



Institutional Report

Working to promote democracy, human rights, justice and good governance



United to voice out and strengthen justice
United to voice out and strengthen justice



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About JSMP

VISION

Democratic society that guarantees justice and human rights for all people

MISSION

JSMP works with a spirit of collaboration to promote and protect democracy, law, justice and human rights

HISTORY

The Judicial System Monitoring Program (JSMP) was established on 28 April 2001 in Dili, Timor-Leste to monitor proceedings of the Human Rights Ad Hoc Courts in Indonesia and the Special Panels for Serious Crimes in Timor-Leste.

Currently, JSMP is a not-for-profit organization that works to improve and strengthen the judicial and legislative systems of Timor-Leste.

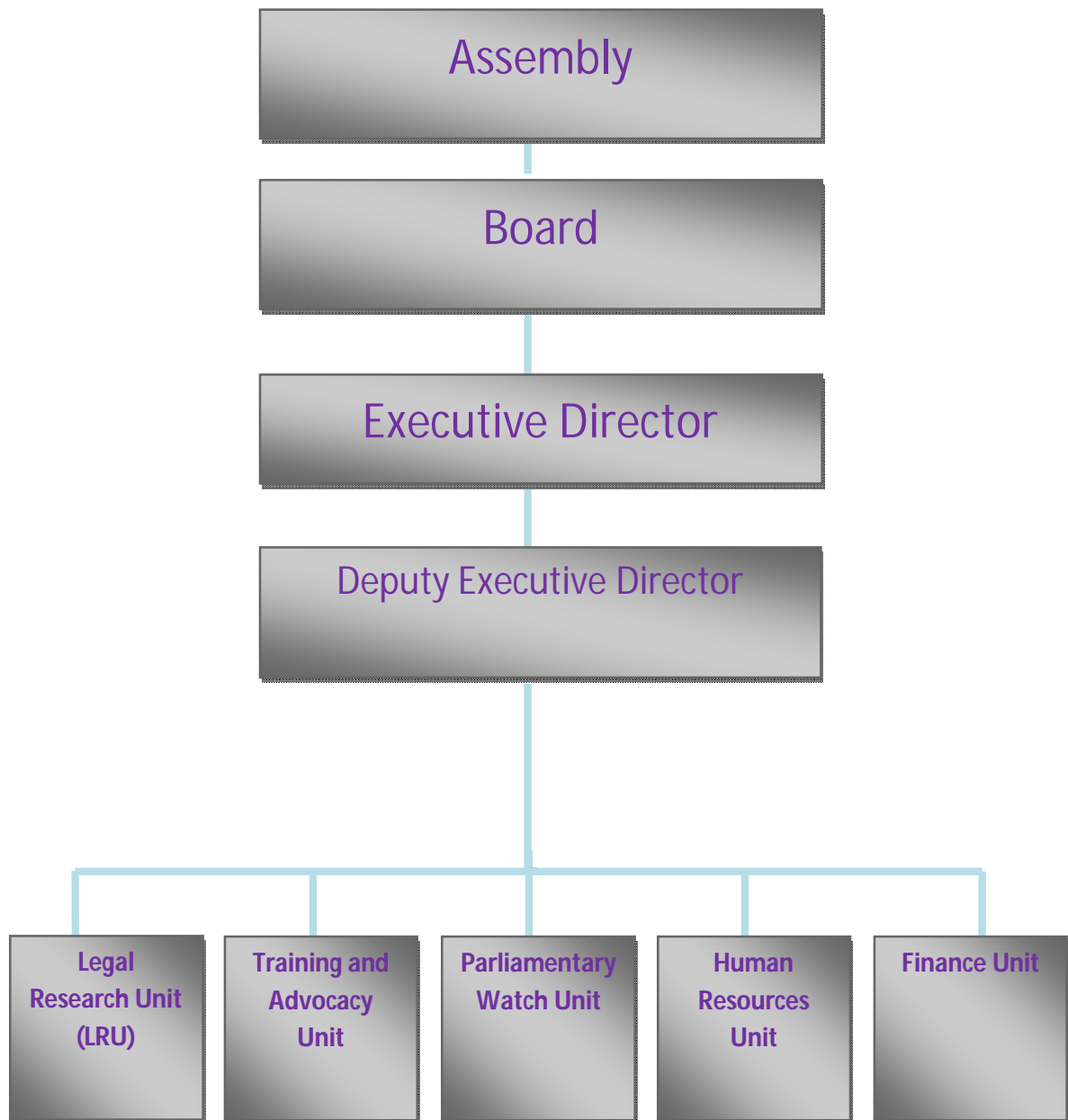
Monitoring
Education
Advocacy

WORK

JSMP monitors trial proceedings in the four district courts and the Court of Appeal, and also reports on developments in the formal justice system. JSMP also monitors the activities of the National Parliament and its committees; particularly Committee A. JSMP normally produces annual reports, thematic reports, case summaries, press releases, and analysis of thematic issues in the justice sector and legislative sector and writes submission on laws produced by the Government and the National Parliament.

JSMP also provides legal education to communities to improve the community's knowledge and understanding about the formal justice system, legislative system, democracy and human rights. JSMP works with the community, the police, women's groups, local authorities, Village Councils, students and journalists to achieve its vision and strategic objectives.

HIGH-LEVEL ORGANISATIONAL CHART



President:

Flora Soariano Menezes

Vice President:

Jose Pereira

Members:

- 1) Luis de Oliveria Sampaio
- 2) Casimiro dos Santos
- 3) Nani da Cruz
- 4) Yoseva Sugiyarti dos Reis
- 5) Ana Paula Marçal
- 6) Jose Maria Moniz
- 7) Florindo Gusmão Freitas
- 8) Cristovão da Costa Napoleão
- 9) Osorio Jose da Conceição
- 10) Rita de Jesus Guterres
- 11) Adolfo Soares
- 12) Francisca da Silva
- 13) Aida Helena Parada
- 14) Ingrasia Pereira da Costa Maia
- 15) Filomena de Almeida

- 16) Elvino Sarmento Freitas
- 17) Eurosia Maria Almeida de Fátima
- 18) Emanuel R. Soriano
- 19) Lidia Borges da Silva
- 20) Mateus Xavier
- 21) Paulo Nunes
- 22) Jaime Vaz
- 23) Deoneia Barreto dos Santos
- 24) Manuel Rui da Cunha
- 25) Adão da Cruz Fernandes
- 26) Luis Soares
- 27) Jesuinha Manuela Correia
- 28) Marcelino Maria da Costa
- 29) Otavio Hornai

