

JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAM PEMANTAUAN SISTEM YUDISIAL

PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL



ANNUAL REPORT
2004

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Vision

The vision of JSMP is to be the foremost independent organisation in Timor Leste that contributes to the development and improvement of the justice and legislative system through objective monitoring, analysis, advocacy and training in order to:

- *Support and advance the rule of law and human rights*
- *Advance the independence of the judiciary and the legal profession and the administration of justice in full compliance with standards of international law*
- *Promote the adoption and implementation of international human rights standards and other legal rules and principles that advance human rights and the rule of law*
- *Promote the establishment and enforcement of a legal system which protects individuals and groups against violations of their human rights*
- *Promote understanding of and compliance with the rule of law and human rights and provide assistance to those to whom the rule of law and human rights are denied*
- *Promote equality and the right of everyone to receive equal and fair access to justice and treatment under the law.*

Introduction

On 20 May 2002 Timor Leste became a sovereign nation, after a struggle for self-determination marked by decades of massive human rights abuses resulting from the illegal Indonesian occupation. Shortly after the 1999 referendum, in which the East Timorese implicitly voted for independence from Indonesia, and after a multi national peacekeeping force had to intervene to end widespread violence, the United Nations Transitional Administration in Timor Leste (UNTAET) took over administration of Timor Leste. The mandate of the mission was not only to govern the territory awaiting independence, but also to create structures and enhance capacity building to enable East Timorese self-governance. Priority was given to the establishment of a functioning justice system. The East Timorese community has regularly expressed the need to address the past by seeking justice, truth and forgiveness in order to overcome trauma and move forward to a society based on respect for human rights and the rule of law.

JSMP was established to help this process by publicly assessing the East Timorese justice system's level of compliance with international human rights standards, particularly those relating to a fair trial, and to contribute to good governance practice. In addition, JSMP aims to disseminate the information gathered and its assessments to the public, as well as to interested international observers. The broad objective of the activities is to contribute to the development of a strong and transparent justice system through the production of constructive recommendations based on credible research. In response to specific problems JSMP has also engaged in training of court actors, police and community groups, organized conferences and workshops and formed the JSMP Women's Justice Unit.

JSMP through impartial legal monitoring has covered 90% of the hearings of the Special Panels for Serious Crimes as well as

covering the District Courts, observed the work of the Commission for Reception, Truth and Reconciliation and monitored the Parliamentary legislative process. This has generated critical information for the East Timorese people.

Through justice updates, press releases and thematic reports JSMP has informed people of the processes and outcomes of these institutions. In addition, JSMP through workshops and discussions in the districts has kept people in remote areas in touch with judicial processes in Dili and formerly Jakarta as well as informing them of judicial processes now available to them.

However, even after years of a UN administered justice system and now under the East Timorese Government, the extent of public awareness and understanding of the serious crimes process and ordinary crimes process remains limited. Consequently, JSMP's work remains of critical importance as Timor Leste progresses through the first few years of independence.

Work in 2004

Legal Research Unit

The foundation of JSMP's work has been observing and reporting on trials to ensure they comply with international human rights standards and national laws of Timor Leste.

Trial Monitoring: Serious Crimes

JSMP's international and East Timorese legal researchers continued to monitor the Special Panels for Serious Crimes (SPSC), attending almost all cases and taking comprehensive notes on the conduct of the trials. This monitoring is conducted in accordance with recognised international fair trial procedures.

In addition to monitoring the cases before the SPSC, more recently, JSMP developed a central role in providing information and setting up forums for discussions of important issues regarding serious crimes which Timor Leste will face after May 2005 with the likely closure of the Serious Crimes Unit. Most notably JSMP held a conference in Dili in September 2004 to discuss the various options for Serious Crimes post May 2005. The conference was well attended by participants from the districts and also government, UN and court actors. Speakers included members from government, the UN, the office of the President, judges and prosecutors, local NGOs, the US Embassy, and international experts. The conference proceedings were widely covered in national newspapers and television.

JSMP was also invited to participate on the UN working group for Serious Crimes and to coordinate a sub-group on the Serious Crimes Unit. The working group submitted a report to the Secretary General regarding the work performed in Timor Leste within the context of serious crimes and presented future options for consideration by the UN in January 2005.

JSMP also met with the representative of the UNHCHR, Mr Grant Niemann, who was in Timor Leste examining the success or lack

thereof regarding the ad-hoc process in Jakarta and Special Panel for Serious Crimes and the Serious Crimes Unit in Timor Leste. JSMP also met with the Special Representative for the Secretary General on 2 July 2004 at his request to discuss issues surrounding serious crimes and general justice in Timor Leste.

JSMP worked closely with international organisations such as Amnesty International and the International Centre for Transitional Justice and in 2004 worked in conjunction with local NGOs to lobby the United Nations for the establishment of a Commission of Experts to review the serious crimes process to date. On the issuance of the indictment against General Wiranto, JSMP in conjunction with other NGOs played an important role in clarifying serious public misunderstandings through statements and press releases.

Trial Monitoring: Ordinary Crimes

The Legal Research Unit has monitored hearings in district courts in Timor Leste and disseminated information on judicial developments through a variety of media.

Early in 2004 JSMP reported that all court work, excluding the SPSC, was hampered lack of funds. A combination of a lack of funds for phone bills and fuel for cars and generators were among the reasons preventing the district court from functioning in Baucau. The courts in Dili and Suai experienced similar funding difficulties. The lack of funds was further compounded by lack of judges as 9 judges did not return from training in Portugal until July 2004 and even then did not return to Baucau and Oecusse district courts.

