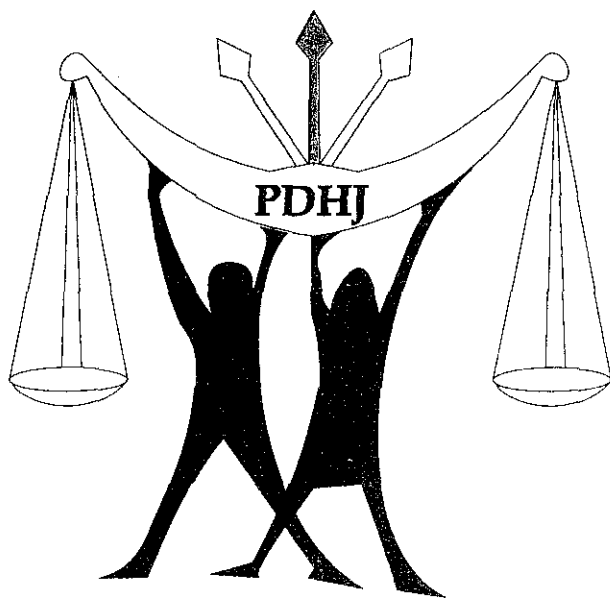


Convention for Human Rights and Justice
Timor-Leste



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This report summarizes the main activities carried out by the Provedoria for Human Rights and Justice (PDHJ) during the period of August 2009 to July 2010. The objective of this document is to report to peer institutions in the Asia-Pacific region on human rights developments in Timor Leste and PDHJ's activities within its human rights mandate.

This report provides a summary on the human rights situation. One key development it discusses is the performance of security forces which led the anti-ninja operation in Covalima and Bobonaro districts since early 2010. It also reflects on issues of political interference in the accountability for violent crimes committed in 1999. New achievements in the promotion and protection of women's rights and in food security are presented, as well as the conclusion of the reintegration of the IDPs in the country after the crisis of 2006. This report also includes specific sections with an overview on human rights complaints and investigations, education and promotion activities, cooperation with national and international institutions, as well as capacity development initiatives. A brief section highlights recent institutional development of the PDHJ.

A. THE JOINT POLICE AND MILITARY OPERATION AGAINST 'NINJAS'

On January 22, 2010, a joint operation of the National Police of Timor Leste (PNTL), led by its General Commander and backed by the Falintil - Defence Force of Timor Leste (F-FDTL), was sent to the neighbouring districts of Covalima and Bobonaro, reportedly to look into insecurity issues related to criminal activities of alleged "ninja" groups. The decision came after a debate at the National Parliament sparked by the death of two female individuals in Sibuni village, Maliana (Bobonaro district), that a few weeks before had disappeared and were subsequently found dead with their heads severed. The perpetrators were said to be "ninjas", a popular name in East Timor for groups of individuals

masked in dark clothes and committing criminal activities during the night¹, and causing great fear in the community.

The military component (F-FDTL) of the joint operation was justified by the fact that Bobonaro and Covalima are border districts and that the search for the alleged “ninjas” could imply border patrolling activities, under military responsibility. The local authorities, in particular the district PNTL, were not informed about the operation nor were they involved in it afterwards, including in the investigation of the death of the two females. Taking into account the large scale of the operation and the need to assess the performance of the authorities, the PDHJ and civil society organizations conducted monitoring and investigation missions to the area.

According to the information obtained, 20 to 24 people were arrested during the operation. Some of the arrestees reported that they were taken from their houses in the middle of the night by uniformed members of the joint force. They alleged having been subjected to different forms of ill treatment, including beatings, pulling hair, being pushed to the ground and being kicked in different parts of the body and some seem to have been physically attacked while at the Jumalala base camp where they were kept detained. A few of these were taken to the hospital. The victims claim not to have resisted the capture and that some were forced to admit they were “ninjas”.