President:

Mr. Joaquim da Costa, Coordinator of Civil Society Funding for the
PM

Vice President:

Mr. Aniceto Neves, Lecturer Faculty of Social & Political Science UNTL

Members:

Ivo Valente, Former Minister of Justice RDTL

Mr. Jose Neves, Vice-Minister of Education and Culture

Ms. Eurosia Maria Almeida de Fátima, JSMP Researcher

President:

Luís de Oliveira Sampaio (Executive Director)

Vice President:

Casimiro dos Santos (Deputy Director)

Members:

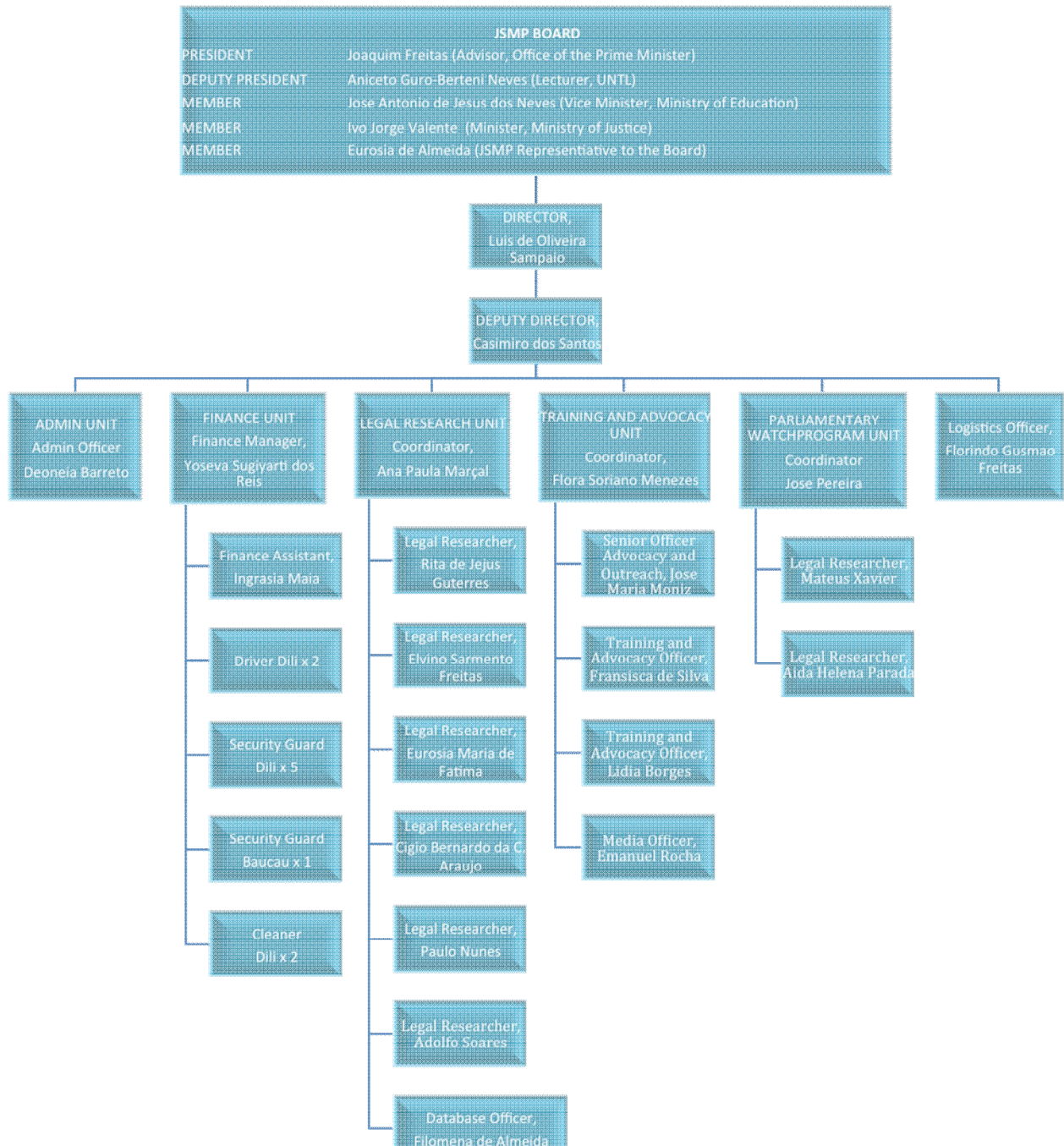
Ana Paula Marçal (Coordinator of LRU)

Flora Soriano Menezes (Coordinator of UTA)

José Pereira (Coordinator of PWP)

Yoseva Sugiarty (Finance Director)

JSMP ORGANISATIONAL STRUCTURE



Introduction from the Director

JSMP is once again proud of the success achieved in 2017. This success is the result of the contributions and hard work of program staff, as well as the support offered by partners to JSMP. Therefore JSMP is thankful to all parties who contributed to the success achieved by JSMP.



In 2017 JSMP managed to monitor a total of 831 criminal and civil cases at the courts, which is similar to the number of cases monitored by JSMP in previous years. JSMP also managed to monitor 47 plenary sessions from a total of 78 plenary sessions and 23 meetings of Committee A from a total of 40. JSMP met with and provided 5 submissions to the National Parliament, submitted an opinion to the President of the Republic, met with and submitted 2 opinions to Committee A and the parliamentary benches including meeting with and submitting an opinion to the Committee for Legislative Reform. In addition, JSMP also provided training to 24 rural communities and students from 9 secondary schools. JSMP also produced 45 case summaries, 4 thematic reports and 3 annual reports, 60 press releases, 96 newspaper articles, 4 radio programs, 2 TV programs, 12 newsletters and 750 pamphlets.

During 2017 JSMP received support from a number of international donors who were committed to the development of the justice system and democracy in Timor-Leste. These donors were the Nabilan Program of The Asia Foundation (TAF) through the Government of Australia, Norwegian Embassy in Jakarta, Embassy of Finland, Government of Australia through the Australian Embassy, Canadian Embassy and Civil Society Funding under the Office of the Prime Minister.

JSMP continued to provide information to the public about the formal justice system and legislative process in Timor-Leste by disseminating information through radio programs, television programs, press releases and newspaper articles, website, Facebook, Twitter and JSMP's e-mail list.

