

**Timor Leste- Lessons and Reflections from a Fledgling
Criminal Justice System**

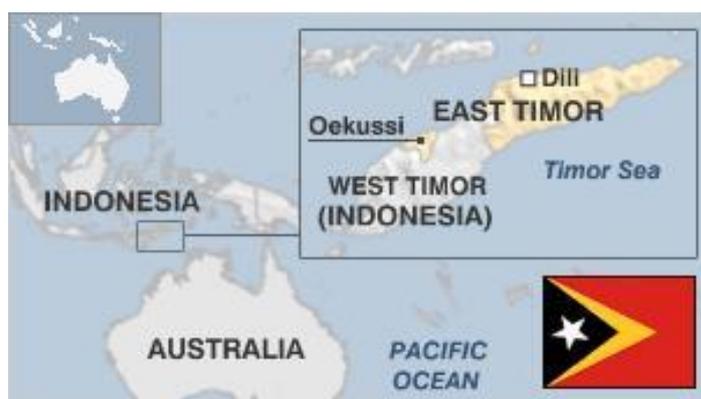
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Brief Background – Timor Leste (East Timor)



- The people of the first new nation of the century suffered some of the worst atrocities of modern times in their struggle for self-determination.
- When the Portuguese withdrew in 1975, Indonesia claimed the territory for itself and ruthlessly suppressed the independence movement.
- Eventually the UN took over the administration and supervised the territory's transition to independence.

Timeline

- 1600s Portuguese invade Timor, set up trading post and use island as source of sandalwood.
- 1749 Timor split following battle between Portuguese and Dutch. Portuguese take the eastern half.
- 1942 Japanese invade, fighting battles with Australian troops. Up to 60,000 East Timorese are killed. Japan in control until 1945.
- 1974 Coup in Lisbon leads to a new Portuguese government that begins policy of decolonisation.
- 1975 Portuguese administration withdraws to offshore island of Atauro. After brief civil war, left-wing Fretilin party unilaterally declares East Timor independent. Indonesian troops invade. More than 200,000 people - a quarter of the population - killed by fighting, famine and disease that follow the invasion and during Indonesian occupation.
- 1999 After a change of leadership in Indonesia, East Timorese are allowed to vote in an Independence ballot.
- 2002 East Timor becomes independent.

[Source: BBC online East Timor country profile]

Some Facts

Capital: Dili

Population: 1.2 million

Area: 14,609 sq km (5,641 sq miles)

Major languages :Tetum and Portuguese (official), Indonesian and English (working languages)

Major religion: Christianity

Life expectancy: 62 years (men), 64 years (women)

Currency: US dollar

President Francisco Guterres (aka Lu Olo)

Adult Literacy Rate: increased from 37.6% in 2001 to 64.7% in 2015

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Finally, I would like to thank my colleagues in the Effective Practice Division for enabling me to take time away from my role to undertake this research trip.

1. Introduction & Background

This report provides an impressionist snap shot of the work of the Non-Governmental Organisation (NGO) PRADET; working with prisoners and communities using a model of traditional justice which is integrated in the state justice system. I visited the island of Timor Leste in July 2017. The visit was made possible through a grant from the Rhodes Foundation and the cooperation of PRADET who facilitated observational visits and conversations. It sets the context for criminal justice in Timor, with a brief outline of the country's hard fought for independence.

The paper explores the impact and response to post trauma conflict and the challenges faced in establishing a western style justice system which has limited legitimacy in communities. I propose that the model of delivering justice through the integration of traditional justice for the resolution of all but the most serious crimes appears to have some success in achieving resolutions for offenders, their victims and communities.

The report outlines some of the work of PRADET who as well as providing psycho social counselling, play an important role in arbitrating and maintaining links and between prisoners and their families as well as supervising the sentences meted out by the village chiefs.

I conclude that there are lessons for the UK to revisit the effectiveness of family based interventions and work on small scale where the relationship between the case worker and the prisoner is valued and is the vehicle to support prisoner's rehabilitation and integration either in their home community or a fresh start where this is not achievable. Two examples are cited of projects successfully working on this model and suggests that there is scope to build capacity to extend provision.



