5) compared with the least satisfied (although still happy enough) in Baucau (3.4 out of 5) (Q45.10 and Q10 S1). The representatives interviewed were also generally satisfied with both the attitude and courtesy of tribunal officials with only 8% being a little satisfied and none not satisfied (Q13.2 S2). The 3 judges who responded to the questions said that the service and courtesy of court officials (Q11.2 S3) was good or very good.

These results suggest that there may be some variation across jurisdictions about the attitude and service of court officials, but in general they are satisfactory. However, the results also indicate that tribunal officials’ attitude

and service could still improve, particularly when relating to parties but also representatives.

Competency and Training

The majority of parties were also satisfied with the competency of tribunal officials but 10% were either a little satisfied (kontente ituan) or not satisfied at all (la kontente) with an additional 14% being only somewhat satisfied (kontente natoon) (Q45.11 S1). Parties in Oekusi were again the most satisfied (4 out of 5) and Baucau the lowest (3.3 out of 5) (Q45.11 S1). By comparison, while the 3 judges who responded said that the professional competency of tribunal officials was good or very good (Q11.5 S3), 33% of responding representatives were only a little satisfied (kontente ituan) or somewhat satisfied (kontente natoon) with the competency of the tribunal staff (Q13.4 S2). Compared with the parties, the representatives thought the court officials in Suai had the lowest competency. Further, private lawyers were generally the least positive about the court official's competency (Q13.4 S2).

Related to their competency, all 4 tribunal official respondents said that they had not attended training or capacity building specific to GBV cases. 1 official specifically asked for training on GBV cases (Q24 S3).

These results similarly indicate that there may be variation across jurisdictions (noting that the sample size is insufficient to determine this conclusively), and that while the competency of tribunal officials is generally satisfactory, it could be still be improved. It may be this competency could be improved through further training on GBV in particular and the skills required for their role in general.

Accessibility and availability

The 3 judges who responded thinking that the availability and accessibility of tribunal officials was good or very good (Q11.7 S3). However, representatives were generally satisfied with the accessibility and availability of tribunal staff, where 4 of 25 were not satisfied or only a little satisfied (Q13.8 S2). Specifically, the 3 representatives who were not satisfied were private lawyers that worked in Dili, suggesting that tribunal staff may not be as available to representatives in Dili and to private lawyers (Q13.8 S2). If this is the case, the tribunal's resources in the busy Dili court *may* be a cause of this an/or a symptom of tribunal staff prioritising serving prosecutors and defenders over private lawyers.

3.2.1.2 Judges

Attitude and Courtesy

When asked about the attitude and courtesy of both judges and representatives collectively, the majority of parties were satisfied with just 21% either not satisfied, a little satisfied or satisfied enough (Q45.12 S1). Again, parties in Oekusi were the most satisfied with an average score of 4 out of 5 compared with Baucau's 3.3 out of 5 (Q45.12 and Q10 S1). By comparison, a higher percentage of representatives (25%) were either not

satisfied, a little satisfied or satisfied enough with the attitude and courtesy of judges specifically (Q13.1 Q2). The tribunal officials said the judges served (*atendimentu*) people well or very well (Q11.1 S3).

The survey therefore indicates that, despite the perception of tribunal officials, there may be room for improvement in the attitude and courtesy of judges to both parties and representatives, with potentially some jurisdictional variation.

Competency and Training

While most representatives were satisfied or very satisfied with the judges' professional competency, 25% were only satisfied enough (*kontente natoon*) (Q13.3 S2). Comparatively, 4 tribunal officials said the judges' professional competency was good or very good (Q11.4 S3). When asked about training they had received, the 3 judges who responded said they had received training on topics like gener-based violence, domestic violence, sexual abuse, sexual violence, how to communicate with child and women victims and the Penal Procedure Code, Penal Code, Civil Procedure Code (CPP) and Law Against Domestic Violence (LADV) (Q24 S3).

These results indicate that representatives are generally satisfied with judges' professional competency. However, to the extent that a goal of Timor-Leste's justice system could be to have a high level of satisfaction with the competency of judges, results suggest that some improvements could be made but do not indicate what components of their competency should be focused on.

3.2.2 Representatives

The survey says that 82 parties who responded had representation of the court. Appropriately, all those who said no or that the question did not apply were

I am not satisfied because my rights and the rights in my case were not explained (Victim from the Ermera Mobile Court) (Q48 S1)

witnesses (Q25 S1). 32 of 82 parties were represented by a prosecutor, 47 by a public defender, and 3 by a private lawyer (Q26 S1). All 3 parties who were represented by a

I am not really satisfied because there wasn't a detailed explanation about how to speak up and defend myself in the courtroom in the case that I face (Defendant, Oecusse represented by a Public Defender) (Q48 S1)

private lawyer were male defendants, with 1 being in Baucau and 2 in Dili (Q26 S1). This raised the question of why defendants, who have a legal right to be freely defended by a

I am satisfied with my representative (Prosecutor and ALFeLa) for accompanying me until the process was completed) (Victim, Baucau, pre-secondary educated, represented by Prosecutor and ALFeLa) (Q48 S1)

public defender, were represented by a private lawyer.¹⁵ At least one of these wanted to be represented by a public defender, indicating in response to another question that when he sought to meet with the defender, they never had a place, so he had to pay a private lawyer to defend their case (Defendant from Baucau, represented by a private lawyer, secondary educated) (Q48 S1).

I am not satisfied because we only met once and there was no detailed explanation about the process (Victim, Liquiça Mobile Court, represented by Prosecutor) (Q48 S1)

This indicates a violation of the right to legal counsel under the ICCPR.¹⁶ This defendant relatedly thought the cost of the justice process was big (Q26, Q43 and Q48 S1). In JSMP's

I am not happy because I met with my defence at the court when the trial took place (Defendant, Baucau, represented by a Public Defender) (Q48 S1)

experience, the other two respondents likely reflect a choice by the defendant to engage a private lawyer, rather than indicating that they were not offered representation by the public defender. Given the survey of representatives indicated that 9 of 12 private lawyers acted pro bono for their client and these 2 defendants said the cost of justice was small and *natoon*, it is also likely that these 2 defendants were represented by the private lawyer pro bono (Q26 and Q43 S1; Q7 S2).

I am not really satisfied because currently the defendant is in prison because his representative promised him that they would meet and talk about the case but until now there has been no meeting) (Convicted person from Ermera represented by a Public Defender, Primary educated) (Q48 S1).

35 females answered whether they had another type of representation, 1 woman (a victim from Baucau) identified ALFeLa as their representation, in addition to the prosecutor (Q27 S1). However, responses from parties to other questions in the survey indicated that:

- up to 6 party respondents were assisted by a legal assistance provider like ALFeLa and/or JSMP in some way, even if the respondent did not identify them as their 'representative' (Q26 and Q53, S1).
- 13 out of 32 victims who identified who explained the tribunal's decision to them, indicated that 'another person like ALFeLa or JSMP' did (Q22 S1).

Regardless, JSMP's view is that, while it is noted that the exact number of domestic violence cases that gives rise to this specific entitlement is unknown, given the significant portion of GBV cases are DV cases, this number would be higher if victims were accessing the legal assistance they are entitled to. This may indicate an issue of limited access (due to limited capacity, funding and availability of legal assistance providers or the distance to those providers) or a lack of knowledge about their availability which is, in part, a

¹⁵ See Articles 60 and 68 of the Penal Procedure Code.

¹⁶ Also Articles 60 and 68 of the Penal Procedure Code.

responsibility of prosecutors. Further, the minimal numbers of victim respondents that said they utilised ALFeLa or JSMP's legal assistance means that collectively the system is not sufficiently fulfilling the victims' guarantee that all victims must have adequate assistance throughout the legal process, including free legal aid, the right to be accompanied and represented in court by a specialised service and access to specialised services to receive guidance and assistance in using the legal system.¹⁷ This limits the victims' ability to have their concerns taken into account at relevant procedural stages.

3.2.2.1 General Service and Client Satisfaction

When asked about the service of their representatives, the parties gave an average score of 3.9 out of 5, with 16% not being content or only a little content compared with 78% being content or very content (Q45.19 S1). Oekusi scored the highest with 4.4 out of 5 and Baucau the lowest with 3.3 out of 5 (Q10 and Q45.19 S1). This was not dissimilar to the tribunal service providers who gave the service (*atendimento*) provided by representatives an average score of 4 out of 5, with 75% saying their service was good (Q11.3 S3). The survey therefore suggests that while generally the service provided by representatives is satisfactory, it could be further improved so that all clients are satisfied, and that there may be some jurisdictional differences in the service provided.

83% of parties who said they were not satisfied or only a little satisfied with the service from their representative also said that they did not know their rights in the justice process. This result suggested that there might be a correlation between the two and that the parties' satisfaction with their representatives' service may also say something about their competency in their role, given that a key role of a representative is to explain a client's rights in the judicial process (Q45.19 and Q16, S1).

When asked why they were not satisfied with the service with their representative provided, parties focused predominantly on meeting their lawyer for the first time at trial (8 responses), and the lack or poor quality of explanations from their representatives about the process, their rights, how to speak in court and the decision (6 responses) (Q48 S1). Relatedly, two respondents were dissatisfied for having only met their lawyer once, another was dissatisfied with not receiving any prior information about who their lawyer would be, while another never met their representative (Q48 S1). Those that had good things to say highlighted meeting with their lawyer before the trial and/or their representative accompanying them throughout the whole case (Q48 S1). This suggests that client satisfaction would be improved if clients had more opportunities to meet with their representative, at all three key points in the case, received better explanations about the process, their rights and how to conduct themselves in court.

¹⁷ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Principles 6(b), (c) and 14 to 17.

3.2.2.2 Professional Competency

The tribunal service providers ranked representatives' professional competency with a 4.4 out of 5, with all 8 tribunal service providers saying they were good or very good (Q11.6 S3). Representatives were asked to comment on their professional competency of their counterpart groups, but generally gave similar scores for satisfaction. Specifically:

- Defenders and private lawyers gave an average score of 3.8 out of 5 to prosecutors where 5 meant 'very satisfied' and prosecutors in Suai were ranked the highest by their peers (Q13.5 S2).
- Prosecutors and private lawyers gave an average score of 3.6 out of 5 to defenders (Q13.6 S2).
- Prosecutors and defenders gave them an average score of 3.8 out of 5 to private lawyers, with private lawyers in Baucau being ranked the lowest by their peers (Q13.7 S2).

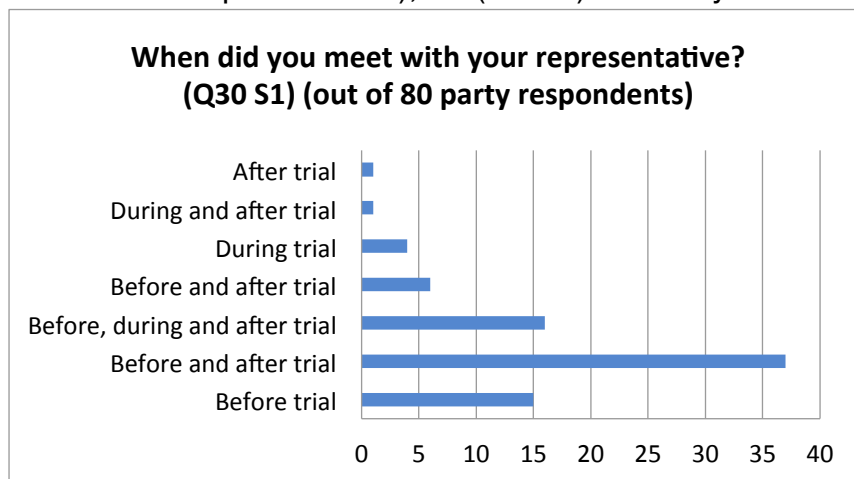
While parties were not directly asked the equivalent question of their representatives' competency, it is of note that representatives were more critical of their peers' competency than tribunal service providers were, and that generally the scores given to their peers were consistent with the similar scores of the parties' responses to their satisfaction with their representatives' services above.

Relatedly, when the parties were asked what additional assistance they received, 17 of 32 victims who completed the survey responded and only 8 said they attended a shelter and only 6 indicated they received legal assistance (from across the 4 jurisdictions) (Q10 and Q53 S1). These low numbers may indicate that tribunal service providers like the prosecutor not sufficiently informing victims of the option of a shelter (despite this obligation under article 28 of the LADV) or to obtain (personal) legal assistance, noting that the prosecutor is technically representing the state in relation to a crime.

3.2.2.3 Meetings with Clients

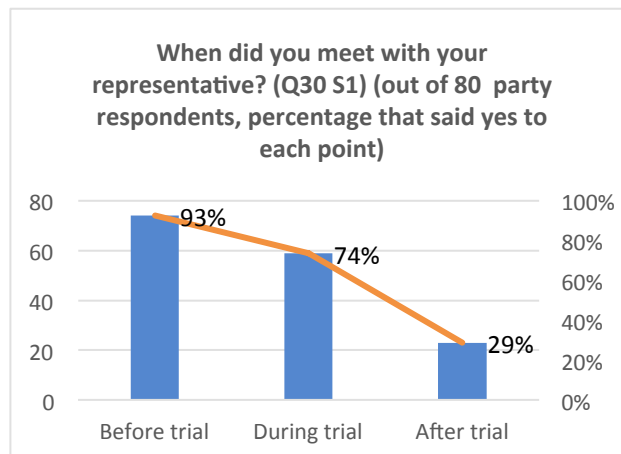
When asked how many times they met with their representatives, of 82 party respondents (those who had representation), 21 (25.6%) said they met once,

59 (72.0%, being 25 women and 33 men) said they met more than once and 2 (2.4%) they never met with their representative (both being defendants who had their



trial in Dili) said (Q28 S1). The portion of victims and defendants who met with their lawyer more than once was about the same (75% compared with 70%). The results indicate some was jurisdictional disparity: all 18 parties in Oekusi who responded said they had the opportunity to meet with their representatives more than once, compared with Dili who had the highest number of respondents who only met with their representative once (Q28 and Q10 S1).