JSMP maintained its programs and remained committed to implementing all of its activities such as monitoring of the courts and parliament, providing legal education and advocacy to the community to achieve its vision of a democratic society that guarantees justice and human rights for all people. JSMP will continue to strengthen its relationship with local and international partners. JSMP hopes that with their support, it will be able to continue its work in the future and achieve even better results and progress.

Dili, 27 April 2018

Luis de Oliveira Sampaio, Executive Director

Court Monitoring in 2017



COURT	CRIMINAL CASES	CIVIL CASES
Court of Appeal	0	0
Baucau District Court	228	0
Dili District Court	273	2
Oecusse District Court	192	0
Suai District Court	136	0
TOTAL	829	2
	831	

TABLE 2: NUMBER OF JUDICIAL ACTORS FOR THE 2013-2017 PERIOD

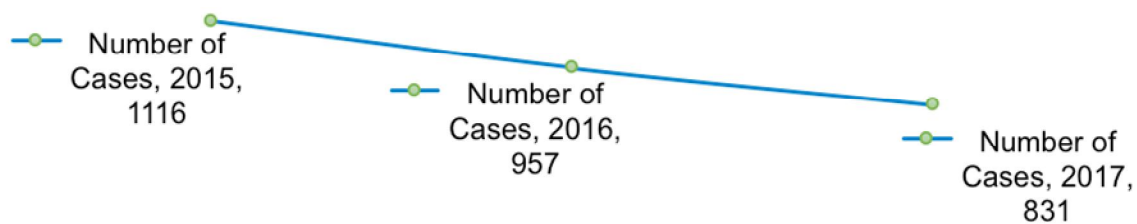
JUDICIAL ACTORS	2013	2014	2015	2016	2017
Judges	36	40	34	34	34
Prosecutors	39	40	32	32	30
Public Defenders	26	40	30	30	30
Judicial Officers	115	113	113	113	166
Translators	11	9	12	12	17
Administrative Staff	-	54	77	77	127
TOTAL	227	293	298	298	404

The number of judicial actors during 2016 and 2017 did not increase because training at the Judicial Training Centre (JTC) stopped and only recommenced in May because the trainers were expelled by way of a Parliamentary Resolution in 2014.

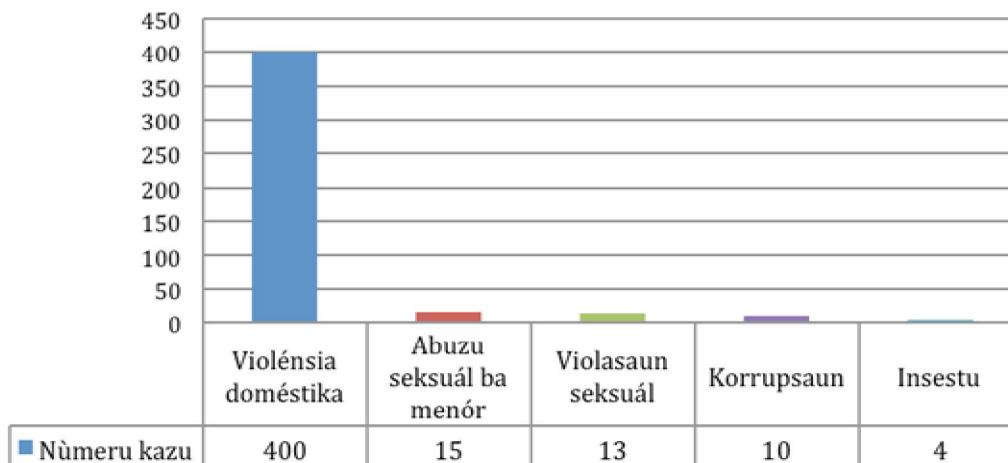
The number of prosecutors decreased from 32 to 30 because one prosecutor moved to Police Forensic and Criminal Investigations (PSIK) and one passed away.

Also administrative technical support staff, such as judicial officers and translators, increased during the 2016-2017 period through formal recruitment provided for in the public service law.