Another major issue affecting the district courts was the introduction of the language directive which resulted in the official languages of Tetum and Portuguese being the only languages allowed by the courts for all court documents from 30 September 2004. This directive caused difficulties for court actors and those trying to access the justice system.

Important changes were introduced in the district courts towards the end of the year. A judicial training program for all current court actors and those wanting to be court actors was introduced. Half-day training sessions in Portuguese language commenced for all trainees in September 2004, followed by half-day legal training for most court actors for the remainder of the year. This process led to assessments for entry into a 2 year full-time training programme. Concurrent assessments of the court actors occurred in relation to their permanent appointments. Although limited international court actors were introduced into the district courts, this interruption caused the court schedule to grind to a halt in all courts as it was exceptionally difficult for all parties to be present at the one time due to differing training commitments.

Press releases, Justice Updates, Reports

JSMP press releases, Justice Updates and thematic reports are widely cited in national and international media and our staff are regularly contacted for information on judicial issues. Almost all JSMP press releases have been cited by the national newspapers the Timor Post and Suara Timor Lorosa'e. International media including Radio National – Asia Pacific, BBC and Reuters contacted JSMP for information and comment on developments in the judicial system.

JSMP issued 19 press releases during the reporting period. The majority of these press releases relate to events and procedures in the courts which require urgent public attention and have been cited by the Timor Post, Suara Timor Lorosae, Lusa and other international publications. These press releases are attached in appendix II.

JSMP issued 16 Justice Updates in 2004 in Tetum, and or Indonesian and English and distributed them to judicial officials, government departments, international and national agencies on paper and through our email list service. In addition to being published regularly in local newspapers and

the Pro Justica newsletter a complete list of justice updates is available on our website.

Our in depth analysis of judicial issues continues to be available through our thematic reports. The Legal Research Unit produced 12 over the last year (including one co-written with Amnesty International), which were distributed in English, Portuguese and Indonesian or Tetum to key national and international stakeholders. All reports are available on our website.

The Lolotoe Report: a small step forward related to a case involving 27 counts of crimes against humanity, including imprisonment, torture, inhumane acts, persecution, three rapes and four murders. The case commenced on 4 March, 2002, faced numerous delays and was not concluded until 5 April 2003. On 19 July JSMP launched the report at a press conference which was covered by TVTL. Following a press conference on 2 and 3 August 2004 JSMP staff traveled to Lolotoe to launch the report and meet community leaders to discuss issues relating to the case and the Serious Crimes process.

The Impact of the Language Directive on the Courts in Timor Leste analysed the legality and practical implications of the language directive on the courts with regard to the language skills of the judicial officials and the high reliance on Indonesian prior to the language directive. This report was the subject of a JSMP TVTL programme in which the President of the Court of Appeal participated in a panel discussion with other judicial officials.

Unfulfilled Expectations: Community Views on CAVR's Community Reconciliation Process, through research with community groups, evaluated the Community Reconciliation Process. The report discusses the issues relating to the process such as the lack of attention to needs and rights of individual victims, and presents the difficulties of reconciliation when truth and justice have yet been realised

An overview of the jurisprudence of the Court of Appeal in its first year of operation since Timor Leste's independence reported that the Court of Appeal played an essential role by providing a reasonably speedy possibility for review of interlocutory and final decisions in criminal cases. The report outlined how the Court of Appeal could become more effective by providing guidance to lower courts through its decisions and demonstrating due regard to the discretion of first instance judges.

Case Flow and Management: A Statistical Analysis, 2003-mid 2004 outlined key issues facing the courts through collection and analysis of statistical information. Key points raised include the lack of information available in relation to civil cases; delays in processing civil cases; delays in distributing files to judges following indictments in criminal cases; the high incidence of sexual violence cases; and the high incidence of detention orders issued at review hearings held with in 72 hours of a suspects arrest.

Overview of the Courts in 2004 is a summary report of the activities and processes of all the courts operating in Timor Leste in 2004.

The Future of Serious Crimes Unit Report argued prior to the extension of UNMISSET for another year, that it was essential that the Serious Crimes Unit's mandate was extended and funding expanded until the serious crimes process is completed or until Timorese staff can adequately investigate and prosecute serious crimes cases without international support.

Justice for Timor Leste: the way forward (with Amnesty International) detailed problems with the specially established *ad hoc* Human Rights Court in Indonesia. It concluded that the problems were so serious, and results so unsatisfactory that there should have been no further proceedings in Indonesia until fundamental reforms had taken place. The report also looked at the serious crimes process in Timor-Leste which has little

chance of succeeding in investigating fully the events of 1999 or bringing to trial all those responsible. Its work is hampered by limited capacity, the uncertain commitment of the Timor-Leste government to the process and, crucially Indonesia's refusal to cooperate with it.

Report on Draft Law 29/I/3A Freedom of Assembly and Demonstration reported that the draft law should not be passed without significant amendments as the draft law is very restrictive, to the point that it will be very difficult to hold demonstrations in Timor Leste in an effective manner if this law is passed.

A complete list of all thematic reports is included in appendix II.

Women's Justice Unit

The Women's Justice Unit (WJU) was formed in April 2004 as JSMP felt that justice issues relating to women in Timor Leste were receiving scant recognition and needed special attention. In 2004 the WJU monitored women related cases in the Dili District Court on a regular basis. During the monitoring period a total of eight decisions were delivered in domestic violence or sexual assault cases. The WJU also monitored more than fifty other women related cases (including hearings and trials) in which decisions have not yet been rendered. In addition the WJU conducted three half day training sessions for Prosecutors on Prosecuting Domestic Violence.

Press releases, Justice Updates, Reports

The WJU disseminated information on judicial developments affecting women to a wide spectrum of national and international decision makers including members of parliament, government officials, UNMISSET, diplomats, Timor Leste Police Service, academics and NGOs. Through disseminating such JSMP hopes to positively influence policy formulation in the justice sector in regard to women.