When asked at what points during trial a party met with his representative, 93% (74 of 80) respondents said they met before the trial, 74% (59 of 80) said they met during the trial and 29% (23 of 80) said they met after the trial (Q30 S1). This is because most parties (60 of 80) indicated that they met with their representative at two points or more during the trial (Q30 S1). However, it



is unclear how “before trial” was interpreted, it being possible that respondents said “before” if they talked to their representative briefly outside the trial room on the day of trial, as compared with a standard lawyer/client meeting prior to the day of the hearing.

Regardless, these results indicate that many parties may not be receiving sufficient advice and guidance from their representatives at all points in the case process, given the importance of receiving pre-trial advice on matters like how the process will work and what their rights are, and receiving advice post-decision about what the decision means and whether they can appeal the decision.

- If a victim does not have sufficient time with their lawyer, it is likely the prosecutor is not satisfactorily fulfilling their duty to ensure the all victims are informed about their rights and services available, and to receive updated information on the progress of the judicial process and the outcome of the case, that would necessary involve meeting with them before, during and after the trial.¹⁸
- If a defendant does not have sufficient time with their lawyer prior to trial, the defendant’s right to have adequate time and facilities for preparation of their defence and to communicate with counsel is not being met,¹⁹ nor the right to legal assistance in its full sense.²⁰

29% of parties responding that they met with their representatives after trial for example raises questions about who is explaining the decision to the parties and whether they understand it. This is shown when this result is

¹⁸ Article 25(c), LADV. Spotlight Report 2022 p 23.

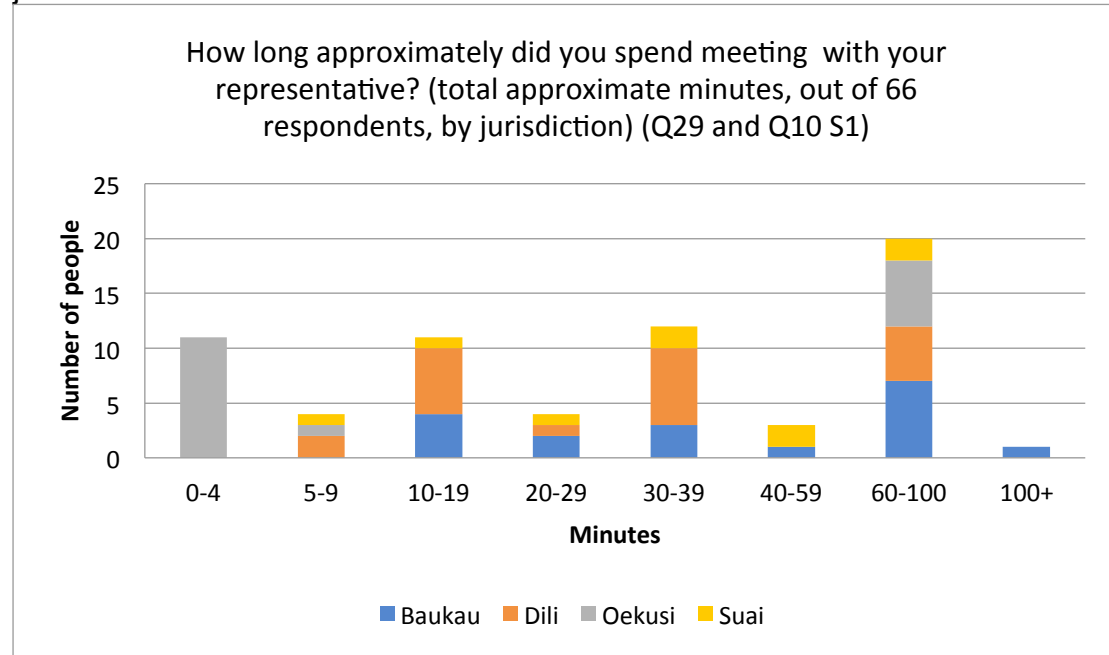
¹⁹ Article 14(3)(b) ICCPR.

²⁰ Article 14(3)(d) ICCPR.

compared with responses to questions about whether they understand the decision in their case. It is found that those who met with their representatives after the trial were more likely (91% of 23 respondents) to understand the decision compared with those that did not (only 72%) (Q20 and Q30 S1). Furthermore, responses to questions regarding who explained the decision to the party indicates that only 29 of 84 respondents said their representative explained the decision to them (Q22 S1).

That said, it is worth noting that the survey shows that meeting with their representative before the trial did not guarantee that they would understand their rights, with 60% of those who did so still saying they did not understand their rights (Q16 and Q30, S1).

Of 65 respondents, 45% reported meeting with their representative for a total time of less than 30 minutes, with 17% spending less than 5 minutes. Of 66 respondents, only 32% spent more 1 hour or more with their lawyer (Q29 S1). Interestingly, most respondents in Oekusi had less than 5 minutes with their representative, with the rest mostly receiving over 1 hour, whereas other jurisdictions varied between 5 minutes and more than 100



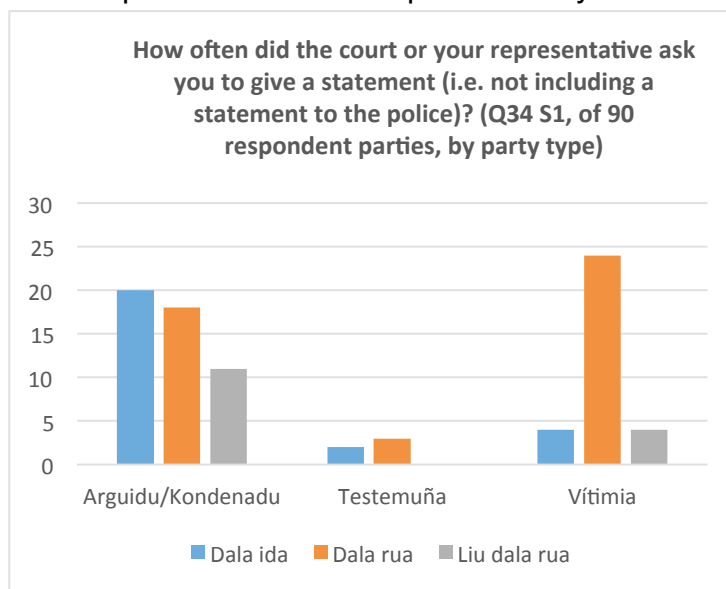
minutes, with Baucau in general having longer times (Q10 and 29 S1). This is of note when Baucau scored the lowest for the parties' perceptions of their representatives' service, but on average, they received more time with their representatives (Q29 v Q45.19 S1) with the two Baucau parties who said they were not satisfied to Q45.19 getting more than 60 minutes of time with their representatives. These results suggest that there might not be a correlation between the time clients receive with their representatives and their satisfaction with their service.

3.3 Experiences of the Justice System

3.3.1 Safety and Comfort During the Justice Process

Both types of users of the tribunal's services were asked questions regarding the safety and comfort of parties during the tribunal process.

For example, in the context of the particular trauma experienced by victims of GBV and the efficiency of the justice system's processes, parties were asked how often clients got a request from the court or their representative to give a statement (i.e. not including a statement to the police). Of 86 respondents, 26 said once, 45 said twice, and 15 said more than twice (Q34 S1). This reflects that 87.5% of victims were asked for their



statement two times or more (24 of 32 said twice and 4 said more than twice), compared with 58% defendants (18 of 50 said twice and 11 said more than twice) (Q34 S1). If it is assumed that “more than twice” equates to three times (despite it also potentially capturing 4 or 5 times), then the average number of times all 86 responding parties were asked to give their statement was 1.87 times. Parties were asked for their statement the most often in Oekusi (based on the same assumption, an average of 2.1 times), with none of the 20 Oekusi respondents saying they were asked for their statement just once, compared with 1.6 in Baucau (where 14 of 21 said they were asked just once), 1.8 in Dili and 1.9 in Suai.

These results suggest that some parties are being asked to give a statement more often than necessary (ideally, they would give their statements once to their representative and once to the tribunal). In JSMP's view, this is inefficient and can be traumatising particularly for victims of GBV, and runs contrary to the guarantee for victims of GBV that they should be treated with compassion and respect.²¹ Victims should not have to re-live their trauma over and over. All justice system service providers must avoid situations where victims are asked to provide their statements *more than* twice, and should work to facilitate the victim only needing to give one statement.

However, JSMP did not find a correlation between the number of times parties had to give a statement and whether the tribunal and their representatives made them feel comfortable and secure (Q34 and Q35 S1). When asked if the courts and representatives made them feel safe and comfortable, out of 89

²¹ Spotlight Report 2022 p21.

respondents, 69 said yes, 19 said a little and 1 (a defendant in the permanent court in Dili) said no. Men and women were about as likely to say that the tribunal and representatives made them feel “safe” (80% (28 of 35) for women and 75% (40 of 54) for men), compared with only “a little safe” (20% or 7 women and 22% or 12 men) (Q35 S1). The responses were not particularly affected by whether the person was a victim or defendant. Parties were most likely to say the tribunal and representatives made them feel safe and comfortable in Oekusi (100% or 20 of 20), compared with Dili (81% or 21 of 26), Suai (73% or 16 of 22) and Baucau (57% or 12 of 21, where 9 of those (all victims) said the tribunal/representative only made them feel a little safe).

A similar portion (5 of 23) of representatives were also not satisfied or only a little satisfied with the comfort and safety which the tribunal offers parties (including victims), with the average score being a 3.4 out of 5 (Q14.2 S2). However, this largely reflects unsatisfied responses from representatives in Baucau, with all representatives in the three other jurisdictions being satisfied (Q14.2 S2). By comparison, 2 of 8 tribunal staff said it was only sufficient (natoon) while 5 said it was very good (Q12.1 S3).

This indicates that while many were satisfied, improvements could be made by the tribunal and representatives to make parties feel comfortable and secure during the tribunal process. One important improvement includes limiting the number of times a party gives their statement. This is to ensure that the justice system effectively responds to issues of GBV. The survey indicates that Baucau in particular needs improvement on this. JSMP concludes that improving the experience of safety and comfort for all parties is important to increase the likelihood of their continued engagement with the tribunal process and encourage more victims to report

3.3.2 Understanding their Rights and the Tribunal Process

When their case was filed, the majority 57% (47 of 82) of parties did not understand the legal process or the final results possible from their case (Q14 S1). The Suai jurisdiction had the highest percentage of “no” responses at 95% (19 of 20) compared with Baucau 74% (14 of 19), Oekusi 44% (8 of 18) and Dili 24% (6 of 25). By connection, parties from Dili, Ermera, and Liquisa (including 8 from mobile courts) were much more likely to understand. In contrast, parties from Baucau and Covalima were much more likely to *not* understand the legal process or the final results. Education levels did not seem to make a difference in the level of understanding. In fact, 80% of the respondents with university education did not understand the legal process or the possible results. The role and gender of the parties impacted their answer. Most female respondents said that they did not understand the legal process or possible results 82% (27 of 33) compared with 40% men (19 of 48). Similarly, 58% of defendants said that they understood compared with 19% who did not. This suggests that prosecutors and other legal representatives must do more to ensure that victims understand the legal process and the possible outcomes of bringing a claim to court.

An even higher amount of parties 60% (54 of 90) said they did not know their rights in the justice process (Q16 S1). The percentage of victims (84%) who

did not know their rights was significantly higher than defendants (50%) (Q16 and Q10 S1). There was also a significant disparity across jurisdiction. In Dili, 81% (21 of 26) said they did know their rights. By comparison, 91% (20 of 22) in Suai and 86% (19 of 22) in Baucau said they did not know their rights (Q10 and 16 S1). These results indicate that:

- a large portion of parties do not know their rights,
- the principles of justice for victims regarding victims being informed of their rights in seeking redress are largely not being met²²
- that the Ministerio Publico may not be fulfilling their duty to ensure the victims are informed about their rights²³
- potentially, the police, prosecutors, and other legal representatives might not be adequately explaining the rights of defendants especially in Suai and Baucau.

This may be because it was difficult for parties to access information about their rights that is fundamental to the concept of a fair trial. 75% of parties said it was difficult or very difficult to get information about their rights in general, which was consistent for all types of parties, ages and genders (Q24 S1). While most parties in Dili found it easy to get information about their rights, parties in Suai and Oekusi found it to be difficult. It was most difficult for those in Baucau. However, knowing their rights and the ease of getting information about their rights was directly correlated, with 93% (50 of 54) saying that they found it difficult or very difficult to access information about their rights (Q24 and Q16 S1).