In 2014 my son was fortunate enough to be awarded a two-year fellowship by the Overseas Development Agency to work for the Timor Leste Government, to develop their Consumer Price Index. On being told that my only child was moving, literally, to the other side of the world, I began to research the country as I had little awareness of either the place or the people. What I discovered fascinated me, and when I first visited in January 2016 it wasn't just to see my son. Whilst there I took the opportunity to meet NGO's and government officials delivering criminal justice solutions and from there grew the seed of applying for a Rhodes Scholarship to learn more about how justice is delivered in a developing country.

This study departs from the typical Rhodes scholarship, which understandably focus on areas of innovation and excellence within the western world, most notably in Canada and the USA. As we live and work within a rich multicultural but predominantly secular society I was interested in what we can learn from a developing nation to inform the delivery of criminal justice services.

To undertake any study in Timor Leste (TL), it is vital to approach the work with an understanding of the country's historical legacy. TL is a former Portuguese Colony prized for the wealth brought through its production of sandalwood and coffee. Whilst part of the Portuguese empire, governance was delegated to local chiefs and except for the importation of Catholicism, European culture had little impact on its citizens outside of the capital Dili. The first three centuries of Portuguese rule were volatile with frequent conflict with the Dutch who had colonised much of Indonesia including West Timor, along with numerous indigenous uprisings. Boundaries with Dutch West Timor were not ratified until the early 20th Century.

Dutch and Australian allied troops utilised TL as a strategic buffer to the Australian mainland during WW2. The Japanese invaded TL in 1942 and occupied the country until the end of the war. During the occupation 60,000 Timorese men women and children were killed amounting to thirteen percent of the population. It is worth reflecting that three times as many Timorese died during the occupation than the number Australia lost during WW2 (20,000).

Following WW2 Portugal re-established control of East Timor. They governed the county at arm's length, but utilised forced labour to rebuild following the wholesale destruction of the infrastructure by the Japanese. The use of forced labour created significant resentment amongst the population and culminated in an uprising in 1959 during which 1000 Timorese were killed, many through public execution.

The Lisbon Coup in 1974 marked the start of Portuguese Decolonisation, with Timor granted independence on 28th November 1975. Ten days later on the 7th December 1975 Indonesia invaded Timor under the pretext of anti-colonisation. The Indonesians overthrew the popular but short rule of the Fretilin party and sparked a 25-year period characterised by routine torture, sexual slavery, extra-judicial executions, massacres and strategic starvation. The culmination was a genocidal level event with a third of the population perishing during the occupation.

Political and economic drivers led to the Indonesian government holding a referendum in 1999, where the Timorese voted overwhelmingly for independence. Following the referendum paramilitary groups working with the Indonesian Government undertook a final wave of violence which saw many more die and 90% of the country's infrastructure destroyed.

The British Government supported the occupation, abstaining from UN General Assembly Resolutions and sold arms to Indonesia throughout the period. This included eight hawk jets which were used during the 'encirclement and annihilation' campaign.

The account above provides a very brief overview of a nation that has experienced centuries of repression and abuse. Yet through this the Timorese have retained their traditions and culture and as demonstrated through their resistance to 25 years of Indonesian occupation, they are a people who value their independence and community above all else.

The United Nations Transitional Administration in East Timor (UNTAET) provided an interim civil administration and peacekeeping mission in East Timor from 1999 until independence was established in 2002 (although the United Nations did not withdraw fully from the country until 2006). One of UNTAET's many tasks was to set up a criminal justice system. With no infrastructure, no agreed legislation and no human capacity, this was a significant challenge and the impact the compromises made at that time, can still be felt today.