GRAPH 1: CHANGES IN THE NUMBER OF CASES MONITORED BETWEEN 2015 - 2017



GRAPH 2 NUMBER OF CASES BASED ON CASE TYPE



GRAPH 3 – CHANGES IN THE NUMBER OF DV CASES MONITORED BY JSMP BETWEEN 2015-2017



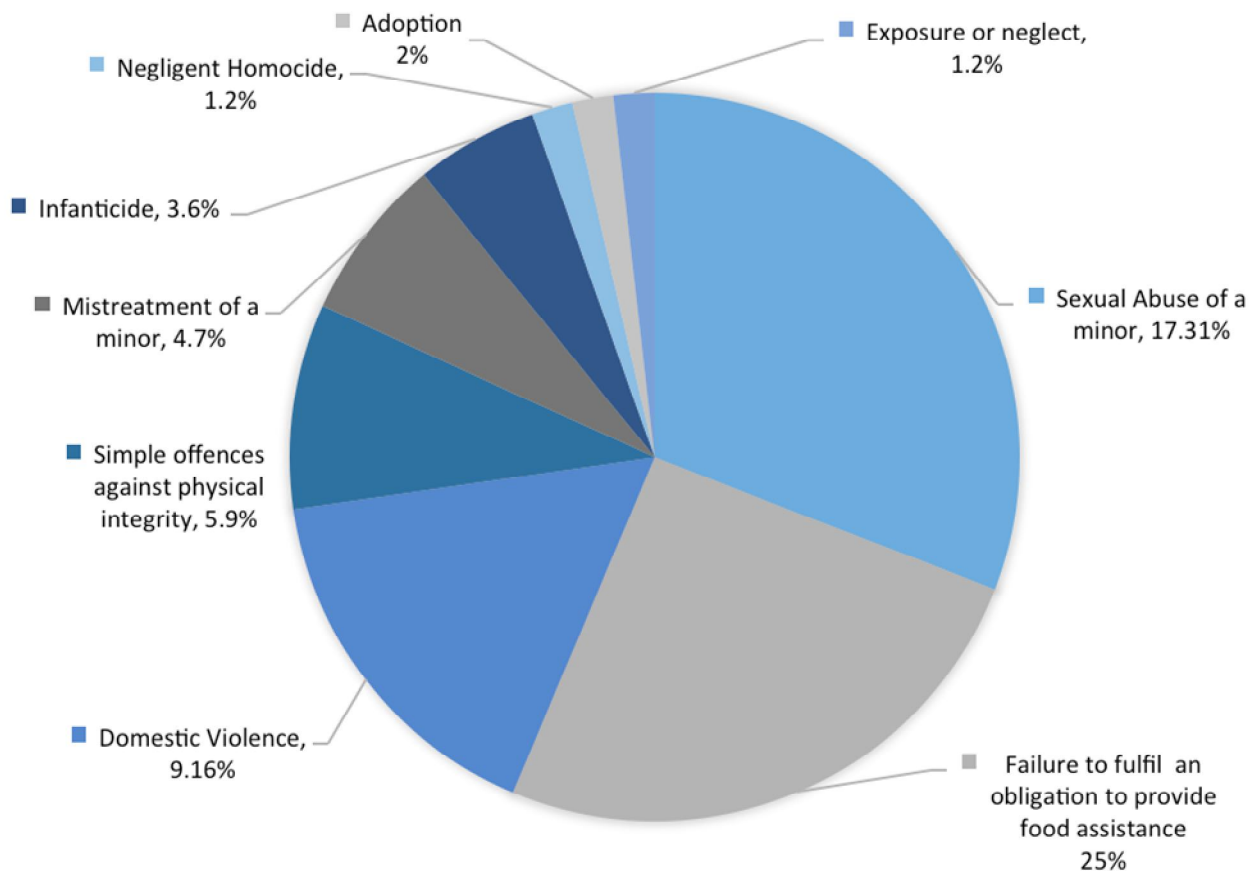
From the total number of criminal cases monitored by JSMP and registered each year by the four district courts, almost half involved DV. In 2015 there were 434 cases of DV or 38% of 1138 cases, in 2016 there were 416 cases of DV or 44.2% from a total of 941 criminal cases and in 2017 JSMP managed to monitor 400 cases of DV or 48% from a total of 831 cases.

Graph 3 shows that the number of DV cases monitored by JSMP remains high, even though there was a slight decrease down to 400 in 2017 in comparison with 2016 as shown in the graph.

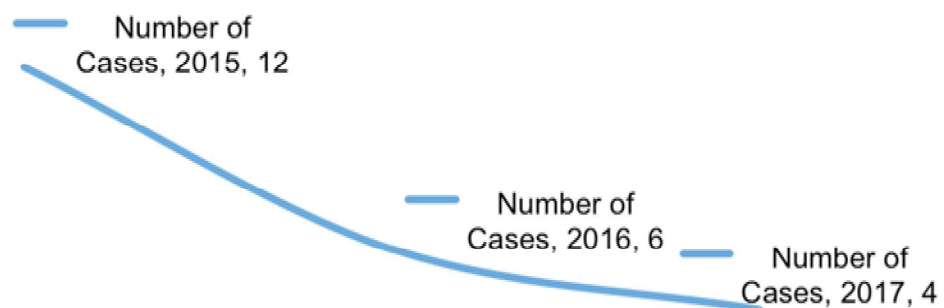
The high number of DV cases in the jurisdiction of Timor-Leste shows that many communities have knowledge about DV as a public crime that requires the lodging of a complaint to the relevant institution so the matter can be processed by formal justice as a formal means for the family to prevent the crime of DV in the future.

Also, the slight decrease means that the implementation of the law against domestic violence and the dissemination of information by JSMP and other relevant institutions to the communities has had a positive impact or has been successful in terms of prevention. Therefore it is important to continue spreading information to the communities, especially in rural areas.

GRAPH 4: NUMBER AND TYPE OF CASES INVOLVING MINORS AGED 0 – 16 IN 2017



GRAPH 5 CHANGES IN THE NUMBER OF INCEST CASES BETWEEN 2015 - 2017



There were four (4) cases of incest in 2017, even though this number is less than other cases, it means that this crime is occurring in the community. Often the courts convict perpetrators of this crime under the crime of sexual abuse of a minor when the victim is still a minor and the crime of rape if the victim is an adolescent or adult, and when there is no consent and the victim is an adult. Also the courts continue to acquit perpetrators of incest when there is consent, because the courts consider that there is no law that provides for the crime of incest.

GRAPH 6 CHANGES IN THE NUMBER OF CASES INVOLVING MINORS THAT WERE MONITORED BY JSMP BETWEEN 2015-2017

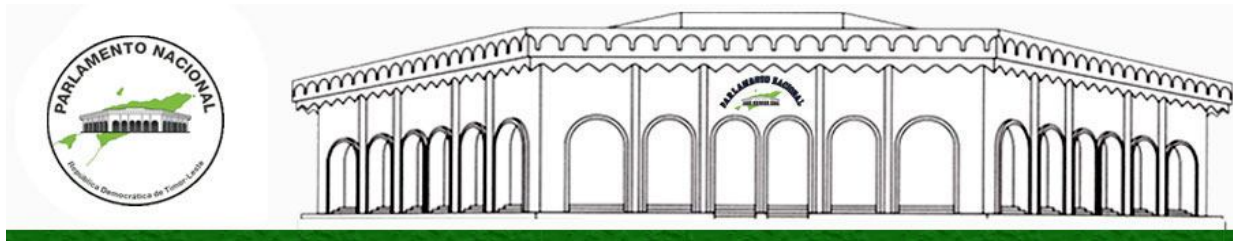


GRAPH 7 TYPE AND NUMBER OF CIVIL CASES MONITORED BY JSMP IN 2017



In 2017 JSMP monitored 2 civil cases, one involving a case of adoption of a minor and one involving divorce based on mutual consent. In the two cases monitored by JSMP the parties agreed to comply with the decisions from the court.