A notification of a party's hearing date should be accompanied by information about their rights.²⁴ However, those who received notification of their hearing date from the police or through a letter largely (59%) said they did not understand their rights (Q16 and 23 S1). Relatedly, 73% of respondents who said that they were not satisfied, only a little satisfied, or satisfied enough with the clarity in the notification they received from the tribunal also said that they did not know their rights (Q45.7 and Q16, S1). This suggests that parties may be more satisfied with the notifications if they are clearer and contain more detail about their rights in the court proceeding. In particular, if notification is given through a letter, a party's rights should be outlined in an understandable manner. Finally, the survey results do suggest a disparity in understanding correlated with the representative: parties represented by prosecutors were much less likely to understand their rights (84% represented by prosecutors), compared with other types of representatives where about half of their clients understood (Q16 and 26, S1).

25% of parties perceived the clarity of the tribunal process as unclear or very unclear (Q31 S1). By comparison, 20% of representatives thought the tribunal process to be unclear or very unclear. 4 of 5 of were private lawyers and the representatives' clarity did not appear to be correlated with their level of

²² See principles 5 and 6(a) of the Victim's Principles and guarantee three in the Spotlight Report 2022 p23.

²³ Spotlight Report 2022 p23.

²⁴ See for example Articles 59(3), 60 and 212 of the Penal Procedure Code.

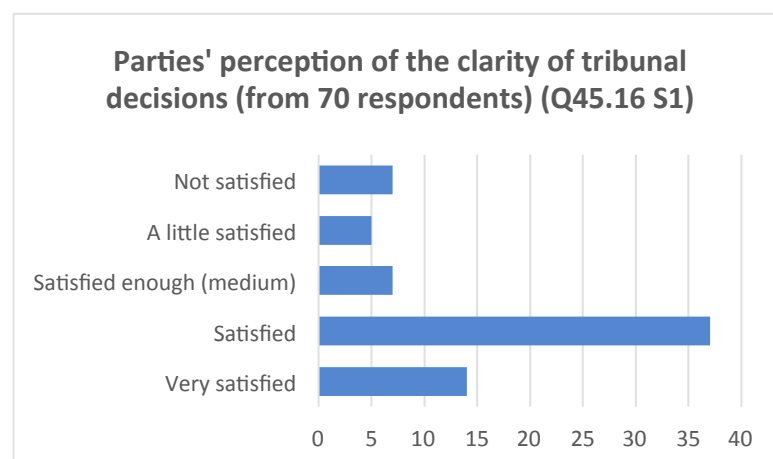
experience (Q21 S2). Jurisdiction also seemed to play a part, with 3 of 5 representatives in Dili saying that it was unclear or very unclear compared with all 6 from Oekusi who said it was clear or very clear (Q21 S2). 7 of 8 tribunal service providers also said that it was very clear (Q9 S3). These results suggest that:

- Tribunal service providers have an inaccurate perception of users' views about their service,
- The tribunal and representatives all need to do more to ensure that the tribunal process is clear for all parties, and
- The tribunal's process is clearer to those on the 'inside' like prosecutors and defenders, as compared with parties and private lawyers.

3.3.3 Understanding of the Tribunal's Decisions

18 of 82 (21%) victims and defendants said that they did not understand the tribunal's decision in their case, including 3 that were in prison at the time of the survey (Q20 S1). 6 of these 18 were also parties that said they did not understand Tetun or Portugese with another 8 being those who said they knew some only (Q17 and Q20 S1), suggesting that even where translators were used, there may be a correlation and the court or the party's representative may not have been using the translator effectively or enough. 19 of 20 respondents in Suai said they understood the decision, compared with 7 of 12 in Oekusi saying they did not (Q20, S1). Victims were more likely to not understand the decision in their case (12 of 32) compared with defendants 10% (5 of 50) (Q10 and 20, S1). Again, the results did not show any correlation between the education of the party and their likelihood for understanding (Q3 and 20, S1). In JSMP's experience, these results may reflect the common situation where victim's do not attend (sometimes through lack of notification) the final hearing in their case where the notification is given. This may also be because the survey results suggest very few victims meet their representative after the trial (2 of 32) (Q10 and Q30 S1). Both of these factors point to a failure on the part of the prosecutor to fulfil their duty to ensure the victims are informed about the outcome of the case.²⁵ However, it is also of concern that 3 defedents in prison did not understand the decision that put them there.

This makes it unlikely that they were given satisfactory information about their case or the right to have their conviction reviewed in accordance with



²⁵ Spotlight Report 2022 p23.

Article 14 of ICCPR.

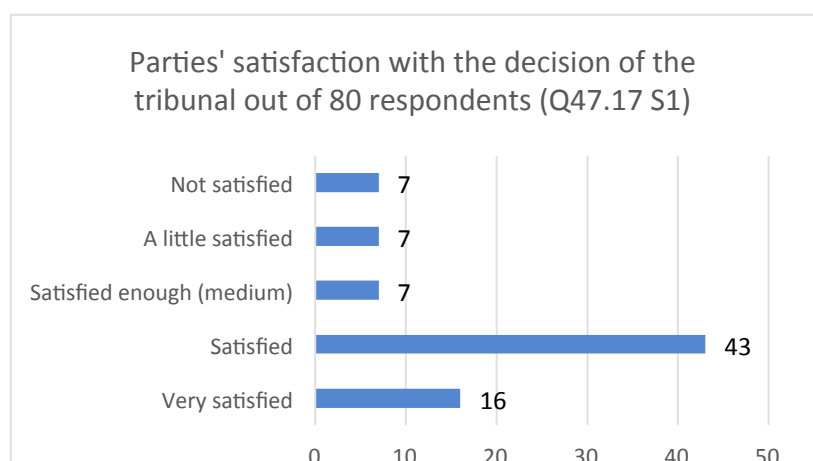
Relatedly, 75% (49 of 65) responding parties said they understood the penalty the defendant received and the consequences of the penalty, while 4 said they did not understand, 1 only a little and 11 said they did not know (Q42 S1), with women and victims being the most likely to say that they do not know the penalty.

Many victims and defendants who said that they understood the tribunal's decision also said they did not receive a copy of the tribunal's decision (as discussed above). However, 95% (20 of 21) of those who received a copy of the decision said they understood it. This suggests that a copy of the decision is not necessary for a party to understand it but that a party *may* be more likely to understand the decision if they receive a copy of the decision (Q19 and 20, S1). By comparison, receiving a copy of the decision or not did not seem to affect the parties' perception of the clarity of the decision (Q19 and Q45.16 S1). There appears to be a positive correlation between the party understanding the decision in their case and thinking the decision was clear. Specifically, those who said they understood the decision gave an average score of 3.9 out of 5 for their satisfaction with the clarity of the decision, compared with an average score of 2.5 if they did not understand the decision (Q20 and Q45.16, S1).

Parties also ranked the clarity of the court decision with an average score of a 3.7 out of 5, with 27% not being satisfied, a little satisfied, or satisfied enough. Parties in Baucau scored their decisions the lowest with 3.2 out of 5 compared with average scores of 4 out of 5 in Suai and Oekusi (Q45.16 S1). This compares with the average score given by representatives of 3.9 out of 5 to the clarity of the decision and its ability to be understood. Only 28% were only a little or satisfied enough and younger representatives and private lawyers were more likely to think that it is not clear or understandable (Q15.1 S2). Representatives from Suai and Dili were the least satisfied with average scores of 3.3 and 3.2 out of 5 respectively, compared with Baucau's 4.4 and Oekusi's 4.5 (Q15.1 S2). The 6 responding tribunal officials gave a score of 4.3 out of 5, all saying it was good or very good (Q13.1 S3). This suggests that tribunal service providers are overestimating how parties perceive the clarity of their decisions, and that both parties and representatives are seeking more clarity in decisions.

3.3.4 Satisfaction with the Tribunal's Decisions

When asked about their satisfaction with the court's decision, parties indicated that they were overall satisfied with an average score of 3.7 out of 5 that did not fluctuate much with age or gender (Q45.17 S1). 14 of 80 respondents (18%) said they were not or only a little satisfied. Parties in Oekusi were the most satisfied with an average score of 4.2 out of



5 compared with the lowest score of 3.2 out of 5 in Baucau. 69% (20 of 29) of victims who responded said they were satisfied or very satisfied with the tribunal's decision, compared with 76% (38 of 50) of defendants.

If parties understood the decision, they were more likely to be satisfied with the decision itself, giving an average score of 3.8 of 5 for satisfaction compared with a score of 3.1 if they did not understand the decision (Q20 and Q45.17 S1).

When asked whether they thought the tribunal's decision was just, 71 of 84 (85%) respondents said yes, with 9 saying no (5 women/victims and 4 men/defendants) and 4 saying they do not know (Q49 S1). The highest number of "no" responses came from Dili (5 of 26) and Suai (3 of 20), and all the "no" responses came from respondents between the ages of 21-49. When asked to explain why the decision was not just, some parties commented on the lack of or insufficient penalty, the defendant's lack of capacity to pay the fine, the perception from the defendant that the sexual relations were consensual, or the perception from the court that it was consensual because it was repetitive, the convicted person being innocent, or the decision not being explained (Q50 S1).

Because it was not explained to me (Victim at the Liquiça Mobile Court) (Q50 S1).

It is not fair for me because the defendant remains free. The victim wants the defendant to go to jail (2 victims, Suai) (Q50 S1).

It's not fair for me because I only just heard the decision from JSMP that the defendant was only given a prison sentence of 8 years (Child Victim, Baucau) (Q50 S1).

It's not fair for me, just because of repetition the court said there was consent, but the defendant is my grandfather and he threatened me continuously so I wasn't able to report it quickly (Victim, Suai) (Q50 S1).

While a slightly different question was asked, these results were affirmed by the perspectives of the representatives.

Representatives generally said that decisions are just and appropriate with an average score of 3.6 of 5 (79% being satisfied or very satisfied) (Q15.4 S2). All 6 representatives who were not satisfied, a little satisfied, or only satisfied enough were all under 49 years of age (Q15.4 S2). The lowest average score was given in Dili at 3.2 out of 5 compared with Oekusi at 4 out of 5 (Q15.4 S2). Representatives also responded to whether the decisions were generally easy to implement with an average score of 3.8 of 5 (76% being satisfied or very satisfied) (Q15.3 S2). Again, representatives under 49 years old were overall less satisfied, and the lowest average score was for Dili (3 out of 5) and the highest for Oekusi (4.5 out of 5).

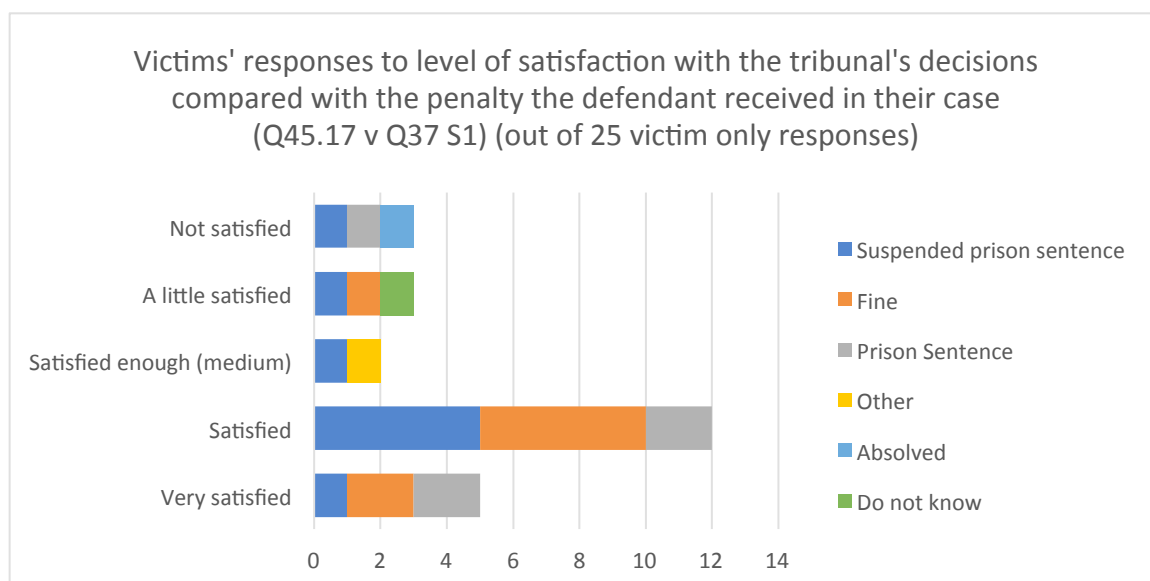
The Public Prosecution Service when formulating charges needs to carefully question the victim so that when they bring charges they don't ruin the life of another person who is innocent with a long prison sentence of many years (Convicted person in Gleno Prison) (Q50 S1).

When asked to explain the reasons for not being happy with the tribunal's decision, the representatives highlighted the following themes in order of frequency (Q18 S2):

Since I have been providing assistance to defendants the decision did not match the facts that were produced during the trial, as the defence, we need to lodge an appeal (Public Defender, Baucau).

- If the representative was not satisfied and/or the decision was not in accordance with the law or the facts produced, then the representative must appeal to the court
- Some decisions were satisfactory and some were not
- Some decisions were 'copied and pasted' from previous cases
- Despite the victim's evidence, the judge followed the defendant's declaration
- The deadline for representatives to appeal was limited, especially given the time between when the decision was given in court and when the parties receive the actual written decision
- Difficulties to understand the decisions because it was written in Portuguese

Because all of the decisions are in Portuguese it is difficult for the defence to lodge an appeal within the legal time frame and to contest certain issues (Private Lawyer, Oekusi).