The majority of those detained belonged to the Popular Council for the Defence of the Democratic Republic of Timor Leste (CPD-RDTL), an allegedly illegal group which the Government has accused of contributing to instability in some of the areas where they are present, and with which it has been having several political disputes². Witnesses, local leaders and several of those arrested have challenged

¹ Illegal activities by alleged “ninjas” were first heard of in the 1990s as being militia groups backed by the Indonesian army to attack East Timorese activists. Several people were said at the time to have been enforcedly disappeared and killed during the night by men wearing black attires. This created a sense of panic among villagers and thus, limited their movement. Since independence in 2002 the activities of those groups ceased however, people continued to use the expression “ninja” when referring to crimes committed by individual covering their faces.

² The CPD-RDTL was established in 1999 and it calls itself an umbrella group that considers that the original Democratic Republic of East Timor is the one established in

the arbitrariness of the arrests. They claim that the "ninja" operation was a pretext to target the members of the CPD-RDTL. In addition, CPD-RDTL district members have complained that leaders of the joint operation forced them to take out and hide emblems and symbols that they were using at the office in Covalima as well as in all other places where it would be displayed.

Reports from human rights organizations and the media have supported the accusation that the authorities politicized the issue and focused their intervention to undermine the presence of CPD-RDTL in the area. Although the joint operation claimed that members of the CPD-RDTL could be behind the criminal activities of the alleged "ninjas", district authorities, not involved in the operation, expressed the belief that the existence of "ninjas" was merely a rumour. Community members have also suggested alternative perpetrators for the killing of the two female individuals.

The PDHJ prepared a report on this operation and sent a letter to the Prime Minister, the Major General of F-FDTL, the State Secretary for Internal Security, the Commander General of the PNTL and other relevant institutions. In the document the PDHJ reported its findings and made recommendations, including the following: 1) that the deployment of such a large scale operation should always require prior approval from the National Parliament, taking into account the risk of human rights violations being committed; 2) that the General Commander of the PNTL should take action immediately to investigate and punish the claims of human rights violations allegedly committed by his staff; and 3) that the State Secretary for Internal Security should analyse the results of the operation in relation to the claims about the existence of "ninjas" and consider the impact of the human rights violations allegedly committed.

1975, after the independence from Portugal and before the Indonesian invasion, and not the one that came after the 1999 referendum. As a consequence, it rejects the present political transition process and mechanisms established with the support of the UN and national organizations, including the governing political parties, with which it has a conflictive relationship. In the areas where they are present, they have established a parallel government structure and have their own force, rejecting any electoral and census process.

The joint operation remained in the area for several months conducting patrolling and looking further into security issues. It was finally withdrawn in July 2010, however, the PNTL has not looked into the allegations of ill-treatment and arbitrariness of arrests by its staff. In the meantime, all but two of those arrested have been released.

B. ACCOUNTABILITY FOR SERIOUS HUMAN RIGHTS ABUSES

On August 30, 2009, the Minister of Justice of Timor Leste ordered prison authorities to release a well-known militia leader accused of being responsible for committing serious human rights abuses in 1999 in Covalima district. The PNTL, acting on an arrest warrant issued against him in February 2003 by the District Court Special Panel for Serious Crimes, arrested the suspect in July 2009, after locals recognized him entering Timor Leste to visit family in Covalima, and tipped off authorities.

The suspect is one of the top commanders of the Laksaur militia group and the leader for the base in Covalima. In 2003 the United Nations/Democratic Republic of Timor Leste (UN/RDTL) Serious Crimes Unit had accused him and others of involvement in several killings in Covalima and Ainaro districts, including the attacks to the Suai Church on 6 September 1999 that resulted in an estimated 27-200 people killed, among them three priests. The suspect and others were indicted with crimes against humanity of murder, extermination, enforced disappearance, torture, inhuman acts, rape, forced deportation, persecution and the summary execution of many persons suspected to be supporters of the East Timorese independence movement.

Following the arrest, the suspect was held at Becora Prison under pre-trial detention for two weeks, after which he was released to the Indonesian authorities at their embassy in Dili. As justification for the transfer the Minister of Justice invoked the need to keep good relations between Timor Leste and Indonesia, raising concerns for the safety of East Timorese students in Indonesia. She also argued the need to maintain security along the border and prevent an escalation of the reaction from the members of the Laksaur militia group that was pressuring the Indonesian Government.