Monitoring of the National Parliament (NP)



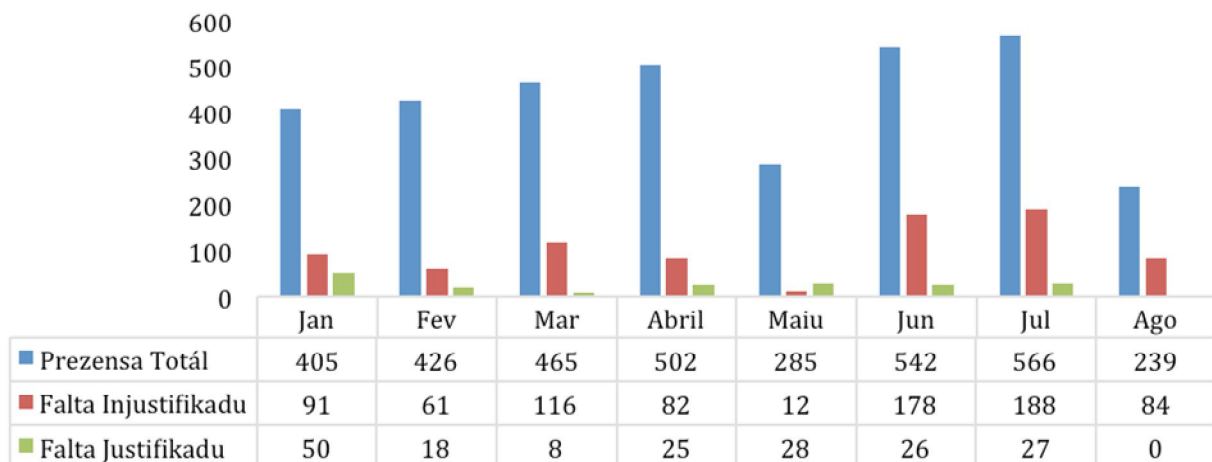
Plenaries = 47

Meetings of Committee A = 22

The 65 members the National Parliament in the III Legislature comprised 30 members of the CNRT Bench, 25 members of the Fretilin Bench, 8 members of the PD Bench and 2 members of the FM Bench.

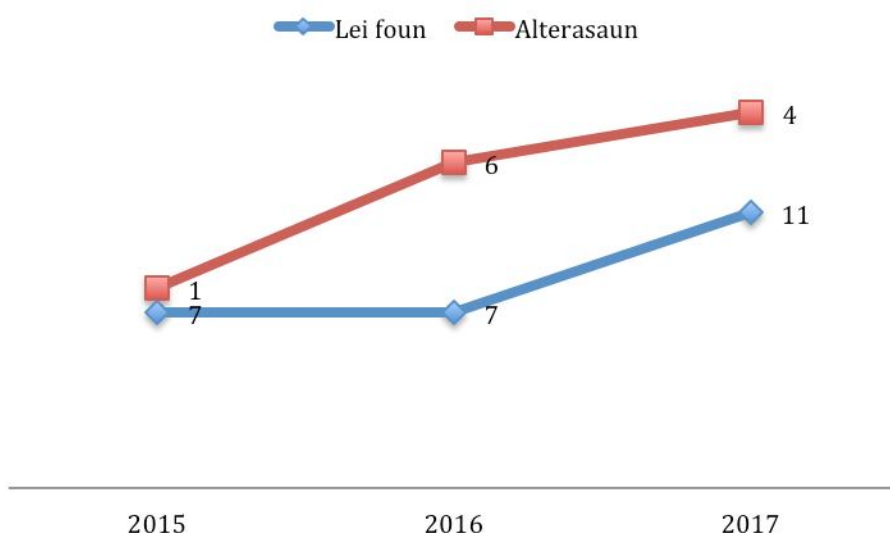
The 65 members the National Parliament in the IV Legislature comprised 23 members of the Fretilin Bench, 22 members of the CNRT Bench, 8 Members of the PLP Bench, 7 Members of the PD Bench and 5 Members of the KHUNTO Bench.

GRAPH 8 – ATTENDANCE OF MEMBERS OF PARLIAMENT DURING THE V LEGISLATIVE SESSION OF THE III LEGISLATURE BETWEEN JANUARY - AUGUST 2017