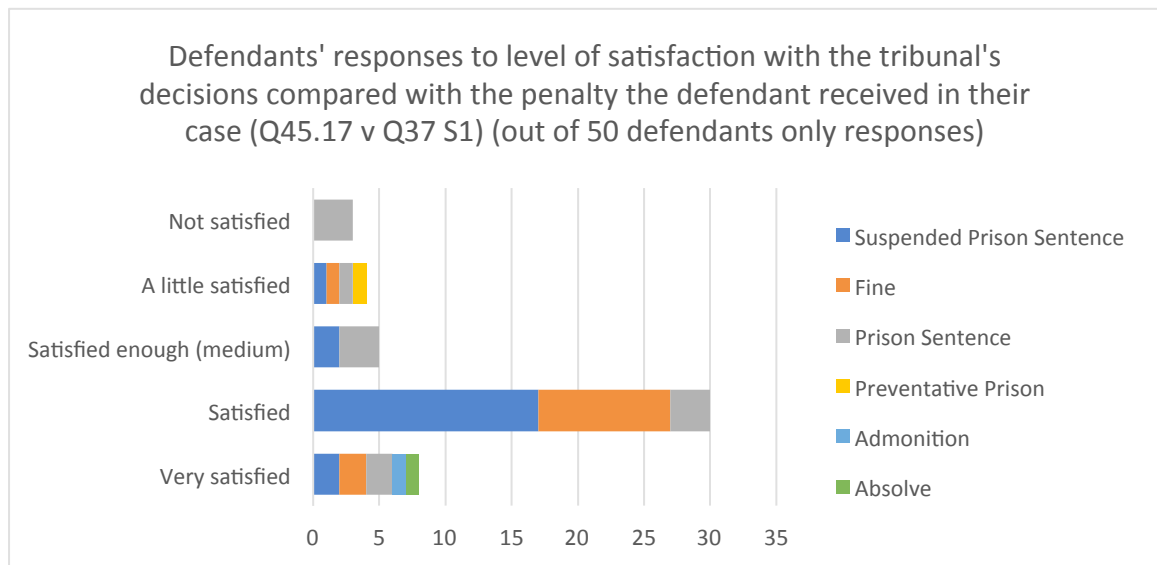


- Judges are free to evaluate according to law and their own conscience.

Tribunal service providers said that decisions were just and appropriate with an average score of 4.3 out of 5 (Q13.4 S3) and the easiness of the decision to implement being 4.5 of 5. All 6 respondents thought that both factors were either good or very good (Q13.3 S3).

These results suggest that:

- Tribunal service providers perceive its decisions differently to those closer to the parties' experience (both the representatives and parties



themselves)

- Judges need to more appropriately consider the weight of the testimony from both parties and if one testimony is considered more favourably, explain why this is the case and how it is in accordance with the law to the parties and representatives. This is fundamental to fulfilling the principle that all persons are equal before the law.
- Decisions could be improved, made more just, more consistency appropriate and in accordance with the law and facts. The ease of implementing decisions could be improved, particularly in Dili.
- There is a problem if parties are receiving written decisions in a language they do not know and understand (Portuguese), especially if that party did not attend the tribunal when the decision was said verbally. Other results suggest victims sometimes do not attend (or know about) the decision in the tribunal.

3.3.5 Perceptions of Confidence, Independence and Impartiality

Parties were also asked about their confidence in the justice system based on their experience in their case. 61% had high confidence or very high confidence while 28% were confident enough (medium) and 10% had low or very low confidence (Q33 S1). Parties reported highest confidence in Suai with an average score of 4.25 out of 5 where 5 means very high confidence, compared with 3.3 in Dili at the lowest (Q10 and Q33 S1). Men and defendants were overall a little more likely to be confident in the judicial system, than females and victims. For example, victims gave an average score of average 3.5 out of 5, while defendants gave 3.8 out of 5 (Q33 and Q10, S1).

While parties were not asked about the judges' independence, the representatives were asked this question. 7 of 25 (all under the age of 50 and 6 of whom were private lawyers) said that the judges are not very or only a little independent, while 18 said they were very independent (Q23 S2). All 3 who said that judges were not very

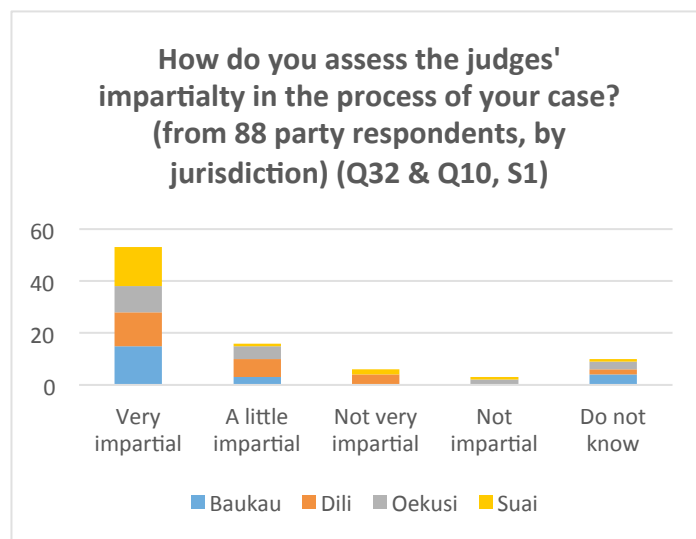
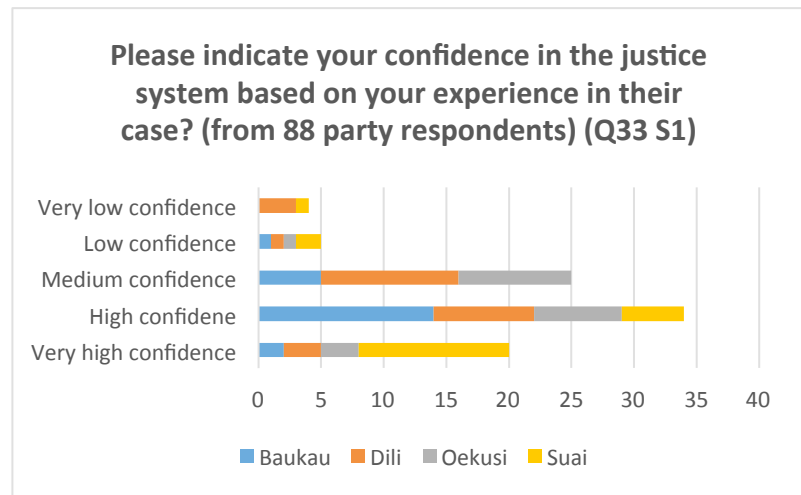
independent were from Dili while the 4 who said only a little independent were from Baucau and Suai (Q23 S2). Comparatively, all 8 tribunal service providers perceived that the tribunal itself was very independent (Q15 S3).

18 of 24 representatives said they were satisfied or very satisfied with the process being just with 25% (6) responding satisfied enough. Those responding "a little" or "not at all satisfied" were all under the age of 50 and largely private lawyers (Q15.5 S2). This compares with the 6 tribunal service providers who said the justness of the process was good or very good (Q13.5 S3).

The majority of parties said that the judges were impartial (53 of 88 or 60% saying very impartial) but 10 said they did not know, 9 said that it was not or not very impartial, and another 16 said it was only a little impartial (Q32 S1). On average, the parties thought the judges were impartial in all jurisdictions, with parties in the Baucau jurisdiction thinking they were the most impartial (Q10 and Q32 S1). Men were slightly less likely to perceive the tribunal as impartial compared with women.

The results of 60% of party respondents saying the judges were very impartial, and 61% having high

confidence or very high confidence reflects that these issues are correlated with the level of trust in judicial institutions. While respondents were not asked to explain why, JSMP suspects that the inefficiency of the tribunal may contribute to these results not being higher, as especially this would limit confidence in the system and in turn perceptions of impartiality.



This compares with all tribunal service providers that perceived the tribunal more generally to be very impartial (Q14 S3) and the majority of representatives who agreed, with just 4 of 25 representatives (all private lawyers from Baucau and Dili and under 50 years old) saying it was only a little impartial (*uituan*) or not very impartial (*laduun*) (Q22 S2). All prosecutors and defenders said it was very impartial.

These results suggest that again there is a mismatch of perceptions and perhaps expectations between the different groups, and that there is at least some work to be done to improve:

- The parties' confidence in the justice system
- The tribunal's independence and/or the representatives' perception of independence
- The judge's impartiality and/or the parties' perceptions of the judges' impartiality (where 25 of 88 parties perceive the judges as not, not very, or only a little impartial), involving parties being confident that the judicial process is above any interest in the case, free from any pressure and that parties are treated equally,
- The tribunal's impartiality and/or the perception of at least some representatives of the judges' lack of impartiality, particularly among private lawyers.
- The perceptions of impartiality in the community.

Further research could be undertaken to investigate the reason behind why some parties found the judges to not be impartial, and why some private lawyers may be more likely to perceive the tribunal itself as not impartial. JSMP notes in this regard that the public lawyers all perceiving the tribunal as impartial is to be expected, given they act as a more inherent part of the process.

However, regardless, the results indicate that Timor-Leste's justice system still has progress to be made on ensuring the right to a fair and public hearing before a competent, independent and impartial court²⁶ and to meet the essential conditions for the general public to have confidence in the courts (such as judges' legitimacy and public trust, judges' independence, judges' accountability and the efficient administration of justice, and judicial impartiality).

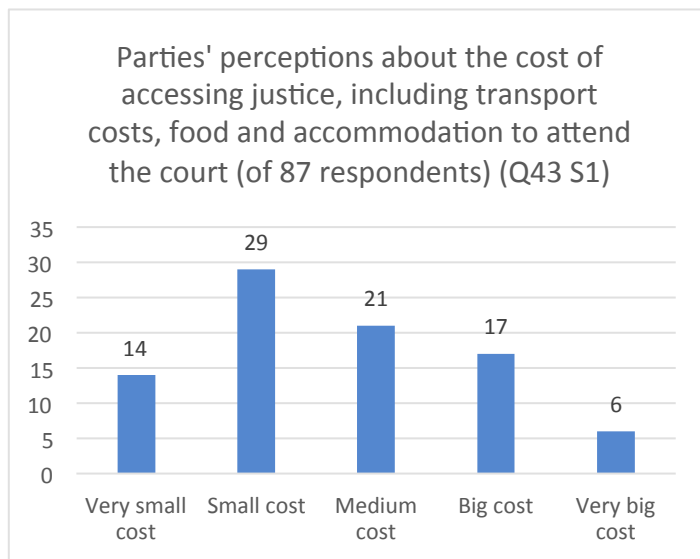
3.3.6 Costs of Accessing Justice

Parties were asked to describe the cost of accessing justice to them, including any travel, food or accommodation costs to attend court proceedings (Q43 S1). 26% (23 of 87) said accessing justice was big or very big compared with 43 who said it was small or very small. The average score was 2.7 out of 5, with 5 being very big and 1 being very small, suggesting that on average, parties thought that cost was enough (medium) but on the smaller side (Q43 S1). A person's role in the case did not appear to impact these results, but all

²⁶ Article 14 ICCPR and Article 75 of the Penal Procedure Code.

5 parties aged 15-17 thought the cost was big or very big. Baucau was perceived to be the most expensive to access justice with an average score of 3.05 out of 5, compared with the Oekusi with an average score of 2.3 (Q43 S1).

Overall, these results are positive, but they do raise questions about the 23 people who said the cost was big that can be analysed as follows:



- These respondents were more likely to have been involved in a case where the defendant got a prison sentence or a suspended sentence (Q37 and 43, S1).
- When comparing these results to the question regarding the speed of the tribunal process, the survey indicates that there may be a correlation between a party thinking that the costs of accessing justice is higher and the process being slower (Q13 and Q43 S1).
- Perceiving the cost as big did not relate to having a private lawyer. Noticeable differences could not be identified in the perception of costs of accessing justice among the 3 respondents who had private lawyers (Q43 and 26 S1).

The costs are very high because I am a farmer. Myself and my wife attended the trial and we paid for a car to take us there and back for US\$ 4.50 which is very expensive for me. My case was heard at 5pm and finished at 6pm therefore there was no transport for us to go home, so we stayed with relatives and spent more money on food (Defendant, Baucau) (Q44 S1).
- Parties who were more satisfied with the general service of the tribunal, judges, and tribunal officials appear more likely to perceive the costs of accessing justice as smaller. For example, those who said they were **not** satisfied with the service gave an average score of 3.3 (i.e. sufficient) out of 5 for the cost of accessing justice

I recommend for the court to pay attention to my civil compensation, such as the embarrassment I feel in the community, because I have lost my virginity and I have lost my future (Victim, Female from Baucau) (Q52 S1)

The victim stated that it was very expensive because she performs domestic chores and doesn't have any income therefore the cost of paying a motorcycle taxi of US\$ 20.00 is very high (Victim, Covalima) (Q44 S1).

compared with an average score of 2.3 (i.e. a small cost) for those who were very satisfied (Q43 and 45.1 S1).