The Constitution of the Democratic Republic of Timor Leste (CRDTL) establishes the principle of the separation of powers³, and reactions shortly after this decision sparked, predictably. The international community, civil society organizations and victims groups from incidents that took place in 1999, strongly criticized the decision and protests were staged. In September 2009 the Court of Appeals (which is also acting as Supreme Court) stated that if such a release was indeed carried out without a court order, it would be a criminal offense punishable in Timor Leste by 2-6 years in prison. It would also be a clear interference by the Government in the judicial process and therefore the Judicial Inspector would investigate the matter. In October 2009, the decision led to an unsuccessful no-confidence motion in the National Parliament, and as the Government remained unwilling to bring the indicted suspect to trial, he is now back in Indonesia.

In June 2010 the Minister of Justice received a notification letter from the Office of the General Prosecutor notifying that she had been made a suspect in the case of the release of the accused militia commander from Becora Prison. In July 2010 she presented her statement to the authorities and though assuming responsibility for the release, she claimed that the decision had been made by the President of the Republic. The Prime Minister has also assumed responsibility for the decision. However, until now none of them has been called to provide statements.

It is also relevant to mention the issue of pardons in relation to accountability for the commission of serious human rights violations and abuses. The CRDTL provides for the granting of pardons⁴ and it is practice in the country for the President, on a yearly basis, to give them to selected convicted prisoners. From a human rights perspective, pardons cannot be given for serious crimes so as to guarantee notions of accountability and justice. Despite this, during the past years pardons have benefited prisoners convicted for serious crimes, including those committed during the violent incidents of 1999 and 2006. Because under Art 42 of Law No.7/2004 the PDHJ is not empowered to look into this practice, it has not addressed the issue further.

However, the PDHJ is concerned that the use of pardons, amnesty laws and political interference in judicial processes by the executive power, might be

³ Art.69 CRDTL

⁴ Art.85 CRDTL

undermining the global principle of accountability of those responsible for crimes against humanity, such as the crimes that were committed in Timor Leste in 1999. Concrete steps need to be taken to ensure full accountability, to end impunity and to provide reparations to victims in accordance with international human rights standards and principles.

During the present year the National Parliament has been discussing two relevant laws: 1) one to define a framework for a program on reparations and 2) another to create a follow up institution to the Indonesia-Timor-Leste Commission on Truth and Friendship (CTF) and the Commission on Truth, Reception and Reconciliation (CAVR). That new institution will oversee the implementation of some of the recommendations by the CAVR, which issued its comprehensive report 5 years ago.

In July 2010 consultations were held for two days with NGOs, victim's groups and Government institutions. However, a consensus is still pending among the different actors on the definition of victims and whether the follow up institution should be public or independent. The final decision and approval of the draft legislation is expected in September 2010. Some of the most important aspects of this new legislation are the concept and types of reparations and making a distinction between collective and individual victims, to include the definition of vulnerable groups.

Reparations are fundamental to address the legacy of past violations, and considering that many people in Timor Leste continue to suffer the consequences of those abuses, the new legislation will be an important step towards securing peace and stability and showing the commitment of the State to strengthen human rights. However, reparations do not suffice and need to be accompanied by other transitional justice mechanisms that include the prosecution of those responsible for serious crimes, along other initiatives. None is a replacement for the others.

C. PROMOTION AND PROTECTION OF WOMEN'S RIGHTS

Gender discrimination remains a serious national concern for Timor Leste, where a traditionally patriarchal society puts women at a disadvantage in the enjoyment

of fundamental human rights. Even though the CRDTL forbids discrimination⁵, and the country has ratified the main international treaties in relation to non-discrimination⁶, East Timorese women and girls continue to be subject to different forms of violence within the domestic sphere and face obstacles in accessing several economic and social rights. For example, women are under-represented at the universities and face discrimination in securing employment when confronted with male applicants, and within the family they are not given the same chances to go to school as their male siblings and they are not equally participating in decision making processes. The situation is aggravated for women in rural areas.