The WJU issued a press release on the decision of a Dili district court to detain three PNTL officers in a rape case in June. In addition, the Women's Justice Unit provided two Justice Updates on Dili District Court verdicts on two cases of domestic violence and on a review hearing of a domestic violence case.

The Women's Justice Unit produced four thematic reports distributed in English, Portuguese and Indonesian all of which have had a profound effect within the justice sector. Through the report *Women in the Formal Justice Sector* the extreme difficulty facing East Timorese women in accessing judicial rights became widely known. Following on from this report the Women's Justice Unit also produced *An Analysis of a Sexual Assault Decision from Dili District Court; Access to Justice for Women Victims;* and *Police Treatment of Women in Timor Leste*. These reports have had a significant impact on key policy makers in a number of areas.

Outreach

Outreach has been an integral part of JSMP work since the outset. Outreach activities include the dissemination of information resulting from JSMP legal research and analysis through a variety of media, advocacy and promoting understanding of judicial rights and the rule of law throughout Timor Leste.

A particular focus of the WJU has been ensuring women know of and feel able to access their judicial rights through outreach work in conjunction with other JSMP staff. In 2004 the WJU produced 6,000 posters encouraging victims of domestic violence and sexual assault to report these crimes to the police. The WJU also produced 1500 brochures explaining the formal justice process to victims of gender based violence. These materials were distributed to all thirteen districts of Timor Leste and many sub-districts and explained to the police, local government officials and women's

groups in each district. The production and distribution of public education materials on domestic violence and sexual assault which describe the formal justice process to victims and police have been welcomed by women's groups and police in the districts, as such information has been lacking until now.

In 2004 JSMP used radio and television in order reach more people. The WJU produced a three episode radio program on how sexual violence is dealt with in the formal justice system in Timor Leste. This radio program was broadcast on Radio Timor Leste (national), Radio Falintil and Radio Rakambia (Dili) and in all community radio stations in the districts of Timor Leste. In November 2004 the WJU also produced a one hour TV Show which involved a panel discussion (a member of the Vulnerable Person's Unit of the Timor Leste Police Service, a Prosecutor, and a legal staff member from the NGO Fokupers) on *Police Treatment of Women in Timor Leste*.

JSMP conducted regional workshops as part of the National Alliance for an International Tribunal. Workshops were held in Los Palos in April 2004, Lolotoe, Maliana in August, 2004, and Uatorlari, Viqueque in September 2004. Participants included community leaders, police, students and represented equal numbers of women and men.

JSMP staff presented up to date information and provided briefings at a number of national forums. JSMP staff briefed the President's Chief of Staff in February 2004 on the state of the judicial system, in May on the reduction of prison sentences and in October 2004 on the immigration law. JSMP staff presented reports at the National Dialogue on the Timor Leste justice system organised by the President's Office in February 2004; briefed the Special Representative of the Secretary General on the joint JSMP Amnesty International report on justice in Timor Leste in May; briefed the President of the Court of Appeal on the use of language in Court of Appeal in July; briefed the Minister for Foreign Affairs in

September on the JSMP conference 'Justice for Timor Leste'; and met the General Prosecutor to represent civil society views on the indictment of General Wiranto for crimes against humanity in May.

JSMP's website was up-dated regularly depending on judicial developments. Reports, briefings and press releases are issued in English, Bahasa Indonesia and Portuguese. The website indicates that information is available in three languages. An internal evaluation of the website was conducted in July which modified the manner in which information was presented on cases at the Dili district and district courts. JSMP also added a page on traditional justice at www.jsmp.minihub.org/indextraditional.htm JSMP evaluates the website informally through email contact with users. A search engine was added in June 2004 to allow users to search the entire site.

The email list is maintained with more than five hundred subscribers. Information is released at least twice a week. The email list is crucial for disseminating vital information to people including key decision makers nationally and internationally.

In 2004 JSMP benefited considerably from the swift recruitment of an Outreach Advisor. The Outreach trainer was very successful in transferring skills in webpage development and maintenance and in running the JSMP email list to new Outreach Unit staff members.

JSMP tries to monitor media reports concerning the justice sector and issues relevant to our work. We maintain a clippings folder of all relevant newspaper articles at our office.

JSMP Advocacy

Advocacy is a crucial part of JSMP's work and is undertaken at many levels. In addition to the ongoing advocacy work carried out by the LRU, WJU and the Outreach Unit JSMP as an organisation organised the first

national conference to discuss the serious crimes process up to date. JSMP is also a member the National Alliance for an International Tribunal for the crimes against humanity committed during the Indonesian occupation. JSMP members of staff are also regularly invited to participate in international conferences and seminars through which we are able to further advocate for an international tribunal and represent the views of East Timorese people.

Working Groups

JSMP staff participated in three UN working groups in 2004. The UN Working Group on Justice was set up to discuss the progress of and difficulties facing the national justice system and the role of United Nations. The UN Working Group on the future of Serious Crimes outlined options for the serious crimes process post UNMISSET. The UN Working Group on Police outlined the progress of establishing the national police force and what was still to be done. The UN Working Groups gathered key stakeholders together in order to discuss the issues and provide reports to the Special Representative of the Secretary General. JSMP accepted the invitation to be involved not only to raise community and civil society concerns in these important areas but also because JSMP and other NGOs will assume responsibility for some of the work once UNMISSET's withdrawal is complete.

National Conference on Justice for Timor Leste

In September JSMP organised the first national conference to determine whether the need for justice in Timor Leste for crimes against humanity has been met. This involved an evaluation of the justice processes to date and the formulation of a strategic plan for justice for Timor Leste with broad based support.