Parties who described the reasons for why they thought the cost was high included travel costs, particularly due to the distance between the court and their home (Q44 S1). One respondent also indicated that the cost of food, particularly where the trial is late in the afternoon or too late to return home that day, was a problem. Another indicated that the significant cost to them from the case arose from the delays in the hearings (Q44 S1). This suggests that increasing the availability and access to mobile courts and improving the scheduling of hearings (including the consideration of the parties' residence) could reduce costs for engaging with the justice process.

I feel that the cost is very high because myself and my wife attended the trial and heard the announcement of the sentence, we paid for transport from Lakluta to Baucau which cost nearly US\$ 60.00 because I am a farmer so I feel that this is very expensive (Defendant, Viqueque) (Q44 S1).

3.4 General Commentary and Suggestions from all Groups

All groups of respondents were invited to give general comments about the operation of the tribunal and the justice system in general in relation to GBV cases

(Komentáriu ba operasaun tribunál nian no sistema justisa iha jerál relasiona ho kazu VBJ).

The most significant issues included

the need to process cases quickly, particularly in relation to GBV and DV cases involving women and children. This is to ensure that victims feel justice and defendants stop feeling scared (Q52 S1). Other key themes in the comments from parties included:

- The need to keep to the schedule
- That the court's intervention

I am a member of the Timor-Leste National Police (PNTL) (witness) and I request for the court to process cases such as homicide (killing a family member) quickly because the family of the victim can have negative thoughts towards the defendant because the process takes such a long time. I also recommend that as a witness, if the court wants to hear from me, then I request for the court to remove the defendant from the court room, and in the future if there is a trial and the witness is to be heard then the court can remove the defendant from the courtroom because only the witness can tell the truth in the trial process (Witness, Male) (Q52 S1).

I recommend for the court not to change the trial schedule for us simple citizens whenever the court feels like it, but rather they should consider our circumstances (Defendant, Male, from Baucau) (Q52 S1).

As a lawyer for women and children victims I recommend for improvements to be made to the justice system especially the services provided to victims of GBV, such as how to organise the scheduling of trials, because victims receive the trial schedule and when they are going to attend the court the trials are always delayed, because many victims live a long way away and the victims want to obtain swift justice. (Private lawyer, Baucau) (Q29 S2)

prevents crime and violent behaviour,

- Decisions, parties' rights, and cases should be explained to parties very clearly

- Difficulties of attending court should be reduced, especially if the

I thank the court because my case was processed quickly, only 4 months and to date I haven't sought employment as a driver just because of my case. (Convicted person, Baucau, Male)

schedule changes or when parties have children (Q52 S1).

Other comments from individual respondents included the following:

- the tribunal should update parties so that they know the case is still ongoing

I recommend for the court to also consider our circumstances relating to distance because previously I heard that the court has held trials in Viqueque Municipality, so why don't they continue to hold trials in Viqueque Municipality so that us vulnerable people can have good access to justice in our municipality) (Defendant, Male, from Viqueque)

- Defendants should be removed from the trial room when the witness is speaking

- there should be more focus more on civil compensation claims

I request for the court that in the future always process cases of domestic violence quickly because in these cases we always think that if the case is not going forward then we will always be afraid because we are still living with the defendant) (Victim, Female, Baucau District).

- Need for more mobile courts in districts with no access to justice such as Vikeke

- the tribunal should deliver notification letters with an explanation of parties' rights

Today my family members held my hands when I walked into the court and they said that there were steps, I asked them if there was an entry point without steps and they said there wasn't. Therefore, I recommend to the court, if possible please provide an entry point for us (disabled persons, in the future for other disabled persons who use a wheelchair) (Defendant, Male, from Baucau).

- Increase access for people with disabilities and wheelchairs (Q52 S1).

When asked this question, representatives suggested the following in order of prominence (Q29 S2):

As a lawyer, the court needs to have effective management therefore in GBV cases such as DV, rape, sexual abuse of a minor, there should be a separate room at the court before they are summoned into the courtroom, often the defendant and the victims sit together and stare at each other, therefore the female victim can be threatened before the trial (Private Lawyer, Baucau) (Q29 S2)

- GBV cases should be processed quickly and a strong priority should be put to reduce cases of violence against women and children

Cases of domestic violence need to have an increase in the penalties imposed, because some of the penalties against defendants are very lenient. Therefore some penalties have no effect on defendants. Often some defendants go to prison and when they come out they continue to commit cases to go back to prison, they prefer to go to prison as it's better (Private lawyer, Dili) (Q29 S2)

- Mobile courts should be reactivated more, particularly given the poor economic circumstances of many parties
- The trial schedule should be better organized to reduce frequent delays after the parties have arrived from far away or adjournments because of judges' activities elsewhere

To date the work has been going smoothly, however sometimes the date of trial is set and the parties are all there however their representatives are sometimes late, and the parties are late because some of them have come from a long way away, so the time of the trial is shifted and sometimes it is delayed (Tribunal service provider) (Q29 S3)

- If the trial is delayed, communicate this to the lawyer so they can communicate to their client *before* they have left for or arrived in court

- There should be guidelines for the application of penalties against defendants in GBV cases

The workspace of the officials does not include an area to provide services in cases of GBV. I request an increase in human resources (Judges and justice officials) Justice officials have not received any training about GBV cases, therefore I request for training to be given to officials about GBV (Tribunal service provider) (Q29 S3)

- Resources for judges and tribunal offices should be increased
- A distinct judge for GBV cases could be established

- The tribunal could get more expertise in cases related to gender and continue to provide

It is very important to continue awareness raising and prevention of domestic violence crimes in rural areas because if domestic violence happens all of the time it will impact on the harmony of the household or family (Tribunal service provider) (Q29 S3)

complementary training to judges on how to be sensitive to cases of gender-based violence and civil process.

- Continue to provide witness protection
- Improve the deterrent effect of penalty for defendants by making them pay an additional fine
- Improve court hearing procedures to help victims (particular children) feel comfortable such as by not having to look at the defendant

Moreover, when asked some tribunal service providers agreed that:

- Mobile trials should be reactivated
- The lack of space and/or separate room to provide services to victims in GBV cases is an issue
- Trial time changes or delays was a problem (Q26 S3).

Individual tribunal service providers suggested that:

- Trials should be conducted through video conference when they are far away or if there is an obstacle to being present before the court

I request for civil society to speak up about cases of domestic violence and victims should not be removed from their homes, but rather find a way for victims to stay at home, and for defendants to be removed from the home. I ask for JSMP to continue monitoring the work of the courts so that in the future the justice system can be improved. (Q26 S3).

- They should receive more training on GBV cases
- The tribunal should get more human resources (judges and tribunal officials)
- Awareness of GBV cases should continue to increase especially in rural areas

One tribunal service provider also suggested that civil society should speak strongly about creating conditions for the victim to be at home and seek ways for the defendant to move away from the home. JSMP believes that this refers to a more active use of restrictive/protective measures by the police and prosecutors in cases of GBV while the proceeding is in process.

4. CONCLUSION

While good practice methods are currently practiced in Timor-Leste, the justice system has significant work to do to be more responsive to the importance and urgency of GBV and to function more efficiently and effectively to fulfill the human right requirements of a fair and public hearing before a competent, independent and impartial court undertaken within a reasonable time and with sufficient legal assistance. Currently, Timor-Leste's processes do not effectively and adequately promote the rights of victims in proceedings based on gender equality and human rights standards, nor do they adequately meet the human rights of defendants under the ICCPR as validated by the Constitution of Timor-Leste. The Timor-Leste Government, and particularly the Ministry of Justice, the Tribunal, the Public Prosecutors Office, the Public Defenders Office and private lawyers must continue to take positive steps to ensure that the entire judicial system can respond effectively to cases of GBV, improve the efficiency of the court system to deliver justice and adequately meet the specific needs of victims, child and people with disabilities involved in GBV cases.

5. RECOMMENDATIONS

Based on the findings of this survey, JSMP makes the following recommendations:

The Ministry of Justice must:

1. facilitate ongoing, high-quality and specialised legal education and training for all representatives, judges **and** tribunal officials, through the Legal Training Center or another means:
 - a. in how to improve their attitude and service to representatives and parties, particularly parties in GBV cases.
 - b. to demonstrate and promote gender equality within the criminal law system.
 - c. to treat victims with compassion and sensitivity (including gender sensitivity), treat victims with empathy and understanding, and respect their dignity and privacy.
 - d. to increase their expertise in cases related to gender and GBV, and best practice processes for GBV trials.
 - e. to respond effectively and appropriately if a victim asks them a question.
 - f. on violence against women and girls to all its actors dealing with gender-based violence.
 - g. on behaviour change, understanding of the victim's position and dispelling the entrenched gender inequality by challenging stereotypes and prejudices arising from gender-discriminatory social norms prevalent in the Timorese society.²⁷
 - h. on the thorough application of criminal law to effectively punish violence against women, with a particular focus on effectively using provisions which are currently not being used enough (like compensation, alimony, restrictive and protective measures, the penalty of community service).²⁸
2. amend the law regulating the initial training of judicial magistrates, public prosecutors and public defenders²⁹ to provide explicitly for the inclusion of GBV and domestic violence as a subject.³⁰ JSMP notes that this course is already taught by the Legal Training Center, but to ensure it continues and to emphasise its importance, the law should make it a requirement.
3. Ensure that the Legal Training Centre teaches materials on GBV and domestic violence in greater depth, with more clarity and with specific education on each article relevant to GBV.
4. prepare guidelines for how penalties should be applied to defendants in GBV cases to ensure consistency, effectiveness and transparency in decision-making.

²⁷ UNDP Timor-Leste, Law and Practice of the Criminal Procedure in Cases of Gender-Based Violence in Timor-Leste, 2022, p21.

²⁸ UNDP Timor-Leste, Law and Practice of the Criminal Procedure in Cases of Gender-Based Violence in Timor-Leste, 2022, p18-22, citing CEDAW, Concluding observations on the combined second and third periodic reports of Timor-Leste, 24 November 2015, para. 17(h).

²⁹ Decree-Law No. 10/2020, of 25 March.

³⁰ UNDP Timor-Leste, Law and Practice of the Criminal Procedure in Cases of Gender-Based Violence in Timor-Leste, 2022, p22.

5. consider instituting a special roster of judges with particular expertise in GBV cases to manage GBV cases so they are dealt with efficiently and in a consistent manner.
6. facilitate and fund awareness-raising activities about GBV and access to justice in communities, especially in rural areas and to vulnerable people, so that more people are aware of the issues, what they can do about it and their rights to access legal assistance, regardless of whether a prosecutor is involved in their case.
7. undertake further research to identify the specific professional competencies that judges and tribunal officials are lacking and undertake training on those competencies.

The Ministry of Justice and the Tribunal must:

8. prioritise improving the facilities of the tribunal to provide all necessary facilities for the effective functioning of hearings, including:
 - a. a specific room for each party, especially for victims (including victims with a disabilities) and children, and the witness before and during trial.
 - b. a private and confidential place for each representative to speak to their client to ensure parties receive effective legal counsel and can communicate with their lawyer as required by the ICCPR.
 - c. conditions of access to, and facilities in, the tribunal for people with disabilities (e.g. a ramp) in all courts.
 - d. more chairs in the court room, especially when there are multiple representatives or defendants.
 - e. a waiting room in all tribunals, and/or chairs for all people waiting.
 - f. directional signage in the tribunal.
 - g. access to a microphone if requested by a party.
 - h. transport to return witnesses and victims home after trial and liaising with police to facilitate this.
 - i. trial rooms in all mobile courts.
 - j. better internet in courts.
 - k. considering the needs of parties that must bring young children to court.
9. improve the speed of GBV cases to ensure prompt redress for victims, address the risk to the victim and so the parties know the outcome quickly. This is especially crucial where the perpetrator and victim continue to live together during the tribunal process, and cases involving children or sexual violence.
10. increase the human resources of the tribunal to meet the current volume of GBV cases, including funding and recruiting additional judges, tribunal officials and support staff such as clerks and administrative assistants. This is necessary to reduce wait times for parties and representatives when seeking information about their case or attending trial.

The Tribunal must:

11. facilitate mobile courts in all districts, use mobile courts more to reduce the distance for parties to travel, and decide the location for trial (including all components of that trial) based on the parties' home locations.
 12. improve internal project management, organisation and communication within the Tribunal, and between tribunal officials and judges, to improve the speed of trials, increase the punctuality of proceedings and decrease waiting times. To do this, the Tribunal must:
 - a. improve the coordination of the schedule for hearings to reduce the number of cases scheduled for the same time, have a realistic number of cases listed for particular times and days and include accurate information about the likely length of the trial (e.g. if all day or just the morning),
 - b. avoid last minute changes to the trial schedule after notification to the parties,
 - c. give notice early to representatives and parties if a trial is to be postponed (e.g. if a judge is in training) *before* the parties have begun travelling or arrived in court
 - d. if the trial is still delayed, immediately communicate this to the representative and parties
 - e. provide clear, accurate and frequent updates to parties and representatives, both before trial and on the day while they wait in the waiting room.
 - f. take into account the needs of the parties in planning the schedule (such as child care, distance from their home etc) and ensure the trial is scheduled at the best location with the appropriate facilities.
- Fixing the delays in the resolution of GBV cases is crucial for Timor-Leste to fulfill the human right for defendants to be tried without undue delay and to facilitate prompt redress for victims, as well as improve parties' perceptions of judges' impartiality and their confidence in the court system.
13. ensure that all parties are informed about when decisions will be made by the court and given the opportunity to attend the hearing to understand the decision.
 - a. Regardless of the parties' attendance, the tribunal must ensure they receive a copy of the decision and the prosecutor and public defender must ensure that they explain the decision to the victim and defendant respectively.
 - b. It is a failure of the system if 18 out of 32 victims who responded did not have the decision explained to them by the prosecutor or the tribunal.
 14. ensure that all parties, especially victims, receive a copy of the decision in their case in accordance with the requirement in article 92(2) of the *Criminal Procedure Code*.
 - a. The decision should be provided to the parties in at least both Portuguese and Tetun so that parties may be able to understand it.
 - b. Tribunal officials should be actively involved in the administration of delivering copies of the decisions to the parties.