Perhaps the most important development this year was the approval by the National Parliament on May 3, 2010, of the new Law against Domestic Violence. The Law was promulgated by the President of the Republic on June 21, 2010, and entered into force, after publication, on July 8, 2010. In its preamble, it recognizes domestic violence as one of the most complex social problems of our time and attributes responsibilities to the families, the citizens and the State for its prevention and assistance to the victims. This development builds on the criminalization of domestic violence by the new Penal Code⁷, which was approved in June 2009 and that, most notably, gave this crime a public nature. Making it a public crime places the responsibility to initiate and continue criminal proceeding on the State, irrespective of the victim's will.

A working group composed of 5 jurists and with representatives from the State Secretary for the Promotion of Equality (SEPI), the Government and the PDHJ, was responsible for drafting the new legislation. When it was presented to the National Parliament, there were concerns expressed by some MPs and members of the Church that making domestic violence a public crime could contribute to a higher rate of divorces.

Women who are subjected to violence still face problems. On several occasions, women who have taken the initiative to file a formal complaint to the authorities have been threatened by family and community members to withdraw it. Instead,

⁵ Art.16 and Art.17 CRDTL

⁶ Including the Convention on the Elimination of Discrimination Against Women (CEDAW) in 2002.

⁷ Art.153 to Art.156 Penal Code

cases have been solved privately or resorting to traditional mechanisms, which might not assure the fulfilment of rights and of legal guarantees. Therefore, the draft presented in the new legislation received support from an overwhelming majority in the National Parliament as well as from civil society organizations.

The new law distinguishes the four types of domestic violence (physical, sexual, psychological and financial) and foresees different forms of support including medical, legal, psychosocial and financial. It also foresees the promotion and development of a National Plan of Action for the Prevention and Support in the Area of Domestic Violence, which requires the Government to report annually to the National Parliament on the main plan activities carried out and what is the proposed program for the following year.

On another positive note, in June 2010 the Senior Policy Advisor to the Vice Prime Minister and Coordinator for Management and Administrative Affairs of State of Timor Leste was elected as one of 23 experts to serve on the Committee of the CEDAW. She is due to begin her four-year term in January 2011. Timor Leste presented its last report to this Committee in July 2009.

D. FOOD SECURITY

An estimated 80% of the population in East Timor is considered poor and depends on the agriculture for subsistence. Access to basic rights such as food, clean water, adequate housing and sanitation is a serious concern. The Government has been conscious about the problems and taken initiatives in this regard. However, according to Art.2 of the International Covenant on Economic, Social and Cultural rights (ICESCR), such measures must guarantee the progressive realization of the rights and consequently, be effective. Hence, Governments need to clearly define monitoring mechanisms to ensure the correct implementation of those initiatives and adapt them when necessary in order to positively impact the living conditions of the population.

After the 2006 crisis, which resulted in a displacement of over 64.500 people, the Government decided to provide free rice through chiefs of villages only to those families that would be at risk of malnutrition. However, the price of rice continued to rise in both the capital city and the districts from 16 USD per sack of 35 kg up

to 30 USD, without Government control. This restricted the overall population's ability to purchase rice and increased their vulnerability, particularly in the sub-districts, where the population earns less than 1 USD per day.

By the end of 2009 the Ministry of Tourism, Commerce and Industry (MTCI) determined that selected private companies could buy from the Government a sack of 35 kg of rice for 10 USD and sell it to the population in the districts up to 12 USD. It was also determined that anyone caught selling the subsidized rice at a higher price would be subject to arrest by the PNTL.