Decisions were made to import a 'western style' justice system with little or no regard to the indigenous or traditional justice that had been in place for many centuries. An example of this is the use of Indonesian legislation, written in Portuguese. This is the statute of the Timor's occupiers and the vast majority of Timorese do not speak Portuguese. If we consider the experiences of the Timorese, it is hardly surprising that such a justice system lacks legitimacy with the population. An area this report will consider is, how 15 year after independence, attempts are being made to integrate traditional justice practices with the formal legal system.

2. Rationale & Methodology

In 2002 Timor Leste, the first new country of the 21st century, occupied since the 17th century secured a hard-won independence. This was achieved following decades of brutal conflict. The trauma that is the legacy is very evident, generations were wiped out, the average age is 19. I visited the island in January 2016 and was struck by the progress achieved on various dimensions; socially, economically and with the infrastructure. I was particularly impressed by the work of the NGO Psychological Recovery and Development in East Timor (PRADET) Their mission is to work with individuals and communities to mitigate the effects of post conflict trauma, reduce risk of re-offending and to build capacity within communities.

Timor Leste has no formal rehabilitation services for offenders. Those who are dealt with through the legal system are sentenced to fines, discharges or imprisonment. PRADET provides a critical service, working both to educate legal professionals on the impact of sexual abuse and domestic violence and also to provide psycho – social Interventions to both victims and offenders to support their reintegration into communities.

My project seeks to examine their experiences and learning and its relevance to probation practice in the UK, particularly where we need to commission services that are relevant and effective for individuals and communities who have experienced the trauma of conflict.

Learning Goals

The main learning goals of the study visit included:

- To gain an understanding of how PRADET approaches rehabilitation activity with offenders who had experienced sustained conflict related trauma
- To explore how PRADET navigates the interface between traditional justice and official justice to gain legitimacy with their client group
- To learn from PRADET's approach to capacity building with the local population.

In addition to the planned learning goals, I will explore the role PRADET undertakes to support victims of domestic abuse and sexual assault to navigate their recovery and safe integration into the community.

Potential Learning Outcomes

There are growing numbers of foreign national offenders (FNO) who have come to the UK to escape conflict. There are lessons to be learned to inform practice and commissioning to be effective in meeting the needs of these individuals and their host communities. Key aims of my research are

- To inform the development of sustainable rehabilitation packages for FNOs from developing nations who have experienced trauma through conflict
- To obtain greater understanding of engaging communities to build legitimacy, capacity and confidence to support the integration of FNOs who settle in the UK
- To share knowledge and learning of PRADET's successes with stakeholders in the UK
- Identification of good practice themes (which are transferable).

In summary, the learning outcomes will be to consider how western justice and notions of rehabilitation can be cognisant of traditional justice that may have more legitimacy and contribute to the debate and development of effective practice with foreign national offenders and victims, who are experiencing post conflict trauma.

Methodology

I intended to achieve my learning outcomes identified above by:

- Observations of psycho-social interventions
- Observation of a traditional justice hearing
- Observation of judicial training event
- Interviews with PRAET staff
- Interviews with offenders who have been supported by PRAET
- Access to performance information in relation to re-offending rates and other outcome measures
- Literature review

I was fortunate to be facilitated with two prison visits where I met with groups of prisoners. However, I was not permitted one to one interviews with prisoners because of the very serious nature of their offending. Offenders that are dealt with via the official legal system have been convicted of the most serious offences which have not been resolved via traditional justice routes. The offenders I met had been convicted of murder, infanticide and rape.

Research itinerary

- Four days spent at PRAET head office in Dili undertaking observations and staff interviews
- Visit to Bacura Prison – Adult and Juvenile establishment
- Visit to Gleno prison which houses female prisoners within a compound in a male prison.
- Visit to Fatin Hakmatek refuge for women who are displaced due to domestic violence or sexual assault
- Interviews with other stakeholders and service providers in Timor Leste.
- Observation of a traditional justice session in Bacau a town located east of the capital Dili.

3. Reflections & Observations



Image of PRADET Headquarters Dili, Timor Leste

Traditional Justice Practices

Timor Leste has a justice system of two halves. Following the genocide and destruction of the infrastructure, development of the criminal justice system by UNTEAT was mired by compromises.