15. create a public record of decisions that are easily accessible by parties to better fulfill the right to a fair and public hearing³¹, with personal information de-identified as necessary for victim privacy.
16. increase the perception among parties and representatives that the tribunal process is just and judges are independent and impartial, and confidence in the justice system by:
 - g. showing professionalism and competence,
 - h. always being above reproach (showing good behaviour),
 - i. ensuring and highlighting the impartiality of judges and the tribunal, including showing that the judge does not have an interest in, or any pressures on the case
 - j. increase the efficiency of the tribunal at resolving cases and the speed, punctuality and organisation of hearings,
 - k. treating the parties equally without bias or discrimination,
 - l. speaking in simple Tetun so parties understand.
17. more actively provide information about parties' rights in legal proceedings. For example, the rights of the parties must be clearly explained in an understandable way in the notification about the hearing date given to the parties.³²
18. clearly explain the decision to the parties in a simple way that all parties can understand and the party's rights at the end of the court proceeding, and ensure that the parties understand the sentence and its consequences, including for the victim. It should never be the case that 2 out of 8 convicted persons who were in prison at the time of this survey did not understand the decision in their case.
19. ensure the tribunal process is clear and that parties understand what is happening in court and throughout the proceeding to fulfil the defendant's right to be informed promptly and in detail in a language they understand of the nature and cause of the charge³³, and to increase feelings of transparency and trust between parties and the tribunal. To do this, the Tribunal should:
 - a. providing more, better and more understandable information to parties so they understand the tribunal process,
 - b. inviting the parties to ask questions to confirm their understanding,
 - c. asking the parties in more detail about the extent to which they understand Tetun
 - d. offer a translator in a party's mother tongue if their Tetun is not sufficient to understand the technical nature of the tribunal,
 - e. improving their explanations given to parties about the process,
 - f. speaking in simple Tetun and slowly, and
 - g. reading the parties' body language to get feedback about their understanding.

³¹ Article 14(1) ICCPR and Article 75 of the Penal Procedure Code.

³² See articles 59(3) and 212 of the Penal Procedure Code (as amended) and best practice in providing clarity in tribunal processes to parties.

³³ Article 14(3)(a) ICCPR.

20. improve the parties' (especially the victim's) engagement with the tribunal so they feel safer and more comfortable and are more likely to continue to engage with the tribunal process by:
 - a. working with prosecutors and police to reduce the number of times a victim gives their statement (e.g. by using articles Articles 230 and 238L of the Penal Procedure Code), and
 - b. removing the defendant from the court room so that the victim or witness does not have to look at them when they given their testimony³⁴, and
 - c. creating separate spaces for victims and defendants to wait and meet with their representatives during trials.
21. improve the tribunal's administration systems by continuing to improve:
 - a. the easiness of consulting the archive,
 - b. clarifying organisational and administrative responsibilities in the tribunal between judges, tribunal staff and representatives,
 - c. the quality and function of the tribunal's website,
 - d. access to the law and documents in the judicial area, including through technological means, and
 - e. the management of the case database.
22. institute a process for receiving feedback to learn more about, and get an accurate picture of, court users' experiences, perceptions and level of satisfaction, and how to improve the tribunal's service.
23. ensure all parties and representatives receive notification of a hearing and all relevant information is given to the parties' representatives, including a copy of the accusation and the trial agenda.
24. consider using videoconference to conduct trials or to have one party (e.g. witness) present or making a declaration where the parties live far away or there is an obstacle to being present in the court.
25. reduce the cost to parties of accessing justice, including by:
 - a. increasing the speed of trials,
 - b. improving the scheduling of trials to avoid the parties' undertaking unnecessary travel to attend delayed trials and ensure parties can return home from the tribunal in the same day
 - c. utilizing mobile courts and arranging trials to take place at locations close to the parties' home to reduce travel costs.
26. ensure that written decisions are published quickly after the verbal decision, so that representatives have sufficient time to determine if an appeal is necessary or appropriate.

Prosecutors, Public Defenders and Private Lawyers must:

27. significantly improve the service that they give to their client/the victim, give quality and comprehensive advice to client/the victim, listen to their client's instructions or the victim's preferences, and fulfill their obligations under the laws applicable to their profession, including the LADV.

³⁴ See Article 263 of the Penal Procedure Code.

28. make regular contact with their clients and effectively assist and accompany their client at all stages of the proceeding. This involves meeting privately with their client or the victim before, during and after trial in all instances and for sufficient periods of time to fulfil their role.
29. actively and effectively explain to their clients or the victim about:
 - a. the client/victim's rights in the legal proceeding,
 - b. the tribunal process and how to speak in court,
 - c. the possible outcomes of the case, and
 - d. ultimately the decision, its consequences for the client or victim and their rights of appeal.³⁵
30. explain information to, and advise their, client/the victim in a clear and simple manner, and guarantee that the client or victim understands the information given (including by inviting the client or victim to ask questions at any time and looking at their body language) or seek to explain it further in a way that the client will understand.
31. regularly provide updated information to the client or victim about the progress of the tribunal process so that they know the status of their case and that it is continuing, even if there is no news about their case.
32. inform their client/the victim as quickly as possible who their lawyer will be for the trial.
33. ensure that their client or the victim receives a copy of the decision from the Tribunal and if not, obtain and provide a copy of it to the client or victim.

Prosecutors must:

34. inform victims of the options and services available to them, such as going to a shelter and to obtain personal legal assistance to fulfill their obligations under the LADV, ensure that victims have adequate assistance throughout the legal process and inform them of the possibility of making a request for civil compensation in criminal proceedings.³⁶
35. in every case, add compensation and alimony claims to the case where the victim may be entitled to compensation and/or alimony to ensure victim's receive appropriate redress.³⁷
36. if the victim wants it, seek ways for the victim to remain at home and safe, during the trial such as by moving the defendant away from the home while the proceeding is in process (using protective or restrictive measures).³⁸
37. inform victims about, and assist the victim to attend the hearing of the decision.

³⁵ See for example Articles 300 and 316 of the Penal Procedure Code.

³⁶ Article 7 of the LADV, and Article 72F of the Penal Procedure Code.

³⁷ Article 104 of the Penal Code, Articles 29-34 of the LADV, and Article 72F of the Penal Procedure Code.

³⁸ Article 186-203 of the Penal Procedure Code.

The Public Defender's Office must:

38. ensure that all defendants have access to a public defender in a timely manner and have availability to meet with the defendant before their trial.³⁹
39. Explain the decision to their clients, the consequences of the decision and their appeal rights. This is particularly important so that the defendant can abide by the terms of the penalty received and utilize their right to appeal the decision as necessary.⁴⁰

Prosecutors and judges must:

40. apply the criminal law to effectively punish violence against women and children, particularly by using provisions that are currently underutilised (like bringing concurrent compensation or alimony claims, applying for restrictive and protective measures, or using alternative sentencing options).
41. consider alternative sentencing options in cases of GBV where fines may be difficult to pay or some penalties may also negatively impact on the victim. For example, the penalty of community service could be utilised in cases of GBV but no respondents to the survey indicated that it had been given. Considering alternative sentencing options may increase parties' perceptions that the tribunal's decision is just.
42. consider the victim's opinion as to appropriate sentencing (particularly in relation to whether prison or a suspended sentence will be sufficient or if a fine would negatively impact them) prior to seeking or determining a particular outcome.

Judges must:

43. continue to improve their professional competency, and their attitude and courtesy to parties and representatives. This may involve taking more time to settle the parties and explain what is happening, avoid delays in hearings, and efficiently providing a decision and communicating this to all parties.
44. make decisions in GBV cases that are:
 - a. clear and understandable to parties in both the verbal and written form,
 - b. just, appropriate and in accordance with the law and facts,
 - c. easy to implement, and
 - d. have a deterrent effect on defendants.
45. ensure they put weight on the victim's testimony about consent, and ensure that they do not assume that repetition equates to consent. If the judge considers one party's testimony more favourably, they must explain why this is the case and how it is in accordance with the law to the parties and representatives so that all parties perceive the judge as impartial.

³⁹ Article 60 and 68 of the Penal Procedure Code.

⁴⁰ See Articles 60 and 316 of the Penal Procedure Code.

Tribunal officials must:

- 46. continue to improve their attitude and service to representatives and parties.
- 47. improve their communication with representatives by being more available, accessible and responding more quickly to representatives' requests, especially private lawyers.

Police and Prosecutors must:

- 48. investigate crimes and accusations in a thorough manner to ensure the evidence is accurate and the right person is prosecuted.

The Police must:

- 49. provide information about the parties' rights in the legal process (e.g. about legal representation or giving testimony) and the possible outcomes of reporting a claim when they report to police. This information should be provided verbally to parties attending police stations, on noticeboards to inform the general public and made available to local authorities.

All judicial administrative bodies involved in cases of GBV (e.g. the Superior Council for Police, Prosecutor General or Superior Council of the Public Prosecution, President of the COA and Superior Council of the Judiciary) should:

- 50. consider developing and publishing specific operational regulations or guidelines regarding best practice in GBV cases that incorporates practices for responsive gender justice to supplement the law.
 - a. For example, specific regulations could be created for:
 - i. judges in relation to judging with a gender perspective, and
 - ii. the police and prosecutors in relation to best practice in taking the declaration of a victim of GBV, and
 - iii. for prosecutors on best practice in preparing accusations in matters of GBV, including relevant charges and related claims that should be made.⁴¹

⁴¹ These guides could be created under Article 8 of the LADV and Article 5(1)(c) of the *Statute of the Public Prosecution* (Law No. 7/2022, of 19 May).

6. APPENDICES

The surveys as used by JSMP staff to interview respondents:

Kestionáriu ba tribunal nia kliente sira (vítima, arguidu, kondenadu no testemuña)

Pesoal uza de'it

Data entrevista	
Jurisdisaun Tribunál	<input type="checkbox"/> Dili <input type="checkbox"/> Baukau <input type="checkbox"/> Suai <input type="checkbox"/> Oekusi
Iha tribunál movel?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
Tribunál movel iha distritu ne'ebé?	
Partisipante fó ninia konsentimentu informadu hodi partisipa iha entrevista	
Tuku hira partisipante fó konsentimentu hodi entrevista (hahu tuku hira halo entrevista)	<input type="checkbox"/> Oras :..... minutu.... ...Dader <input type="checkbox"/> Oras :minutu..... lokriak
Karik iha, kondisaun ka limitasaun ba partisipante nia konsentimentu	
Membru pesoál nia naran ka inisiál ba konfirma partisipante fó ninia konsentimentu (staff nia naran ka inisiál)	
Se ema ne'ebé seidak tinan 14: Iha inan-aman ka guarda ida-ne'ebé hamutuk ho labarik ne'e?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika

Pergunta introdusaun sira

1. Ita-nia jéneru	<input type="checkbox"/> Feto <input type="checkbox"/> Mane <input type="checkbox"/> Seluk
2. Ita-nia idade	<input type="checkbox"/> 0 – 5 <input type="checkbox"/> 6 – 14

	<input type="checkbox"/> 15 – 17 <input type="checkbox"/> 18 – 20 <input type="checkbox"/> 21 – 49 <input type="checkbox"/> 50 – 60 <input type="checkbox"/> 61 ba leten
3. Ita-nia Edukasaun	<input type="checkbox"/> Laiha <input type="checkbox"/> Pre-eskola <input type="checkbox"/> Primária <input type="checkbox"/> Pre-sekundária <input type="checkbox"/> Sekundária <input type="checkbox"/> Universidade
4. Ita husi Suku ne'ebé?	
5. Ita husi Sub-Distritu ne'ebé?	
6. Ita husi Distritu ne'ebé?	
7. Ita identifika-an nu'udar ema LGBTIQ+?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
8. Ita Iha defisiénsia?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
9. Karik sin, defisiénsia saida? (bele deskreve)	
10. Ita ba tribunál hanesan saida?	<input type="checkbox"/> Vítima <input type="checkbox"/> Arguidu <input type="checkbox"/> Kondenadu <input type="checkbox"/> Testemuña <input type="checkbox"/> Seluk

Tempu razoavel

11. Depoisde Ita-nia kazu lori ba prosesu judisiál: Lori tempu hira ba data julgamentu	
12. Depoisde Ita-nia kazu lori ba prosesu judisiál: Lori tempu hira ba desizaun iha ita nia kazu	
13. Tuir Ita-nia avaliasaun, oinsá tribunál	<input type="checkbox"/> Neneik loos

prosesa Ita-nia kazu?	<input type="checkbox"/> Neneik <input type="checkbox"/> Normál <input type="checkbox"/> Lais <input type="checkbox"/> Lais loos <input type="checkbox"/> Laiha
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Asesu ba informasaun