In February 2010 the PDHJ extended its monitoring activities to economic, social and cultural rights, and decided to give particular attention to the right to food and the effectiveness of the Government's initiative to subsidize rice in selected districts (Dili, Oecussi, Liquica, Manatuto and Aileu). Soon the PDHJ realized that in most cases the subsidized sacks of 35 kg of rice were being sold to the population for prices between 18 to 35 USD. In the few occasions that the PNTL had intervened, the sacks of rice were apprehended but the traders were set free. The MTCI is now replacing the previous distribution mechanism through the chiefs of village. However, this method has experienced difficulties as bureaucracy makes distribution very slow and local leaders don't have the same means. Though recognizing the positive initiative of the Government, the population and civil society organizations have criticised it for not being able to achieve concrete results.

On 03 May 2010 the PDHJ handed over a report to the MTCI on the findings of its monitoring activities and raised concern for the lack of access of the population to rice and the urgent need to expedite its distribution. One of the recommendations was to establish a warehouse in every district where rice sacks could be stored and then sold at a standard price, avoiding delays with distribution. It also recommended that the district Administrator take charge of the process and guarantees that the price of rice is stable in all markets so to prevent any attempt to sell subsidized rice at higher prices. The PDHJ is continuing to monitor the issue and discuss with the concerned authorities the steps being taken to guarantee the effectiveness of the initiative.

E. PROTECTION OF IDP'S

The return of the IDPs resulting from the 2006 crisis has finally been concluded. According to statistics from the Directorate of 'Hamutuk Harii Futuru' (National Recovery Strategy), a reintegration program led by the Ministry of Social Solidarity (MSS), by December 2009 all 65 IDP camps⁸ had been closed. A total of 13,240 families comprised of 64,560 people were reintegrated to the places where they previously lived and some to new areas.

However, by January 2010 there were still a total of 142 families comprising 495 people that resided in temporary shelters in Dili district, waiting for their cases to be processed by the MSS. In February and March 2010 the Council of Ministers passed regulations necessary to expedite this process and presently, by July 2010, less than 20 families are remaining awaiting the solution to administrative problems related to the lack of documentation.

During this period, the MSS conducted a verification exercise in all districts of the former residences of IDPs or places of return. The objective was to avoid tensions with the local community or with those that in the meantime would have occupied the unattended houses. This action achieved significant results and there was a positive level of satisfaction among the population with the work done. However, the PDHJ has received complaints from IDPs and local communities that MSS technical officers required financial bribes to expedite the verification process of the residences⁹.

The PDHJ has been monitoring this process closely, in particular the security of those who have returned and how reintegration has been assured. Dili has been the district of greater concern, where the displacement of people was more significant and where disputes over the occupation of houses reveal past and present tensions between the East and West populations of Timor Leste. With the support of local authorities and international and national agencies, dialogue teams headed by the

⁸ IDP camps had been set in Dili, Atauru, Baucau, Viqueque, Ermera and Metinaro districts.

⁹ Later the media reported that 20 staff of the MSS had been dismissed in relation to these allegations however, this has not been possible to confirm.

MSS mediated several of these disputes and a few cases were handed over to the PNTL and the local courts.

Presently, only a few cases of tensions among IDPs and local communities are still being reported, including land disputes, occupation of houses, political antagonism, neighbourhood jealousy and the presence of martial arts groups. These cases have not undermined security and have been handled through mediation and dialogue led by the local community leaders. According to sample data collected by the PDHJ during its monitoring activities in 2009, only 4% of those reintegrated were still facing problems in Dili, while in the districts this percentage rose to 29%. These numbers should decrease but the PDHJ will continue to monitor the issue closely, keeping in mind that the guiding principles on internal displacement put the responsibility on the competent authorities to facilitate the reintegration of returned or resettled IDPs.

F. OTHER HUMAN RIGHTS ISSUES

I. Investigation into cases of human rights violations

From January to December 2009 the PDHJ received a total of 77 complaints from Dili and the districts. Out of these, 46 were open for investigation, all on human rights issues. A total of 11 complaints were closed as they did not fall within the mandate of the PDHJ. The remaining were referred to other institutions such as the PNTL and different Ministries, since the PDHJ found that the relevant authorities would be able to deal with the issues.