The content of the conference was planned to be as inclusive as possible, with particular focus on capturing the views of civil society – an important stakeholder that has had limited opportunity for engagement for

debate on the issues addressed by the conference. Speakers were invited from government, UN, civil society, victims groups and other international sources to present their perception of the processes to date and ideas for future plans. Intermittently, between plenary sessions, smaller workshops were led by local civil society leaders to work through issues raised by speakers in order to canvass broad based ideas and proposals.

Over the two days of the conference over 150 participants from the public, UN community, diplomatic community, justice sector, civic organisations, government, and media were in attendance. Over 50 participants from the districts attended the conference. Participants from each district were provided transport, accommodation and incidental allowances to cover their costs. As the majority of Timor Leste's population and crimes against humanity victims live outside Dili, JSMP facilitated many workshops in separate districts to explain the conference issues and thereby succeeded in getting effective and well-informed participation of people from rural areas in the conference.

The conference showed the overwhelming need for cases of crimes against humanity to be heard in a credible international institution such as an international tribunal. The need for, and imminent arrival of, a Commission of Experts was supported unanimously and as was the need to include a reference to an international tribunal in its terms of reference.

It was decided that the papers from the conference and the individual comments as recorded will be made available to the Commission of Experts when formed. The Conference declaration was sent to the governments of Timor Leste, Indonesia, the UN, CAVR, and speakers at the conference.

National Alliance for an International Tribunal

JSMP is a key member of the East Timorese Alliance for an International Tribunal to try

crimes against humanity committed during the Indonesian occupation and following the referendum for independence. The alliance is comprised of NGOs and other civil society organisation. JSMP often provides leadership in organising meetings and developing strategies for the campaign.

International Conferences

JSMP participated in two international conferences in 2004 which provided important opportunities for JSMP to bring issues affecting Timor Leste to the international arena. In April 2004 Tiago Sarmiento attended the 60th session of UN High Commission of Human Rights as part of the delegation from the Alliance for an International Tribunal. Tiago Sarmiento also attended a meeting organised by the International Center for Transitional Justice in Jakarta, Indonesia in September 2004 where he talked about transitional justice in Timor Leste.

Parliamentary Lobbying

JSMP was invited to attend a session of Parliamentary Committee A and to provide written reports to them regarding laws affecting human rights and the justice system.

In April 2004 JSMP attended the Parliamentary committee meeting and presented its written report on the Amnesty Law in Tetum. Following the presentation JSMP answered questions of the parliamentarians during a one hour session.

JSMP distributed copies of the report on the Demonstration law to all Members of Parliament and it was referred to in the plenary sessions.

JSMP also facilitated and coordinated civil society input into the drafting of the Penal Code.

Training

JSMP is conscious of constantly improving our capacity through in-house training and mentoring and external training programmes.

During 2004 managerial responsibility for JSMP was transferred to East Timorese and international positions became advisory.

Each unit is supported by an international advisor who works in close contact with the unit coordinator and other staff.

International advisors and the unit coordinators negotiate work plans in order to identify weaknesses and how skills are to be transferred. This allows a high level of relevant mutual skills transfer and maintains a positive, constructive working relationship.

JSMP tries to ensure that all East Timorese staff have access to English language training and computer software training. In addition, JSMP contributes to the costs of one member of staff's accounting degree. A heavy emphasis over 2004 has been developing the IT and web design skills through employing an Outreach advisor to provide one to one training and mentoring.

Viriato Seac from Outreach participated in a two week International Human Rights training in Bangkok, Thailand and a one week conflict mediation training of trainers programme in Maubara, Timor Leste.

Plans for 2005

In November 2004 JSMP undertook a two day strategic planning workshop. This planning included an opportunity for JSMP to reflect on the three month- long internal assessments which had been carried out by JSMP in the areas of general legal aid, legal aid for women and monitoring police and prisons. The session was highly productive and resulted in JSMP's five year strategic plan. In addition to formally recognising the transition to East Timorese management the meeting outlined our long term plan for institutional development.

In the next year we will take two important steps. The first is the ratification and implementation of our Constitution. This will take place in the first half of 2005. The second step is to undertake our first independent audit of our financial accounts. These steps will be important achievements in our aim of achieving long term sustainability in order to be able to continue our work.

Judicial System Monitoring

The Legal Research Unit will continue to monitor the Special Panels for Serious Crimes as well as the hearings at the district courts. We plan to research, analyse and report on judicial issues and draft legislation as they arise. All information will be disseminated through reports, justice updates and press releases.

The WJU will research, analyse and monitor judicial developments impacting on women. A major focus of the WJU will be outreach work empowering women and strengthening the judicial system.

We will produce reports on the draft penal code, the jurisprudence on the Special Panels and land law early in 2005. Later thematic areas will be identified early in the year allowing JSMP to target and report important issues as they occur. JSMP will maintain analytical rigour and accuracy in all our reporting.

Outreach

JSMP will continue to maintain and expand our website and email list in addition to publishing and distributing all JSMP press releases, justice updates and reports. In addition, disseminating information through radio and television will continue as the opportunities arise.

JSMP will conduct six workshops in six separate districts on human rights and the judicial process. The workshops will target all community members with a particular emphasis on the judicial rights of women. All JSMP staff will be closely involved in designing and implementing the training materials.

JSMP staff will undergo training programmes in popular education methodology, building and maintaining relations with media, and website design and maintenance. In-house training in project management skills will be conducted on a weekly basis beginning in February as well as ongoing English language skills training. In collaboration with Perkumpulan HAK, Fokupers and UNMISSET Human Rights Unit, JSMP will also maintain a database of human rights abuses.