Favór responde sin ka lae ba pergunta sira tuir mai:

14. Bainhira Ita entrega Ita-nia kazu, Ita komprende prosesu legál no rezultadu ikus husi Ita-nia kazu?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika
15. Tribunál notifika Ita kona-ba data julgamentu ka lae?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
16. Ita hatene Ita-nia direitu sira iha prosesu justisa?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
17. Julgamentu ba ita-nia kazu uza lian (tetum ka portuges) ne'e ita hatene no komprende ka lae?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika
18. Se Ita responde lae, tribunál fó durubasa ka lae?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika
19. Ita simu ka lae kópia husi tribunál nia dezisaun ba ita nia kazu?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika
20. Ita komprende tribunál nia desizaun iha Ita-nia kazu?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika

Favór responde ba pergunta hirak-ne'e hodi fó detallu tan kona-ba informasaun iha leten:

21. Ita uza meu komunikasaun saida hodi komunika ho tribunál durante prosesu julgamentu?	<input type="checkbox"/> Diretamente <input type="checkbox"/> Postál <input type="checkbox"/> Karta <input type="checkbox"/> Telefone) <input type="checkbox"/> Fax <input type="checkbox"/> E-mail
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	<input type="checkbox"/> Liu husi ema seluk <input type="checkbox"/> Online liuhusi tribunál nia website <input type="checkbox"/> Laiha
22. Sé mak esplika tribunál nia dezisaun kazu ba Ita?	<input type="checkbox"/> Tribunál <input type="checkbox"/> Representante <input type="checkbox"/> Kolega <input type="checkbox"/> Membru família <input type="checkbox"/> Xefi suku <input type="checkbox"/> Ema seluk (e.g. ALFeLa/JSMP) <input type="checkbox"/> Laiha
23. Oinsá Ita simu notifikasaun kona-ba data julgamentu husi tribunál?	<input type="checkbox"/> Telefone <input type="checkbox"/> E-mail <input type="checkbox"/> Xefi suku <input type="checkbox"/> Xefi Aldeia <input type="checkbox"/> Polísia <input type="checkbox"/> Membru família <input type="checkbox"/> Ema seluk <input type="checkbox"/> Karta <input type="checkbox"/> Direitamente
24. Iha jerál, atu hetan informasaun kona-ba Ita-nia direitu sira mak:	<input type="checkbox"/> Difisil <input type="checkbox"/> Difisil loos <input type="checkbox"/> Fasil <input type="checkbox"/> Fasil loos <input type="checkbox"/> Laiha

Asesu ba representante legál

25. Ita iha representasaun iha tribunál? Karik sin:	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La aplika
26. Sé mak representa Ita durante prosesu?	<input type="checkbox"/> Defensór Públiku <input type="checkbox"/> Prokuradór <input type="checkbox"/> Advogadu Privadu <input type="checkbox"/> Seluk <input type="checkbox"/> Laiha
27. Seluk ne'e se?	
28. Dala hira Ita hasoru no ko'alia ho Ita-nia representante sira?	<input type="checkbox"/> Nunka <input type="checkbox"/> Dala Ida

	<input type="checkbox"/> Liu dala ida <input type="checkbox"/> Laiha
29. Ita hasoru ita nia representante maizumenus tempu hira?	
30. Bainhira Ita hasoru malu ho Ita-nia representante sira?	<input type="checkbox"/> Molok julgamentu <input type="checkbox"/> Durante julgamentu <input type="checkbox"/> Depoisde julgamentu <input type="checkbox"/> Laiha

Asesu ba justisa no prosesu loloos

31. Iha jerál, oinsá ita nia observasaun ba tribunál nia prosesu ba ita nia kazu?	<input type="checkbox"/> La klaru loos <input type="checkbox"/> La klaru <input type="checkbox"/> Klaru <input type="checkbox"/> Klaru loos <input type="checkbox"/> Laiha
32. Oinsá Ita avalia juis nia imparcialidade iha prosesa ita nia kazu?	<input type="checkbox"/> La imparsiál <input type="checkbox"/> Ladún imparsiál <input type="checkbox"/> Imparsiál uituan <input type="checkbox"/> Imparsiál liu <input type="checkbox"/> La hatene <input type="checkbox"/> Laiha
33. Favór indika Ita-nia konfiansa ba sistema justisa bazeia ba Ita-nia esperiênsia iha Ita nia kazu?	<input type="checkbox"/> Konfiansa ki'ik tebes <input type="checkbox"/> Konfiansa uitoan <input type="checkbox"/> Konfiansa natoan <input type="checkbox"/> Konfiansa ne'ebé aas <input type="checkbox"/> Konfiansa aas tebes <input type="checkbox"/> Laiha
34. Dala hira ita hetan pedidu husi tribunál/ita nia representante hodi fó deklarasaun hodi (n.e. la inklui deklarasaun ba polísia)?	<input type="checkbox"/> Dala ida <input type="checkbox"/> Dala rua <input type="checkbox"/> Liu dala 2 <input type="checkbox"/> Laiha
35. Tribunál no representante sira halo Ita sente konfortavel no seguru ka la'e?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> Ituan <input type="checkbox"/> Laiha
36. Se tribunál foti desizaun ba ita nia kazu, tribunál konsidera faktus sira parsialmente ka totalmente?	<input type="checkbox"/> Sin totalmente <input type="checkbox"/> Sin parsialmente <input type="checkbox"/> Lae <input type="checkbox"/> La hatene

	<input type="checkbox"/> Laiha
37. Ita/arguidu simu pena saida husi tribunál? <i>(Se vítima hatene desizaun nee, sira tenke hatán pergunta 38-43 kona-ba arguidu nia sentensa. Se vítima la hatene desizaun nee, sira la presiza hatán ba pergunta sira nee.)</i>	<input type="checkbox"/> Pena prizaun <input type="checkbox"/> Suspensaun ba prizaun nia ezelesaun ba pena <input type="checkbox"/> Pena multa <input type="checkbox"/> Pena admoestasaun <input type="checkbox"/> Pena traballu ba komunidadade <input type="checkbox"/> Seluk <input type="checkbox"/> Laiha
38. Seluk bele deskreve	
39. Se pena prizaun tinan hira?	
40. Se pena suspensaun nia durasaun hira?	
41. Se pena multa, multa hira?	
42. Ita komprende pena ne'ebé hatún ba Ita/arguidu no konsekuénsia husi pena ne'e?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> Ituan <input type="checkbox"/> La hatene

Sistema tribunál iha jerál

43. Favór deskreve Ita-nia persesaun kona-ba kustu atu hetan asesu ba justisa, inklui kualkér kustu hodi halo viajen, hahán ka alojamentu hodi tuir prosesu iha tribunál?	<input type="checkbox"/> Kustu ki'ik tebes <input type="checkbox"/> Kustu ki'ik <input type="checkbox"/> Kustu natoon <input type="checkbox"/> Kustu aas <input type="checkbox"/> Kustu aas tebes <input type="checkbox"/> Laiha
44. Opsional, tanbasá? Bele deskreve	

45. Bazeia ba Ita-nia prosedimentu, favór indika Ita-nia nivél kontente kona-ba elementu sira tuir mai kona-ba asesu serbisu no sistema tribunál iha jerál. (Tau vistu iha kuluna tuir mai)

Perguntas	La kontente (1)	Kontente ituan (2)	Kontente Mediu (3)	Kontente (4)	Kontente loos (5)	Laiha resposta (6)
Serbisu jerál iha						

tribunál, juis no pesoál tribunál (bazeia ba atendimento)						
Kondisaun asesu no distansia ba tribunál						
Sinál diresaun sira iha edifísiu tribunál						
Kondisaun iha sala hein						
Fasilidade no servisu tribunál iha jeral						
Mobiliáriu iha sala- tribunál						
Klaridade iha notifikasaun ne'ebé Ita simu ona hodi marka prezensa iha tribunál						
Durasaun entre momentu Ita simu notifikasaun atu marka prezensa no loron ne'ebé hala'o audiénsia						
Audiénsia sira-nia pontualidade						
Pesoál tribunál sira-nia atitude no atendimento						

Pesoál naun-judisiál sira iha tribunál nia nivél kompeténsia (n.e. ofisiál tribunál)						
Juis no representante sira-nia atitude no kortezia						
Lian ne'ebé juis no representante sira uza						
Tempu ne'ebé alokadu hodi esplika Ita-nia argumentu iha audiénsia						
Prazu hodi fó-sai dezisaun						
Dezisaun nia klareza						
Dezisaun tribunál						
Informasaun ne'ebé tribunál fó ona						
Servisu husi Ita-nia representante						

Opsional: Favór fó razaun ba elementu balu:

46. Se Ita la kontente ho oinsá pesoál tribunál no judisiál nia atendimentu, tanbasá?	
47. Se facilidade no servisu sira iha	

tribunál mak la suficiente ba Ita-nia nesesidade, tanbasá?	
48. Se Ita la kontente ho servisu ne'ebé fornese husi Ita-nia repreezentante, tanbasá?	

Pergunta ba ita nia opiniaun

49. Ita hanoin katak dezisaun tribunál justu ka lae?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> La hatene
50. Opsionál: se la justu tanbasá? Bele deskreve	
51. Bazeia ba Ita-nia esperiênsia relasiona ho sistema tribunál, oinsá Ita avalia rekursu sira ne'ebé disponivel ba tribunál sira?	<input type="checkbox"/> La to'o loos <input type="checkbox"/> La to'o <input type="checkbox"/> To'o <input type="checkbox"/> Laiha
52. Ita hakarak fó komentáriu ka sujestaun kona-ba prosesu papel/intervensaun tribunál no sistema justisa iha jerál relasiona ho kazu VBJ?	
53. Vítima de'it: Ita simu assistênsia saida tan (hanesan alojamentu temporáriu/médiku)?	

Kestionáriu ba Prokuradór, Defensór Públiku no Advogadu privadu

Pesoál uza de'it

Data entrevista	
Jurisdisaun Tribunál	<input type="checkbox"/> Dili <input type="checkbox"/> Baukau <input type="checkbox"/> Suai <input type="checkbox"/> Oekusi
Iha tribunál movel?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
Tribunál movel iha distritu ne'ebé?	
Partisipante fó ninia konsentimentu informadu hodi partisipa iha entrevista	
Tempu bainhira partisipante fó konsentimentu hodi entrevista (oras hira)	
Karik iha, kondisaun ka limitasaun ba partisipante nia konsentimentu	
Membru pesoál nia naran ka inisiál ba konfirma partisipante fó ninia konsentimentu (staff nia naran ka inisiál)	

Pergunta intrudusaun sira

1. Ita-nia jéneru:	<input type="checkbox"/> Feto <input type="checkbox"/> Mane <input type="checkbox"/> Seluk
2. Ita-nia idade:	<input type="checkbox"/> 15-17 <input type="checkbox"/> 18-49 <input type="checkbox"/> 50-60 <input type="checkbox"/> 61 ba leten
3. Ita identifika-an nu'udar ema LGBTIQ+?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
4. Iha defisiénsia ka lae?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
5. Karik sin, defisiénsia saida?	
6. Ita serbisu nu'udar	<input type="checkbox"/> Seidauk to'o tinan 5

Prokuradór/Defensór/Advogadu iha Timor-Leste tinan hira ona? (hili ida no tau vistu ba tinan)	<input type="checkbox"/> Tinan 5 <input type="checkbox"/> Tinan 6 – 10 <input type="checkbox"/> Tinan 11 – 20 <input type="checkbox"/> Tinan 20 ba leten
7. Se Ita sai nu'udar advogadu privadu, Ita reprezenta Ita-nia kliente ho pro bono?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae <input type="checkbox"/> Laiha
8. Se Ita sai nu'udar advogadu privadu, oinsá Ita ezerse Ita-nia profisaun nu'udar advogadu?	<input type="checkbox"/> Mesak <input type="checkbox"/> Nu'udar membru grupu ka kompañia
9. Sekarik membru grupu, grupu saida?	<input type="checkbox"/> Sosiedade jurídiku privadu <input type="checkbox"/> Organizaun naun-governmentál (NGO) <input type="checkbox"/> Organizaun sosiedade sivíl (CSO) <input type="checkbox"/> Laiha
10. Iha jurisdisaun tribunál saida Ita prinsipalmente serbisu ba kazu VBJ?	