GRAPH 9 – LEGISLATIVE PRODUCTS OF THE NATIONAL PARLIAMENT BETWEEN 2015-

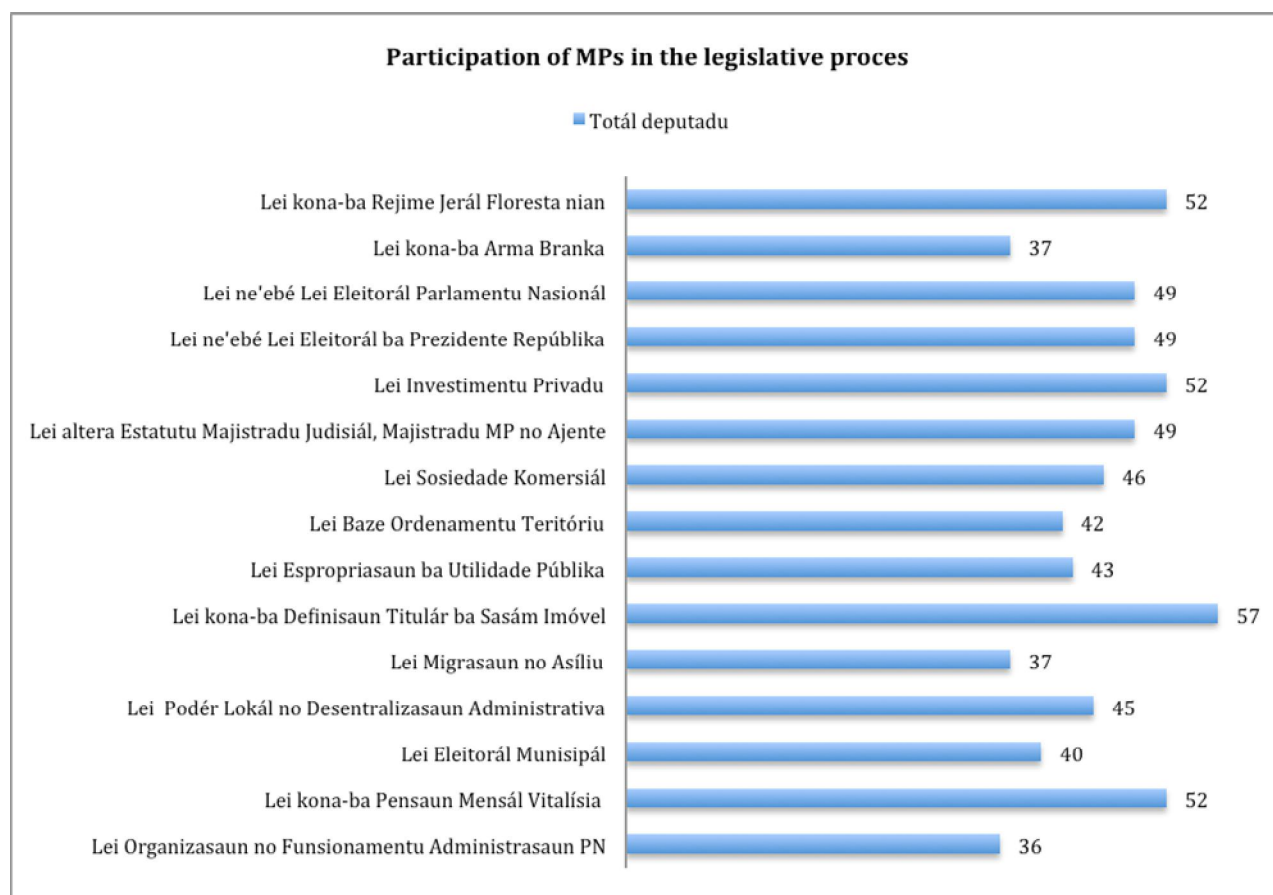
2017



The issue of punctuality, absences and discipline in plenary meetings continued to be a public concern. The punctuality and absences of members of parliament has had an impact on the functioning of the National Parliament, because often a quorum could not be fulfilled and many meetings started late and did not adhere to the Rules of Procedure of the National Parliament. Many MPs were absent without justification as shown in Graph No. 8 above and many were present, but did not sign the attendance list.

Also, in terms of productivity, in comparison with previous legislative sessions, the fifth legislative session of the III Legislature under the presidency of Aderito Hugo, through Committee A and the Ad Hoc Committees of the National Parliament managed to discuss and finalise a number of important laws such as the Law on the Definition of Ownership of Real Estate, Law on Expropriation, Law on Land Use, the Law amending the laws that regulate the Lifelong Monthly Pension, etc.

Graph 11 – The participation of members of parliament during the V legislature of the III Legislature in 2017



The graph on the participation of members of parliament in the legislative process shows that the participation of members of parliament was less than optimal. Article 93.2 of the Timor-Leste Constitution states that the National Parliament shall be made up of a minimum of fifty-two and a maximum of sixty-five members. The National Parliament during the III Legislature III had 65 members. As shown in the graph above the maximum number of members of parliament during the legislative process was 57 and this only happened once. The next highest number of MPs was 52, which happened 5 times.

The participation of members of parliament during the law making process of the III Legislature was just 88%, and 60% of the time there were between 49 or just 32 members of parliament. This means that for the 15 draft laws, 1 draft law was approved by 57 MPs, 5 laws were approved by 52 MPs and 9 laws were approved by 32 to 49 MPs.

Communities = 24

Secondary Schools = 9

In 2017 JSMP provided training to communities in 24 villages in remote areas and to 9 groups of students from primary and secondary schools.

JSMP provided materials on: a) democracy, the role of sovereign organs, public participation in the law making process and access to formal justice; and b) rights of the child. The first lot of materials were provided to members of the Village Council and community members, and the second lot of materials were provided to members of the Village Council, community members and students.

The aim was to increase the knowledge of members of the Village Council, community members and secondary school students about these issues.

The participants really appreciated the JSMP program because the information provided by JSMP was relevant and really important to their daily life in the family and community spheres.