Out of the 46 cases investigated, 43 related to the right to physical integrity: 40 cases linked to violations of cruel, inhumane and degrading treatment and other forms of physical assault, while 3 related to excessive use of force. In all cases the alleged perpetrator was the PNTL, which is therefore why much of the focus of the PDHJ in its training activities has targeted this institution. Contrary to previous periods, in 2009 there was no serious crisis that the PNTL had to respond to, and it seems these abuses are part of a trend taking place during regular policing activities that must be addressed.

The majority of cases took place in Dili (23 out of the 46 cases), while the rest in the districts, with more incidents in Oecussi district (8 cases) than other districts. Manatuto and Manufahi districts did not report any violation. The PDHJ published and sent recommendations in 9 out of the 46 cases, most of them in Oecussi district.

As compared to the 120 cases that the PDHJ opened for investigation in 2008 (out of 263 complaints), and previous years, there has been a clear decrease. The PDHJ believes the main reason behind this is that 2009 was a year of relative political stability as compared to previous ones. The crisis of 2006 and the state of siege and emergency of 2008 gave in to an evident increase of violations that has now subsided with the settling down of the situation.

From January to July 2010 a total of 48 complaints were received by the PDHJ and on 22 cases it decided to open and investigation. The decreasing cases trend seems to continue during the next period, though once again attacks to physical integrity by the PNTL characterize the majority of the cases.

II. Conditions and Treatment in Detention

The PDHJ has continued monitoring places of detention in all 13 districts of Timor Leste. In detention facilities under PNTL responsibility there have been significant improvements reported during the past year, with a decrease in the number of complaints by detainees of ill treatment during detention. As of July 2010, no such complaints have been received this year. The regular monitoring of the PDHJ as well as of other human rights organizations has contributed to this, in addition to the trainings provided to the PNTL by the PDHJ and different state and non-state institutions that have enhanced the knowledge of police staff on international and national human rights legal standards.

Yet many places of detention in the districts do not afford dignified conditions of living for detainees. Most are precariously in need of rehabilitation, including toilets, showers, doors and windows. On January 18, 2010, the PDHJ handed over its report to the State Secretary for Security and to the General Commander of the PNTL. Recognizing the constraints faced by the PNTL in the districts for the lack of a budget allocated to the care of detainees, the PDHJ recommended to the

competent authorities that managing this budget was fundamental to comply with state obligations. The General Commander of the PNTL was requested to provide training to staff in the districts on how to manage such budget. The PDHJ also urged the Government to better equip the PNTL in the districts with transportation and radio communications.

There are still cases of excessive use of force or ill treatment by PNTL being reported during arrests that concern the PDHJ. From March to November 2009 the PNTL Task Force Unit, in charge of responding to urgent situations, arrested a total of 446 people out of which 32 complained to the PDHJ of having been ill treated during arrest. The attacks included beatings and kicking the suspects. On one occasion the PNTL itself took 3 of the detainees to the hospital for medical treatment after physically assaulting them. In addition, 18 of those detained were not given the opportunity to make a phone call or afforded access to a lawyer.

The monitoring of Prison facilities has been another priority for the PDHJ, as it believes the institution can play an important role to prevent abuses against detainees. The PDHJ has looked into issues related to the rights of the prisoners to food and to health as well as conditions of detention, treatment in detention and due process-related guarantees.

From August 2009 to July 2010, the PDHJ continued conducting its monitoring of the two Prisons in the country, Becora and Gleno. Becora Prison has a population of 196 inmates while Gleno has 28. The numbers are within the capacity of each Prison. Access to food has been provided 3 times a day in both locations as well as adequate sanitation. The Prisons are equipped with mobile medical clinics that provide assistance to detainees during regular hours but also on urgent requests, including referring them to the Dili National Hospital. However, the PDHJ has raised with the management of Becora Prison the issue that the 2 staff members at the clinic are not sufficient to attend to the entire inmate population.