Pergunta kona ba Tribunál no kazu VBJ sira

11. Ita uza meius komunikaun saida hodi komunika ho tribunál kona-ba prosesu julgamentu?	<input type="checkbox"/> Diretamente <input type="checkbox"/> Postál <input type="checkbox"/> Korreiu <input type="checkbox"/> Telefone <input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Liu husi ema seluk <input type="checkbox"/> Online liuhosi tribunál nia website <input type="checkbox"/> Laiha
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Relasiona ho kazu violénsia bazeia ba jéneru, favór indika Ita-nia satisfasaun kona-ba elementu sira. (Tau vistu iha kuluna tuir mai ne'e)

<u>Perguntas jerál sira</u>	la kontente (1)	Kontente ituan (2)	kontente mediu (3)	kontente (4)	kontente loos (5)	laiha resposta (6)
12. Atendimentu públiku husi tribunál sira.						
Koordenasaun hodi marka tempu (oráriu) audiénsia						
Asesu ba lei no dokumentu sira iha área judisiál						
Komunikaun entre tribunál ho prokuradór, defensór no advogadu sira						

Organizasaun no responsabilidade administrativa ne'ebé klaru						
Funsionamentu tribunál nia website						
Kualidade husi tribunál nia website						
Sinál diresaun sira iha edifisiu tribunál						
Informasaun ne'ebé fornese husi tribunál						
Kondisaun no distansia asesu ba tribunál						
Fasilidade ne'ebé tribunál fornese iha jerál						
13. Relasaun ho tribunál						
Juis sira-nia atitude no kortezia (simu ema ho di'ak)						
Ofisiál tribunál sira-nia atitude no kortezia (simu ema ho di'ak)						
Juis sira-nia kompeténsia profisionál						
Ofisiál tribunál sira-nia kompeténsia profisionál						
(Husu de'it defensór no advogadu) Prokuradór sira nia kompeténsia profisionál						
(Husu de'it prokuradór no advogadu) Defensór sira seluk nia kompeténsia profisionál						
(Husu de'it prokuradór no defensór) Advogadu sira nia kompeténsia profisionál						

Asesibilidade no disponibilidade ofisiál tribunál						
Responde lalais ba pedidu sira						
Kualidade no abilidade komunikasaun husi ofisiál tribunal ho representante durante kazu sira						
Jestaun baze dados ba prosesu sira						
Fasil atu konsulta ho arkivu						
14. Preparasaun no realizasaun julgamentu						
Kondisaun hasoru malu ho kliente sira						
Konfortabilidade no seguransa ne'ebé fó ba parte sira (inklui vítima)						
Mobiliáriu no ekipamentu iha sala-audiénsia						
Audiénsia sira-nia pontualidade						
Organizasaun no realizasaun julgamentu						
15. Juis sira-nia desizaun sira						
Desizaun klaru no bele komprende						
Prazu hodi notifika dezisaun						
Dezisaun sira fasil atu implementa						
Dezisaun ne'ebé justu no apropriadu						
Prosesu ne'e justu						

Opsionál: Favór fó razaun ba elementu balu

16. Se Ita la satisfas oinsá juis, pesoál judisiál no tribunál serbi Ita, tanbasá?	
17. Se fasilidade no atendimentu tribunál la suficiente ba Ita ka Ita-nia kliente, tanbasá?	
18. Se Ita la satisfás ho tribunál nia dezisaun, tanbasá?	

Pergunta ba ita nia opiniaun

19. Tuir Ita-nia opiniaun, tribunál fornese fasilidade no serbisu suficiente hodi ajuda ema sira ho defisiénsia, feto no labarik iha kazu VBJ (n.e. asesu, sintina, tradusaun, sinál diresaun sira, sala ketak ida ba vítima, transporte)?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
20. Opsionál: Karik lae, tanbasá?	
21. Iha jerál, oinsá Ita nia avaliasaun ba prosesu julgamentu iha tribunál nian?	<input type="checkbox"/> La klaru loos <input type="checkbox"/> La klaru <input type="checkbox"/> Klaru <input type="checkbox"/> Klaru loos
22. Oinsá Ita nia avaliasaun ba juis sira-nia imparsialidade hodi hala'o prosedimentu?	<input type="checkbox"/> La imparsiál <input type="checkbox"/> Ladún imparsiál <input type="checkbox"/> Imparsiál uitoan <input type="checkbox"/> Imparsiál liu
23. Oinsá Ita nia avaliasaun ba juis sira-nia independénsia?	<input type="checkbox"/> La independente <input type="checkbox"/> Ladún indendente <input type="checkbox"/> Independente uitoan <input type="checkbox"/> Independente tebes
24. Tuir Ita-nia opiniaun, oinsá mudansa prosesu julgamentu iha tribunál relasiona ho kazu VBJ durante tinan lima ikus ne'e?	<input type="checkbox"/> Aat liu <input type="checkbox"/> Hanesan <input type="checkbox"/> Di'ak liu
25. Tuir Ita-nia opiniaun, oinsá mudansa prosesu julgamentu iha tribunál relasiona ho kazu VBJ durante tinan lima ikus ne'e ?	<input type="checkbox"/> Volume serbisu sa'e lalais liu duké rekursus sira ne'ebé iha <input type="checkbox"/> Volume serbisu sa'e hanesan ho rekursus sira ne'ebé iha <input type="checkbox"/> Rekursus sira ne'ebé iha sa'e lalais liu duké volume serbisu
26. Tuir Ita-nia opiniaun, serake rekursus material sira ne'ebé tribunál	<input type="checkbox"/> La to'o loos <input type="checkbox"/> La to'o

sira iha to'o ka lae?	<input type="checkbox"/> To'o
27. Tuir Ita-nia opiniaun, serake rekursu umanu ne'ebé tribunál sira iha to'o ka lae?	<input type="checkbox"/> La to'o loos <input type="checkbox"/> La to'o <input type="checkbox"/> To'o
28. Tuir Ita-nia esperiénsia, iha kazu VBJ, tribunál hatún sentensa ida ne'ebé mak barak liu iha tribunál ne'ebé Ita serbisu ba daudaun?	
29. Serake ita iha komentáriu ka sujestaun kona-ba operasaun tribunál nian no sistema justisa iha jerál relasiona ho kazu VBJ?	

Kestionáriu ba juis sira no pesoál tribunál sira

Pesoál uza de'it

Data entrevista	
Jurisdisaun Tribunál	<input type="checkbox"/> Dili <input type="checkbox"/> Baukau <input type="checkbox"/> Suai <input type="checkbox"/> Oekusi
Iha tribunál movel?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
Tribunál movel iha distritu ne'ebé?	
Partisipante fó ninia konsentimentu informadu hodi partisipa iha entrevista	
Tempu bainhira partisipante fó konsentimentu hodi entrevista (oras hira)	
Karik iha, kondisaun ka limitasaun ba partisipante nia konsentimentu	
Membru pesoál nia naran ka inisiál ba konfirma partisipante fó ninia konsentimentu (staff nia naran ka inisiál)	

Pergunta introdusaun sira

1. Ita-boot nia jéneru:	<input type="checkbox"/> Feto <input type="checkbox"/> Mane <input type="checkbox"/> Seluk
2. Ita-boot nia idade:	<input type="checkbox"/> 15-17 <input type="checkbox"/> 18-49 <input type="checkbox"/> 50-60 <input type="checkbox"/> 61 ba leten
3. Ita-boot identifika-an nu'udar ema LGBTIQ+?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
4. Iha defisiénsia ka lae?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
5. Karik sin, defisiénsia saida?	
6. Ita-boot halo papél hanesan saida?	<input type="checkbox"/> Juis <input type="checkbox"/> Ofisiál justisa

	<input type="checkbox"/> Seluk
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Serbisu no relasaun ho Tribunál

7. Tribunál uza meiu komunikasaun saida hodi komunika ho utilizadór tribunál (n.e. representante, vítima, arguidu)?	<input type="checkbox"/> Direitamente <input type="checkbox"/> Postál <input type="checkbox"/> Korreiu <input type="checkbox"/> Telefone <input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Liu husi ema seluk <input type="checkbox"/> Online liuhosi tribunál nia website <input type="checkbox"/> Laiha
8. Karik tribunál oferese durubasa ba parte sira kuandu lia-tetun la'ós sira-nia lingua materna?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
9. Iha-jerál, oinsá ita-boot nia avaliasaun ba prosesu julgamentu iha tribunál nian?	<input type="checkbox"/> La klaru loos <input type="checkbox"/> La klaru <input type="checkbox"/> Klaru <input type="checkbox"/> Klaru loos

Relasiona ho kazu violénsia bazeia ba jéneru oinsá ita-boot nia opiniaun kona-ba elementu sira ne'e. (Tau vistu iha kuluna tuir mai ne'e)

	Aat Liu (1)	Aat (2)	Natoon (3)	Di'ak (4)	Di'ak Liu (5)	Laiha respost a (6)
10. Serbisu jerál sira						
Atendimentu públiku husi tribunál sira						
Koordenasaun hodi marka tempu (oráriu) audiénsia.						
Asesu ba lei no dokumentu sira iha área judisiál						
Komunikasaun entre tribunál, prokuradór, defensor no						

advogadu sira						
Organizasaun no responsabilidade administrativa ne'ebé klaru						
Funsionamentu tribunál nia website						
Kualidade husi tribunál nia website						
Sinál diresaun sira iha edifísiu tribunál						
Informasaun ne'ebé fornese husi tribunál						
Kondisaun sira hodi fó asesu no distansia ba tribunál						
Fasilidade ne'ebé tribunál fó iha jerál						
11. Relasaun ho utilizadór tribunál						
(<i>Husu ofisiál tribunál deit</i>) Juis sira-nia atendimentu (simu ema ho di'ak)						
(<i>Husu juis deit</i>) ofisiál tribunál sira-nia atendimentu (simu ema ho di'ak)						
Advogadu sira-nia atendimentu (simu ema ho di'ak)						

(Husu ofisiál tribunál deit) Juis sira-nia kompeténsia profisionál						
(Husu juis deit) ofisiál tribunál sira-nia kompeténsia profisionál						
Advogadu sira-nia kompeténsia profisionál						
(Husu juis deit) ofisiál tribunál sira-nia asesibilidade no disponibilidade ba utilizadór tribunál sira						
Responde lalais ba pedidu sira						
Kualidade no abilidade komunikasaun husi tribunál ho representante durante kazu sira						
Jestaun baze dados ba prosesu sira						
Fasil atu konsulta ho arkivu						
12. Preparasaun no konduta julgamententu						
Konfortabilidade no seguransa ne'ebé fó ba parte sira (inklui vítima)						
Kondisaun enkontru entre representante no kliente sira						
Mobiliáriu no ekipamentu iha sala-audiénsia						
Audiénsia sira-nia pontualidade						
Organiza no realizasaun						

judgamentu						
13. Juis sira-nia desizaun sira						
Desizaun klaru no bele komprende						
Prazu hodi notifika dezisaun						
Dezisaun sira fasil atu implementa						
Dezisaun ne'ebé justu no apropiadu						
Prosesu ne'e justu						

Pergunta ba Ita-boot nia opiniaun

14. Oinsá ita-boot nia avaliasaun ba tribunál nia imparcialidade hodi hala'o prosedimentu?	<input type="checkbox"/> La imparsiál <input type="checkbox"/> Ladún imparsiál <input type="checkbox"/> Imparsiál uitoan <input type="checkbox"/> Imparsiál liu
15. Oinsá ita-boot nia avaliasaun ba tribunál nia independénsia?	<input type="checkbox"/> La independente <input type="checkbox"/> Ladún independente <input type="checkbox"/> Independente ituan <input type="checkbox"/> Independente tebes
16. Oinsá ita-boot avalia sekarik utilizadór sistema tribunál (n.e. representante, vítima, arguidu) satisfás ho serbisu tribunál, ho eskala 1 to'o 5, ne'ebé 1 indika la satisfás no 5 indika satisfás tebes?	<input type="checkbox"/> La satisfás) (1) <input type="checkbox"/> Ladún satisfás) (2) <input type="checkbox"/> Satisfás natoon) (3) <input type="checkbox"/> Satisfás) (4) <input type="checkbox"/> Satisfás tebes) (5)
17. Tuir ita-boot nia opiniaun, oinsá mudansa prosesu judgamentu iha tribunál relasiona ho kazu VBJ durante tinan lima ikus ne'e ?	<input type="checkbox"/> Aat liu <input type="checkbox"/> Hanesan <input type="checkbox"/> Di'ak liu
18. Oinsá ita-boot nia avaliasaun ba mudansa ruma iha tribunál relasiona ho pezu serbisu ba kazu sira kona ba VBJ durante tinan 5 ikus ne'e?	<input type="checkbox"/> Volume traballu sa'e lailais liu duké rekursus sira ne'ebé ih Karik lae, tanbasá? <input type="checkbox"/> Volume traballu sa'e hanesan ho rekursus sira ne'ebé iha <input type="checkbox"/> Rekursus sira ne'ebé iha sa'e lailais liu

	duké volume serbisu
19. Tuir ita-boot nia opiniaun, serake rekursu material sira ne'ebé tribunál sira iha to'o ka lae?	<input type="checkbox"/> La to'o loos <input type="checkbox"/> La to'o <input type="checkbox"/> To'o
20. Tuir Ita-boot nia opiniaun, serake rekursu umanu ne'ebé tribunál sira iha to'o ka lae?	<input type="checkbox"/> La to'o loos <input type="checkbox"/> La to'o <input type="checkbox"/> To'o
21. Tuir Ita-boot nia opiniaun, tribunál fornese facilidade no serbisu suficiente hodi ajuda ema sira ho defisiénsia, feto no labarik iha kazu VBJ (n.e. asesu, sentina, tradusaun, sinál sira, sala ketak ida ba vítima, transporte)?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
22. Karik lae, tanbasá?	
23. Tuir Ita-boot nia esperiénsia, iha kazu VBJ, tribunál hatún sentensa ida ne'ebé mak barak liu iha tribunál ne'ebé Ita-boot serbisu ba daudaun?	
24. Ita-boot tuir treinamentu ka kapasitasaun espesífika hodi liga ho kazu VBJ?	<input type="checkbox"/> Sin <input type="checkbox"/> Lae
25. Karik sin, tipu treinamentu saida?	
26. Serake ita-boot iha komentáriu ka sujestaun kona-ba operasaun tribunál nian no sistema justisa iha jerál relasiona ho kazu VBJ?	