**Democracy, Role of the Sovereign
Organs , Public Participation in the
Law Making Process and Access to**

Rights of the child

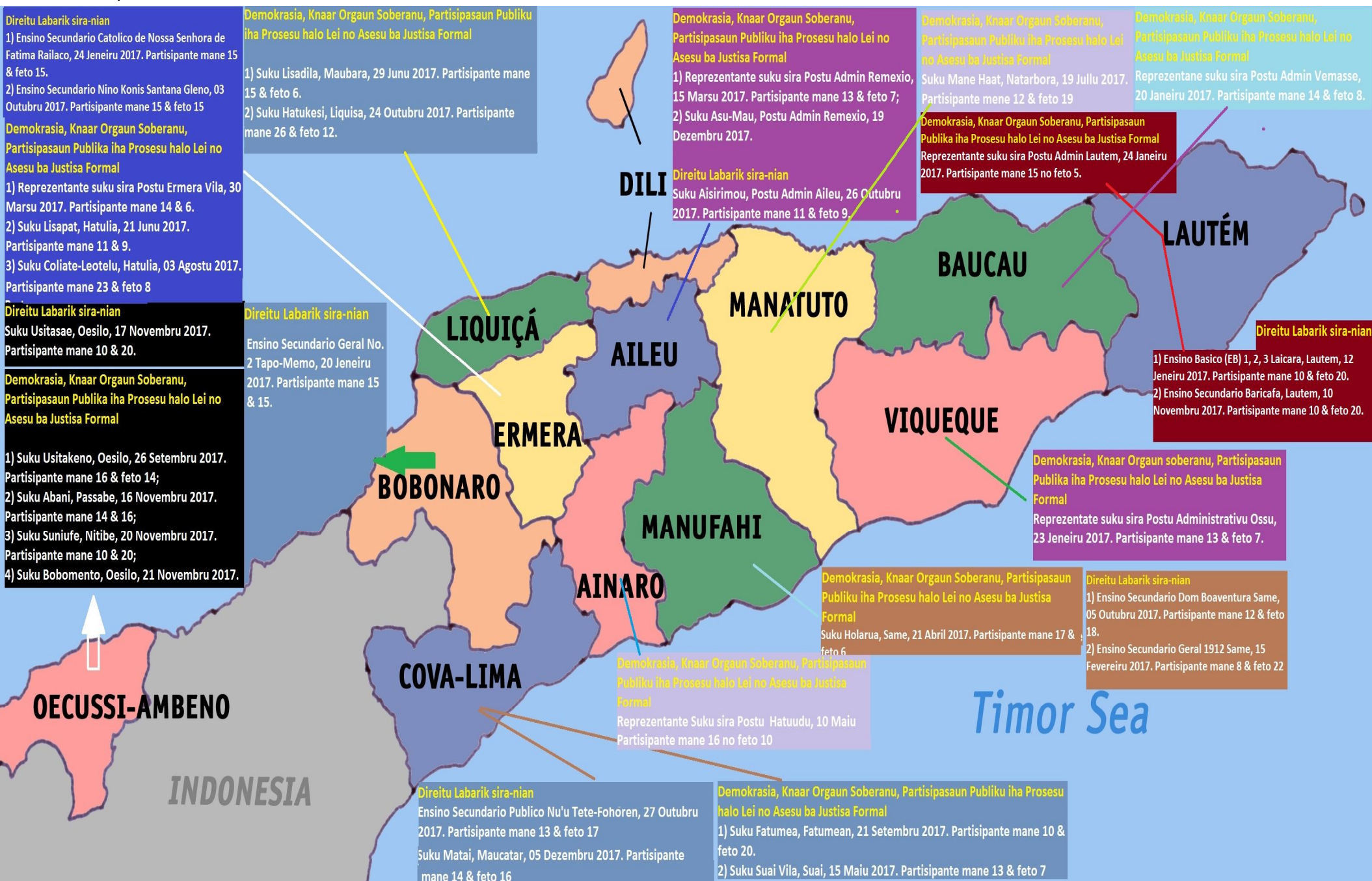


Community of the village of Coliate-Leotelu,
Hatulia, Ermera



Public High School of Konis Santa, Glenu,
Ermera

MAP OF TRAINING AT THE VILLAGE AND ADMINISTRATIVE POST LEVELS AND ALSO PRIMARY AND SECONDARY LEVELS



Regional Seminar



Regional seminar in Suai District Court (TDS)



Rua Beco Lakateu, Aldeia Manu fuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77295795

www.jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

JSMP in 2017 organised 3 regional seminars in the jurisdictions of Baucau District Court (TDB), Dili District Court (TDD) and Suai District Court (TDS).

The topics of these regional seminars were about democracy, roles of sovereign state organs, public participation in the legislation process and access to formal justice.

The objective is to facilitate direct contact among community leaders and members of community who participated workshops organised by JSMP with the MPs and judicial actors. Therefore, they can strengthen their knowledge on the roles of sovereign state organs and access to formal justice.

Besides this, they directly raise questions, concerns, comments and recommendations to MPs and judicial actors about what they have faced in their communities.

Regional Seminar in Baucau District Court (TDB)

Publications

Overview of the Justice Sector = 1

Parliamentary Observation = 1

Thematic = 4

Case Summaries = 45



Launch of thematic report on women who experience domestic violence and self defence at the courts

Newsletters = 12

JSMP Pamphlets = 750

**Submissions to the President,
Parliament and Government = 5**

Press Releases = 60

Thematic reports produced by JSMP:

- 1) Women who experience Domestic Violence and Self Defence at the courts;
- 2) The Courts and Alternative Dispute Resolution;
- 3) Legal Aid in Timor-Leste;
- 4) Sentencing and Domestic Violence: Suspended Sentences and Conditions

Opinions produced by JSMP on:

- 1) Law on the Creation of a Bar Association;
- 2) JSMP's stance and thoughts on the Law on Lifelong Monthly Pension;
- 3) Appointment of the President of the Court of Appeal;
- 4) Formation of the VIII Constitutional Government;
- 5) Draft law on child protection.

Newspaper Articles = 96
Timor Post = 816,000 copies
Diário Nacional = 576,000 copies

Webpages

www.jsmp.tl

www.facebook.com/timorleste.jsm

RADIO

- 1) Role of the National Parliament in the Law Making Process;
- 2) Incest needs to be criminalised and included in the Penal Code;
- 3) Immunity and Good Governance;
- 4) Rights of the Child Episode I
- 5) Rights of the Child Episode II

Radio Programs = 5

TELEVISION

Immunity and the impact on Good Governance



TV Programs = 1

JSMP organised public debate involving political parties and academics to debate the issue of immunity and the impact on good governance in Hotel Novo Turismo, Dili. The aim was to understand the position of the political parties and their commitment to combat corruption, because the provisions of the Constitution and laws on immunity have been an obstacle for the justice sector to investigate and prosecute members of the Government and the National Parliament in relation to cases of corruption.

Meetings, Consultations and Advocacy

NATIONAL EVENTS



Consultation with the President of the Republic, Francisco Guterres Lu'Olo on the appointment of the President of the Court of Appeal his excellency Judge Deolindo dos Santos

JSMP and IBAHRI had a meeting with the Vice-President of the Parliament (left) and MPs from Committee A (right) about the Law on the Creation of a Bar Association



Consultation with the Bishop of Dili Diocese, Dom Virgilio do Carmo da Silva, SDB on the issue of incest



Meeting with partners from Norway/HIVOS: JSMP, ACBIT & FOKUPERS



Meeting with international volunteers for development from Australia

REGIONAL AND INTERNATIONAL EVENTS

ANNI Consultation Meeting in Seoul, South Korea on 7-8 March 2017. The aim of this consultation meeting was for members to share information about the human rights situation in each nation and also jointly discuss how to define advocacy strategies to improve the work of human rights institutions to protect and promote human rights, and for those nations that don't yet have human rights institutions, how to advocate for the establishment of human rights institutions.



Staff performance and capacity building

TRAININGS/WORKSHOPS

This capacity building program was part of JSMP's policy to continue improving the knowledge of staff so they can perform their role more effectively and better. In this way JSMP can improve and increase the quality of their work.



Training on articles in the Penal Code relating to personal freedoms given by Ms. Megan

-ba Lei Indultu



Training on management and fraud facilitated by the Deputy Director of JSMP, Mr. Casimiro dos Santos



Training on Family Law in Australia facilitated by Diane who is a lawyer and expert on civil law from Australia

Organised Regional Training together with International Partners

DIPLOMACY TRAINING PROGRAM (DTP)

This training was established by Dr. Jose Ramos Horta, Laureate of the Nobel Peace Prize in 2006 and Former President of Timor-Leste together with Emeritus Professor Garth Nettheim in 1989 in Australia who are committed to promoting human rights and empowering civil society in the Asia Pacific Region through education and training.



Opening of Diplomacy Training activities in Hotel Exelcior, Dili, attended by the Executive Director of JSMP, Luis de Oliveira Sampaio



JSMP in 2017 continued to work together with the Secretariat of Diplomacy Training Programme (DTP) to organise training in Hotel Exelcior, Sao Paulo, CNC in Dili and also the Sisters Convent in Maubara, Liquica. The participants were from Australia, Bangladesh, Burma, Cambodia, Indonesia, Laos, Nepal, Thailand, Kashmir and Timor-Leste. The facilitators were from Australia, Philippines, Malaysia and Timor-Leste.