Victim's Support Service

The report *Access to Justice for Women Victims* identified the critical need for a referral service for women victims of domestic violence giving support and legal advice. As a result, JSMP held a public meeting on 19 October 2004 regarding the establishment of a Victim Support Service (VSS) for Women Victims of Violence as an additional unit within JSMP. The WJU has since conducted further consultations with the Timor Leste Police Service (PNTL), NGOs involved with providing support to women victims, Prosecutors and Judges. These consultations have established wide support for the proposal to establish a VSS within JSMP. The first steps have been taken and it is hoped that the Victim Support Service can be set up in early 2005.

Appendix I: Financial Summary

Income in 2004	
Carried over from 2003	\$ 24,363.33¹
Donor	Grant
Australian Legal Resources International	\$ 1,910.00
AusAID Human Rights Small Grants Scheme, Timor Leste	\$ 51,306.51
Cafod, UK ²	\$ 5,290.00
The Embassy of Finland, Jakarta, Indonesia	\$ 42,660.00
The Human Rights Unit, United Nations Mission in Timor Leste	\$ 7,934.28
International Commission of Jurists	\$ 2,246.66
International Centre for Transitional Justice	\$ 360.00
International Development Cooperation, the Republic of Ireland	\$ 5,100.00
New Zealand AID	\$ 45,648.00 ³
The Asia Foundation	\$ 90,000.00
United Nations Population Fund (UNFPA)	\$ 2,310.00
USAID ⁴	\$ 197,390.82
	\$ 710.00
	\$ 452,866.27
Total	\$ 477,229.60

Expenditure in 2004	
Personnel costs	
Legal research ⁵	\$ 110,566.23
Outreach ⁶	\$ 17,192.87
Women's justice ⁷	\$ 22,075.85
Administration ⁸	\$ 38,392.05
Staff development ⁹	\$ 6,380.00
International visa costs	\$ 1,156.50
Casual Driver	\$ 309.00
	\$ 196,072.50

¹ This includes unexpended funds from grant support received from the Asia Foundation and the AusAID Human Rights Small Grants Scheme.

² Cafod provided support to enable a representative from JSMP to participate in a conference of the United Nation's Human Rights Commission, Geneva, Switzerland.

³ This figure includes a grant for US\$12,033 for support in 2005.

⁴ USAID provides in kind support through the Development Alternatives Incorporated managed small grants scheme. USAID provide five grants in 2004.

⁵ The Legal Research unit includes an international legal coordinator, an international legal researcher and four national legal researchers. During part of 2004 an additional international and two national legal researchers joined the team to research and write the report *Women in the Formal Justice Sector* which led to the creation of the Women's Justice Unit.

⁶ The Outreach has three national members of staff but was supported by an international Outreach advisor for four months during 2004.

⁷ The Women's Justice Unit became a separate unit within in JSMP midway through 2004. It is comprised of a national coordinator, a national legal researcher and an international advisor.

⁸ This includes the Director, the Finance Officer, an Office Manager and two security guards. In 2004 the Directorship was taken over by a national member of staff who is advised by an international institutional advisor.

⁹ This includes English language training and computer/IT training.

Project costs		
Report production	\$	24,268.21
Translation costs ¹⁰	\$	27,338.24
Legal research unit project costs	\$	4,172.25
Women's justice unit project costs	\$	4,170.75
Outreach unit project costs	\$	14,579.25
Field work ¹¹	\$	3,787.83
Phone cards	\$	5,375.00
International Conferences	\$	5,979.00
National Conferences ¹²	\$	6,833.80
	\$	96,504.33
Office running costs		
Bank administration fees	\$	387.25
Kitchen supplies	\$	1,426.25
Newspaper subscriptions	\$	241.60
Motorbike and car maintenance costs	\$	3,305.84
Office equipment ¹³	\$	6,363.86
Office maintenance ¹⁴	\$	10,063.89
Workshop costs ¹⁵	\$	958.25
Office stationary costs	\$	2,461.54
Transport costs (taxi)	\$	1,115.00
Miscellaneous costs	\$	830.83
	\$	27,154.31
Utilities		
Land line	\$	7,456.09
Electricity	\$	3,009.95
Fuel	\$	3,187.72
Internet	\$	9,158.00
Rent	\$	9,240.00
	\$	32,051.76
Sub total	\$	351,782.90
USAID/DAI purchased in kind support¹⁶	\$	72,829.03
Grand Total	\$	424,611.93¹⁷

¹⁰ All JSMP reports, justice updates and press releases are made available in Portuguese, Indonesian and English.

¹¹ Includes all research and workshop activities undertaken outside Dili excluding transport costs.

¹² Refers to all expenditures arising from the JSMP organised National Conference on Justice for Timor Leste.

¹³ This does not include equipment provided by USAID/DAI.

¹⁴ Includes computer maintenance costs.

¹⁵ JSMP organised a two day strategic planning meeting in 2004.

¹⁶ This figure includes all items purchased by USAID/DAI. USAID/DAI provided a large amount of equipment to JSMP in 2004 including computers, motorbikes and a generator.

¹⁷ This figure includes funds from New Zealand, AusAID, Finland and the Asia Foundation which were passed into 2005.