Though there has been a decrease in the number of allegations of ill treatment by Prison staff as compared to previous years, there were still some complaints received from newly arrived prisoners that they were attacked by other inmates acting under the orders or with the acquiescence of Prison staff, or by staff itself, as an "arrival" reception. All these cases, either directly perpetrated by Prison guards or under their orders or tolerance, are accountable human rights violations.

The PDHJ had proposed to the Minister of Justice to install complaint boxes inside the Prisons so that detainees can feel more comfortable in making complaints, even if anonymously. The PDHJ would be responsible for opening the boxes on a regular basis and addressing the concerns. The Ministry of Justice had requested that the PDHJ wait until the rehabilitation at the Prisons was finished so that the boxes could be inaugurated simultaneously, however, the installment of boxes is still pending though the rehabilitation work has been completed.

III. Promotion and Education

It is defined in the statutes of the PDHJ¹⁰ the important role the institution has in the promotion and education of human rights to not only the people and communities but also to state agents as guarantors of those rights. Promotion and education are fundamental for the prevention of human rights violations and abuses, but also to allow victims to have access to information on how to seek redress when their rights are not respected.

In 2009 the PDHJ conducted follow up missions to the pilot project it has been implementing since 2008 on the right to education in primary schools, especially taking into account that corporal punishment from teachers to students was widespread. This PDHJ activity was implemented in partnership with the Human Rights and Transitional Justice Section of the United Nations Mission in Timor Leste (UNMIT HRTJS) and the Ministry of Education.

From July to September 2009 the PDHJ returned to the schools in Baucau, Viqueque, Manatuto and Los Palos districts, where it had initially trained primary teachers for the integration of human rights education in the school curriculum. The objective was to assess the results and how teachers had integrated the gained knowledge in their working activities. The PDHJ met 51 teachers and interviewed 102 students, monitored classes given by teachers on human rights issues and provided questionnaires. The PDHJ was pleased to verify that not only have students started to be more respectful of their colleagues' different opinions, but

¹⁰ Art.25 of the PDHJ Statute.

also teachers have stopped using corporal punishment as a form of reprimand against students for arriving late or misbehaving.

Another area of focus has been the capacity building of security forces. Of note are three trainings: 1) in October 2009 to the F-FDTL in Dili capital; 2) in February 2010 to the PNTL in Oecussi district; and 3) in June 2010 to PNTL in Liquiça district. In some cases the PDHJ conducted the training independently and in others in cooperation with organizations such as the Secretary for Defence, SEPI, the NGO HAK and UNMIT HRTJS. The trainings looked into international human rights law and standards; Use of Force and internal accountability mechanisms; CEDAW; and the Convention on the Rights of Children (CRC). The PDHJ took the opportunity to explain the role of the institution and the support it can provide to authorities.

The PDHJ has also organized or supported a series of events celebrating human rights days, either individually or together with other human rights organizations, civil society groups or state actors. These events included, among others: the celebration of the 16 Days Campaign to Stop Violence against Women from November 24 to December 10, 2009, in Oecussi district; International Human Rights Day on December 10, 2009, in Ainaro district; Women's Day on March 8, 2010, in Manufahi district; and International Day against Torture in Baucau district in June 2010. During these activities, the PDHJ used different media resources and provided public information materials to the participants.

In December 2009 the PDHJ also released a compilation of International Human Rights Treaties with important comments on various articles and that has been widely distributed to NGOs, schools, authorities, local communities, libraries, etc. The book is available in both Tetum and Portuguese and is an important reference source in the promotion of Human Rights.

G. NATIONAL AND INTERNATIONAL COOPERATION

PDHJ continued its domestic partnerships in carrying out its efforts toward education, monitoring and advocacy on human rights issues with UNMIT Human Rights Justice Section, the Office of the Prosecutor General, and also national NGOs. Specifically the PDHJ strengthened its NGO human rights network in the

numbers and coverage of members who work with the PDHJ in monitoring of police cells, prison and local authorities in districts throughout Timor Leste.