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Relations and Cooperation with National and International NGOs

LOCAL NGOS



In addition to being involved in national networks such as the *Rede ba Rai* and Alliance for an International Tribunal (ANTI) as well as international and regional networks such as the Forum-Asia & Amnesty International (AI), JSMP also worked individually with other local NGOs to facilitate training at the level of financial management

Deputy Director of JSMP, Casimiro dos Santos, facilitating training on financial management to Directors and Luta Hamutuk (LH)

FORUM ASIA ON HUMAN RIGHTS AND DEVELOPMENT (FORUM-ASIA)

JSMP established an excellent relationship and cooperation with Forum-Asia in the area of promoting and protecting human rights in the Asiatic region. JSMP is also a member of this forum and actively provides advocacy on human rights issues in the Asiatic region.

AMNESTY INTERNATIONAL (AI)

JSMP established an excellent relationship and cooperation with Amnesty International (AI) to advocate justice for victims of past serious crimes. On many occasions JSMP, through ANTI, has issued joint declarations with AI on the establishment of an International Tribunal for perpetrators of past serious crimes.

RELATIONS AND COOPERATION WITH LOCAL AND FOREIGN UNIVERSITIES

JSMP has established relations and good cooperation with local universities such as Universidade da Paz (UNPAZ) and Universidade Timor Lorosa'e (UNITAL) as well as foreign universities such as the University of Melbourne in Australia which has facilitated and regularly sent students from the Faculties of Law and International Relations to work as interns with JSMP.



PWP Coordinator having a meeting with Interns from the Universidade da Paz (UNPAZ)

MEETING BETWEEN THE ASSEMBLY, EXECUTIVE COUNCIL AND THE BOARD



Meeting of the General Assembly each month to discuss and jointly decide on issues relating to the interests of the institution.



Group discussion on Annual Review Day in Dare, December 2017



Discussion on JSMP policies during the Annual Review Day in Dare, December 2017

Future Leader Training

To ensure institutional stability and functioning when there is a change in leadership, JSMP continued to invest in the training of future leaders. The staff were selected by the General Assembly to participate in the future leader training. In this training the staff were given capacity building by the Director and Deputy Director in the form of training and delegation of some tasks by the Director and Deputy Director.



Deputy Director, Casimiro dos Santos sharing his experience with staff as part of future leader training

Meetings with Donors

Normally JSMP has meetings with donors to sign agreements and also to assess the progress of program implementation. Also, when there is a budget adjustment JSMP always holds a meeting with donors for discussion and joint decision making.



JSMP signs an agreement with a representative from the Australian Embassy for a DFAT Project



JSMP signs an agreement with a representative of CARDNO managing the DFAT Project

Fundraising

The Legal Training Centre, Canosa-Manleu, Dili, is a facility that JSMP uses to provide legal training to stakeholders and the public can also use it for meetings or discussions. This centre is a source of fundraising for the institution.



2017 Budget

In 2017 JSMP still got support from international and national donors that have the commitment to support the programs of JSMP in promoting democracy, human rights, justice and good governance. The national donor was from the Government of Timor-Leste through Civil Society Fund under the Prime Minister office. The international donors were from the Government of Australia through the Embassy of Australia in Timor-Leste that as managed by CARDNO Project and the Government of Canada through the Embassy of Canada in Jakarta. Besides from the governments, there were some non government organizations (NGO) that supported JSMP in very long time such as The Asia Foundation (TAF) and other NGO such as HIVOS International.

The detail of the amount of funds and its execution and its balance are in the table bellow:

No.	DONOR	INCOME	EXPENSE	BALANCE
1	TAF	\$ 208,916.70	\$ 198,766.22	\$ 10,150.48
2	CARDNO	\$ 273,570.88	\$ 273,570.88	\$ 0
3	SOS. CIVIL	\$ 24,997.00	\$ 24,780.35	\$ 216.65
4	HIVOS	\$ 29,997.80	\$ 14,729.80	\$ 15,268.00
5	CANADA	\$ 36,558.30	\$ 36,558.30	\$ 0
	TOTAL	\$ 574,040.68	\$ 548,405.55	\$ 25,635.13

2018 Activities

In 2018 JSMP will continue its main activities such as monitoring in the courts and the National Parliament. JSMP will also continue to provide training to a limited number of communities in remote areas and increase the capacity of staff to better contribute to program implementation. JSMP will also continue to strengthen its relationship with local and international partners.

Management

- Continue to seek funding to support program continuation
- Draft plan for fundraising in accordance with the fundraising policy
- Conduct assessment of staff performance
- Review the JSMP strategic plan and define annual plans for each program and make necessary adjustments to the programs
- Identify opportunities to provide capacity building to staff including starting the future leader training for staff for important positions in JSMP
- Strengthen relations with partners, including NGOs, the government, court actors and universities;
- Strengthen working networks with organizations at the national, regional and international levels.

Legal Research Unit (LRU)

- Monitor cases at the four district courts, and the Court of Appeal;
- Conduct training activities and disseminate information on human rights and access to the formal justice system;
- Produce case summaries every month;
- Produce press releases on interesting and current issues that are discovered at the courts whilst performing monitoring activities;
- Produce annual report for the Overview of the Justice Sector in 2017;
- Produce thematic report on charges, trials and sentencing in cases of sexual violence;
- Produce reports on conditions in prison;
- Produce thematic report on legal assistance in Timor-Leste (Quality of Defence).

Training and Advocacy Unit (UTA)

- Organize and disseminate information through the website, Facebook, e-mail-lists and the media such as newspapers, television and radio;
- Continue to provide advocacy on the issue of incest (amendment to the Penal Code), immunity, pardons, suspended prison sentences, accessibility and transparency of the Court of Appeal and law on juvenile justice;

- Produce JSMP materials such as monthly bulletins (Newsletters), pamphlets, banners and invitations;

Parliamentary Watch Project Unit (PWP)

- Conduct monitoring of parliamentary activities in plenary sessions, meetings of Committee A and oversight in the districts;
- Publish information on activities and procedures of the National Parliament to the public through the media;
- Analyse laws produced by the National Parliament to provide commentary and recommendations to improve these laws;
- Provide training on democracy and public participation in the law making process and access to formal justice for communities in rural villages;
- Hold a regional seminar in the jurisdictions of the Dili, Baucau and Suai courts
- Produce the 2017 annual PWP report.

Servisu atu garante



JusTisa
ba ema hotu

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