Appendix II: Publications up to 2004

Thematic Reports

2004

- Overview of the Courts in Timor Leste in 2004
- Case Flow and Management: A statistical Analysis, 2003-mid 2004
- Trial Observation Report on The Lolotoe Case: A Small Step Forward
- The Future of Serious Crimes Unit Report
- Justice for Timor Leste: the way forward (with Amnesty International)
- Report on Women in Formal Justice sector
- The Impact of the Language Directive on the court in Timor Leste
- An Analysis of a Sexual Assault Decision from Dili District Court
- Access to Justice for Women Victims
- Overview of the Jurisprudence of the Court of Appeal in its first of Operation since Timor Leste's independence
- Report on Draft Law 29/I/3A Freedom of Assembly and Demonstration
- Conference Report on JUSTICE FOR TIMOR LESTE: Civil Society Strategic Planning
- CAVR Report
- Second Amnesty Law Report

2003

- The Internal Security Act
- Background Paper on the State of the Timor Leste Justice Sector (JSMP paper distributed to delegates attending the World Bank-sponsored annual donors conference)
- Report Justice in The Districts
- Interim Report on the Dili District Court
- Report on the Court of Appeal Decision on the Constitutionality of Timor Leste's Immigration and Asylum Law
- Dili District Court Final Report
- Report on the Court of Appeal Decision in the Case of Armando dos Santos
- Report on the Court of Appeal Decision on the Applicable Subsidiary Law in Timor-Leste
- Report on The Internal Security Act-Bill
- Report on Timor Leste's Immigration and Asylum Law (Short Version)
- Report on Proceedings: Asia Pacific Center for Military Law (APCML) and Judicial System Monitoring Programme (JSMP) Symposium on Justice For International Crimes Committed in The Territory of Timor Leste (Melbourne, January 2003)

2002

- Thematic Report 2: The Right to Appeal in Timor Leste
- JSMP Findings and Recommendations from Workshop on Formal and Community-Based Justice
- Report on Timor Leste's Draft Law on Amnesty and Pardon
- Trial Observation Report: General Prosecutor -v- Joni Marques and Others (Los Palos Case)
- Dili District Court Monitoring - Weekly Reports
- Position Paper on the Issue of an International Tribunal for Timor Leste
- Thematic report 1: Justice in Practice - Human Rights in Court Administration
- Election Observation Report: Becora Prison

Justice Updates

2004

- Nov Judge Issues Decision Without A Recommendation Of Sentence From The Prosecutor
- Nov Trial Hearings Before The Baucau District Court
- Nov Dili District Court Delivers Two Decisions On Cases Of Domestic Violence
- Nov Seven Convicted of Crimes Against Humanity
- Nov Court of Appeal Overturns Decision of Acquittal of the Special Panel for Serious Crimes
- Nov Execution of the Court's Decision in the Virgilio Smith Case
- Oct Admissibility of Prior Statements as Evidence before the Special Panels Serious Crimes
- Oct Court Hearing Regarding the Lawfulness of Arrest and Detention
- Oct On the New Rules for Distribution of Cases and the Constitution of Special Panels
- Sep New Court Actor Training Program
- Jun BNU Bank Case
- May Dili district court, Serious Crimes, Court of Appeal
- June Case scheduling, Serious Crimes, Court of Appeal
- June Land and property civil case, Serious Crimes, Court of Appeal, National Dialogue

Press Releases

2004

- Dec The Special Panels for serious crimes sentences BMP militia commander
- Sept Participants in conference call for establishment of international tribunal
- Sept Conference on the future of the serious crimes process for Timor Leste
- July Indonesia court holds retrospective prosecution unconstitutional trials for Timor Leste go from bad to worse
- July East Timorese civil society demand the creation of a commission of experts
- July JSMP welcome judges return from Portugal
- July Limited progress on the work of the special panels for serious crimes
- June The Wiranto warrant political interference in the serious crimes process
- June Dili district court release detention decision in rape case against PNTL officers
- May Special Panels refuses the General-Prosecutor's motion to review and amend the Wiranto indictment
- May Parliament gives preliminary approval to amnesty
- May Court can not function due to budget bungle
- May UN Sacrifices justice for dollars
- March JSMP reveals significant barriers for women's access to justice
- Feb Three more decisions handed down by Special Panels for serious crimes
- Feb UN Security Council must support the serious crimes process in East Timor
- Feb Charges of crimes against humanity withdrawn
- Feb Call for regular meeting for justice sector actors

2003

- March Timor Leste crimes against humanity perpetrator released, capture and released again
- March Ex-Lospalos militia conditionally release
- Jan JSMP Monitors release of detainees
- Jan JSMP concerned about illegal detentions in Timor Leste 1

2002

De	Nineteen conditionally released, nine remanded following Dili riots
Dec	First minor sentenced by the Special Panels for serious crimes in Timor Leste
Nov	Former East Timorese village chief sentenced to three years for crimes against humanity
Oct	Comments on Jhoni Franca case
Oct	More delays hamper Lolotoe trial
Oct	Timor Leste urgently needs court of appeal to guarantee fundamental human rights
Oct	Timor Leste Special Panels for Serious Crimes: more postponements than hearing
Sept	Ex-indonesian soldier convicted of negligence causing death
Sept	Timor Serious Crimes Panel hands down first rape conviction
Sept	Court sentences Liquica militia member to 20 years jail
Sept	New judicial magistrates law passed but concerns ignored
May	Timor Leste's draft amnesty and pardon law

2001

Dec	Dili Court convicts 10 of crimes against humanity
Nov	Lolotoe trial faces further delays
Nove	Los Palos case closes
Sept	Los Palos Trial resumes
Aug	Los Palos trial adjourned for 2 1/2 weeks
July	Los Palos trial enters second stage
July	Former Ablai Militia sentenced to four years imprisonment
July	Militia member convicted of UNAMET staff murder
July	Team Alpha Militia members testify to kopassus link
July	First Crimes Against Humanity Trial begins
July	Lospitalos Case to start next week
June	First Serious Crimes Appeal Cases Start on Monday
May	Jose Valente Sentenced to 12 years and 6 months imprisonment
May	Former Laksaur Militia Sentenced to 13 years Imprisonment
May	Militia Member Sentenced to 15 years and 6 months Imprisonment for Murder
May	Dili Court Increases Pressure on Indonesia

Appendix III: Staff

Tiago Sarmento, Director

Tiago has been with JSMP since 2002. He was a legal research before becoming Deputy Director and assumed the role of Director in 2004. Tiago studied law in Indonesia at the Universitas Pendidikan Nasional, Denpasar, Bali. He practised in Indonesia and Timor Leste for four years before joining JSMP. Tiago has been very involved in human rights issues in Indonesia and Timor Leste. As well as speaking English fluently, he speaks Tetum, Bahasa Indonesia, Makasai, Nauweti, Tetum Terik as well as basic Portuguese.