PDHJ continued to expand its participation in international human rights fora including submitting a report to the CEDAW Committee on 28 July 2009 and presenting two oral statements to the Human Rights Council in September 2009. PDHJ also participated in conferences and meetings aimed at international cooperation such as the 23rd ICC Annual Meeting in March 2010, the 6th Annual Meeting of ASEAN National Human rights Institutions Forum in Yogyakarta, the 11th Asian Ombudsman Association Conference in Bangkok, Thailand and the Annual Partnership Program for National Human rights Institutions in Seoul, South Korea and International human rights leadership visit to the USA organised by the United State Department of State Bureau of Education and Culture Affairs.

Significant bilateral cooperation was also pursued during the past year, particularly with the National Human rights Commission of Indonesia (Komnas HAM) who together with PDHJ has established a Joint Commission to conduct joint activities including monitoring the implementation of the recommendations of the Timorese Commission for Reception, Truth and Reconciliation and the bilateral Truth and Friendship Commission, both of which examined past human rights violations in Timor Leste including efforts toward finding disappeared persons from the crisis in 1999. The Joint Commission has also embarked on joint human rights monitoring of other areas and undertaking joint capacity development.

H. INSTITUTIONAL DEVELOPMENT

The budget of the Provedoria in 2010 is roughly equivalent to the 2009 budget of USD 869,000, decreasing to USD 864,000 in 2010.

The number of staff of the PDHJ increased by 20 in 2009 which allowed for the expansion of the PDHJ to four regional offices as a step toward ensuring fulfilment of its mandate to promote human rights and ensure access to those seeking justice at a district, sub-district and village level.

The PDHJ currently has 66 staff and is committed to achieving a gender balance in recruitment and positions. There are currently 23 female staff comprising of two at the senior level (level five), fourteen at level four, six positions at level three and two at level one. The PDHJ has pursued a policy of encouraging the recruitment and promotion of women however further attention is required to overcome challenges faced by women in accessing education and employment opportunities.

The initial term of the first Provedor formally ended on June 15, 2009, and the same Provedor was formally re-appointed by the National Parliament for a second term on April 14, 2010. On this date the former Deputy Provedor for Human Rights was also re-appointed for a second term and a new Deputy Provedor for Good Governance was appointed.

I. CAPACITY DEVELOPMENT

The capacity development of the PDHJ staff continued as an institutional priority in the past year with the implementation of the capacity development plan through state funded activities and with the support of development partners UNDP and OHCHR. Over the past year the Project has supported the development of technical skills of human rights investigators, human rights analysis and report writing skills, as well as the regulatory and policy framework of the the PDHJ including progress toward the organic law of the Provedoria and procedures on mediation and conciliation. In 2010 the Provedoria entered into a new five-year partnership with UNDP and OHCHR to continue to provide capacity development to the PDHJ, focusing on strengthening human rights skills, institutional management structures and knowledge management systems.¹¹ This support includes a five year strategy toward the development of legal capacity of the Provedoria including the establishment of a legal department which would allow the Provedoria to implement its mandate in relation to legal and judicial intervention including a role as *amicus curiae* which until now has not be fulfilled due to a lack of necessary legal expertise.

In addition to the trainings, mentoring and workshops organised by the UNDP OHCHR Project, the PDHJ staff attended technical human right trainings overseas

on genocide prevention (held in Poland), human rights (APF training held in Thailand), migrant workers rights (APF training held in South Korea with support from South Korean government), library management (APF and Raoul Wallenberg Institute in Thailand), training on international advocacy mechanisms (ELSAM in Indonesia), and training of the equal status and human rights of Women in south East Asia, (Raoul Wallenberg Institute and Humanitarian Law (RWI) and Gender and Development for Cambodia in Cambodia). From 14 to 18 September 2009, four PDHJ staff conducted a study tour on Mediation and Conciliation to the Anti-Discrimination Commission and the Northern Territory Ombudsman (UNDP/ OHCHR project in Australia).

¹ The details and reports of the UNDP/ OHCHR Capacity Development Project of the Provedoria for Human Rights and Justice can be accessed at http://www.tl.undp.org/undp/democratic_ongoingproject.htm.