Flavia da Costa Henriques, Office Manager

Flavia is currently studying for a degree in Finance Management at the Dili Institute of Technology. She joined JSMP in 2002 as the Finance and Administration Assistant. Before joining JSMP she worked for the Independent Electoral Commission during the presidential elections.

Amelia Setyorini de Jesus, Finance Officer

Amelia has five years of finance and administration experience in the commercial sector in Indonesia. She worked as an administrative officer and then finance officer at the PT. Sri Ratu Department store. She is currently studying Economic Management at Da Paz University.

Sophia Cason, Advisor Women's Justice Unit

Sophia graduated from the Australian National Univeristy with a joint honours in Asian Studies (Korean) and Law. Having studied at the Korea University and Seoul National University, she was awarded the ANU medal for Asian Studies in 1999. Having worked in Vietnam and South Korea she joined the Australia's Department of Foreign Affairs and Trade in 2000 as a desk officer. She was second secretary (political) at the Australian Embassy, Timor Leste until 2003. She speaks Tetum fluently and conversant Bahasa Indonesian.

Manuel Fernando Exposto, Legal Researcher Coordinator

Manuel studied law at Universitas Kristian Satya Wacna Salatiga Jawa Tengah. He returned to Timor Leste following his studies and joined Yayasan HAK, the Timor Leste Association for Human Rights, Justice and Law. During his time at Yayasan HAK Manuel was engaged in front line human rights work providing legal aid to victims of abuse by Indonesian police and military services. Before coming to JSMP Manuel spent five months helping draft domestic legislation for the Office of the Promotion of Equality of the government of Timor Leste. He joined JSMP in 2004. He speaks Tetum, Bahasa Indonesia and fluent Portuguese.

Casimiro dos Santos, Legal Researcher

Casimiro studied English Literature at Jember Unveristy, Indonesia but was forced to withdraw from his studies in 1999. He undertook human rights campaigns with youth groups and managed a civic education project for a local NGO before he became assistant investigator with UNPOL Investigation Unit and later with the Serious Crimes Unit. He is currently studying International Relations at Peace University, Timor Leste. He speaks English, Tetum and Bahasa Indonesian.

Jose Maria da Costa Guterres, Legal Researcher

Jose studied law at Universitas Kristian Satya Wacna Salatiga Jawa Tengah. Jose was involved Catholic youth groups providing support to disadvantaged groups. He practised law in Indonesia before coming to Timor Leste. Jose worked as a lecturer at Dili University and was part time

visiting professor of law at Dom Martinho Lopes University. He joined JSMP in July 2004. He speaks Tetum and Bahasa Indonesian.

Maria Do Rosario Fatima Correia, Women's Justice Unit Legal Researcher

Maria studied Law at Universitas Pendidikan Nasional, Denpasar, Bali before returning to Timor Leste and working as a journalist. Before joining JSMP she worked in the capacity building department of the Timor Leste NGO forum and with the women's rights organisation Fokupers as a field officer. She speaks Tetum, Bahasa Indonesian, English and Portuguese.

Mary Agnes Bere, Coordinator Women's Justice Unit

Mary Agnes studied Law at Universidade Nusa Cendana in Kupang, Indonesia. During her time at university she was involved with Catholic youth groups and coordinated the Potential Youths of Kupang group. In 2002 Mary Agnes worked as a volunteer for Jaringan Advokasi PMKRI (Perhimpunan Mahasiswa Katolik Republic Indonesia). She returned to Timor Leste to work in legal aid before joining JSMP as a legal researcher.

Francisca Da Silva, Women's Justice Unit Outreach Officer

After finishing school Siska worked with women groups in Manatuto and successfully obtained funding from UNICET. After Siska worked for the UNDP civic education program and then with USC Canada was responsible conducting agricultural extension work in the districts. Siska then worked for the Commission of Truth and Reconciliation (CAVR) as an outreach officer disseminating information about CAVR and maintaining networks with government and civil society.

Joaquim R. Brites, Outreach Advocacy Field Officer

Joaquim is currently studying Politics at University of Timor Leste. Joaquim has worked with community radio with Radio Rakambia and with the East Timorese Commission for Human Rights organising advocacy campaigns at the community and national level. Joaquim was also involved in the Student Solidarity Council as an organiser. Joaquim joined JSMP in 2003 and speaks Tetum, Bahasa Indonesian, Fataluku and Makasai.

Graziela Trindade da Cruz, Outreach Officer

Graziela is currently studying economics (management) at Dili University. She was formerly a volunteer at ETWAVE providing legal advice and support to women victims of domestic and disadvantaged children. Graziela has been working at JSMP since September 2004 in the Outreach Unit.

Viriato da Costa Seac (Aberry), Senior Outreach Officer

Aberry completed a degree in Electronic Engineering at the University of Timor Leste (UNTL) before becoming a reporter and presenter for Radio Rakambia and Internews. He helped Oxfam GB organise a national conference on education in Timor Leste. Proficient in information technology he worked as trainer at the Information and Technology Training Centre UNTL. He has worked in the Outreach Unit for two years. As well as Tetum and Indonesian he speaks English fluently.

Robin Perry, Legal Researcher

Robin Perry graduated with a Bachelor of Arts (Asian Studies) and a Bachelor of Laws from the University of Western Australia in 2000. Robin practised as a lawyer in a private law firm in Australia for 4 years. In addition, Robin has worked in a community legal centre, providing legal advice to indigent clients. He has also participated in numerous voluntary legal projects including Amnesty International and the Australian Red Cross. Robin speaks fluent Bahasa Indonesia.

New staff in 2005

Ana Rita Ajú, Legal Researcher

Ana Rita Ajú studied Law at the University of Lisbon, Portugal and has a postgraduate degree in Human Rights and Democracy from the University of Coimbra, Portugal. Before coming to East Timor, she was an executive member of the Portuguese Centre for the Support of Victims of Torture (CAVITOP) and worked as a lawyer at the Portuguese Association for the Support of Victims of Crime (APAV).

Simon Foster, Institutional Advisor

Simon graduated with Bachelor of Arts (History) from Birmingham University, UK and is currently completing a Masters in International Development from Deakin University, Australia. He worked in Cambodia as Special Projects Coordinator for the Australian Centre for Education before moving to the Cambodian Research Development Institute as a technical assistant. Before JSMP he worked with *La'o Hamutuk*, the East Timor Institute for Reconstruction Monitoring and Analysis undertaking research and organisational development. He speaks Tetum.

Former staff in 2004

Alison Ryan, Legal Research Coordinator

Alison Ryan is a qualified solicitor with a Masters degree in Law and undergraduate degree in Asian studies from the Australian National University. She speaks fluent Bahasa Indonesian. Alison worked for the Human Rights Trust in South Africa before returning to Australia and coordinating a refugee community legal centre providing legal advice and representation to on-shore asylum seekers in Sydney, Australia.

Rhys Johnson, Director

Rhys studied international law and development studies in London. Rhys joined JSMP after working for non-governmental organisations in the UK, Israel and Palestine. He came with a large amount of experience in working with human rights issues and organisational development and oversaw JSMP's transition from international to national management.

Jay Maheswaran, Institutional Advisor

Jay Maheswaran (Ph.D) was with JSMP for a short period of three months as its Institutional Advisor, providing capacity enhancement to staff, and preparing funding proposals and developing operational processes. He has over 13 years of experience in post-conflict and conflict related humanitarian and development projects, and 17 years of post doctoral experience in Natural Science. He is currently the East Timor Country Director for Caritas Australia.

Ross Clarke, Legal Researcher

Prior to joining JSMP, Ross was a researcher and analyst of the East Timorese and Indonesian legal systems. While working with the Asian Law Centre, University of Melbourne, he was published widely in the area of trials for crimes against humanity in Timor Leste and Indonesian judicial reform. Ross has further worked in corporate, refugee and immigration law, including as a case officer with the Australian Migration Review Tribunal.

C. Cora True-Frost, Legal Researcher

Cora True-Frost (JD/MPA) is an international human rights lawyer and policy analyst with a special focus on gender justice. Cora is Coordinator of the NGO Working Group on Women,

Peace and Security at United Nations headquarters in New York City, acts as a human rights consultant and will pursue her LL.M. at Harvard in August 2005. She taught in under-resourced urban American schools, practiced civil litigation, and travelled and worked in over 45 countries before joining JSMP as a legal researcher. Cora researched and wrote the report "Women in the Formal Justice Sector" after which she established the Women's Justice Unit as a dedicated unit within JSMP to implement the recommendations in the report.

Josh Trinidad, Outreach Advisor

Josh has worked as an IT support officer for a number of organisations in Timor Leste. He is an expert in web design and IT technologies. He joined JSMP in 2004 to construct JSMP's website and establish JSMP email list services.

Helder da Costa, Legal Researcher

Helder studied Law in Indonesia and practised private law in Indonesia and Timor Leste before joining JSMP as a legal researcher in 2003. He speaks English as well as Tetum and Bahasa Indonesian.

Fausto Belo Ximenes, Legal Researcher

Nino worked as a human rights officer for UNTAET's Human Rights Unit. He was responsible for monitoring human rights abuses in prisons. He joined JSMP in 2002 as a legal researcher. He speaks English as well as Tetum and Bahasa Indonesian.

Nelson Belo, Outreach Coordinator

Nelson was active in campaigning for human rights and independence for Timor Leste as a member of the student solidarity council during the Indonesian occupation. He studied English at the University of East Timor. He joined JSMP in 2001 as the Outreach Coordinator. Nelson speaks fluent English as well as Tetum, Bahasa Indonesian and Makassai.

Barbara Oliveira, Legal Researcher

Barbara Oliveira is a Brazilian national with a Masters degree in Human Rights Law and an undergraduate law degree. Before joining JSMP, Barbara worked with the International Commission of Jurists and Amnesty International. Barbara's field of expertise is human rights within the judicial system, including the courts, police and prison services. Barbara also had first hand experience with staff mentoring and capacity building and human rights training.

Lina Maria Biscaia, Legal Researcher

Lina studied Law at the University of Coimbra, Portugal before taking a post graduate course in Human Rights. She obtained a European Masters in Human Rights and Democratisation in 2003. Prior to joining JSMP, Lina practised law at the European Court of Human Rights, Strasbourg, France. She was admitted to the Portuguese Bar Association in 2004. At JSMP her special focus was the processes of the Special Panels for Serious Crimes.

Appendix IV: JSMP Organisational Chart