After the result of the 'Popular Consultation' in 1999 had favoured independence for Timor Leste, Indonesia withdrew from the territory. Their exodus was accompanied by the nearly complete destruction of the country's physical and administrative infrastructure, including the entire judicial apparatus. All the former judges, prosecutors and public defenders had been Indonesians who left the country prior to and during the destruction in September 1999. No Timorese judge or prosecutor existed; only a very few Timorese legal experts with degrees from Indonesian universities were left behind.

One of the main functions of the UNTAET was the administration of a rule of law. To administer the rule of law it had to be established first. For this undertaking UNTAET, as in efforts in the past, chose a completely western model. Existing traditional or indigenous mechanisms to manage law were not initially considered.

It is now widely accepted that traditional justice plays a significant role in the maintenance of order and the resolution of disputes in many post-colonial counties across South East Asia and the Sub-Saharan. Traditional Justice is hard to define as it is a fluid concept with numerous permutations. However, Denman (2017) identifies that common themes found in most traditional justice are:

- Accessibility, speed and affordability. Village elders, religious leaders and other 'traditional' justice actors are based in the village, speak the same language, are known to the community and are highly accessible.
- 'Traditional' justice is focused on maintaining social cohesion or community harmony. Such cohesion is highly valued in close-knit communities and is very effective for dealing quickly and peacefully with minor cases that occur on a daily basis in these communities. Formal state justice approaches are generally less well suited for these purposes. The emphasis in 'traditional' justice is often on bringing closure to disputes and using restorative justice to promote reconciliation between parties who should continue living in the same community.
- 'Traditional' justice is inherently flexible and can accommodate to changing circumstances more easily than cumbersome bureaucratic state justice systems. As norms, processes and sanctions are usually unwritten, actors can forge solutions and provide remedies that are socially appropriate and tailored to the context of each case.
- Legitimacy, people seek assistance from 'traditional' and religious leaders precisely because they possess social and cultural legitimacy in the community. They are not disinterested independent bodies. They are directly involved in the day-to-day workings of the village and are familiar with the historical, social and political background of disputes. The separation of justice from wider spheres of politics and social relations, as occurs in state justice, is absent in 'traditional' approaches where everything is interconnected and where disputes and conflict tend to be approached more holistically.

Local indigenous justice systems have retained relevance in Timor-Leste throughout and beyond the periods of Portuguese colonial and Indonesian occupation. UNTEAT's attempts to transfer fully to a modern Western justice system have encountered considerable difficulties. Most Timorese continue to rely on local or 'traditional' justice systems for managing conflict and maintaining order. Even if Timor-Leste's state justice system was functional, accessible, and affordable to ordinary people it would probably remain marginal to the core justice needs of the Timor-Leste population. Indigenous understandings of conflict, who should deal with it and how it should be resolved, are highly dependent on other socio-cultural aspects; there is no separate category called 'law' in the Tetun language. Indigenous social order is based on a dual socio-cosmic and spiritual structure that determines the social and ritual life of the people which has its roots in animist beliefs of the people. Community survival depends on the appropriate exchange of values between social units, notably the extended family.

These local systems are highly localised and Timor-Leste has no unified 'traditional' justice system but rather a collection of local practices. However, there are several core traits or common values, including:

- Their predominantly oral practice and transmission and their use of similar procedures involving each of the parties providing their version of events;
- A process of mediation or arbitration where community leaders decide or mediate who is at fault and then oversee an agreement.
- Resolutions most commonly consist of the payment of compensation but can include other sanctions such as oral or written undertakings to not re-offend, community work, public shaming or other *retribution*.
- Where agreement between the parties is reached, it is generally sealed by symbolic acts of reconciliation which includes drinking or eating together.
- The effectiveness or binding, compelling nature of the agreements depends upon the moral authority of the decision makers and the social pressure generated by the public nature of the proceedings occurring within small communities. Where agreement is not reached, either party can generally appeal to a higher local authority to reconvene the case.
- When a community member breaches community or social norm they are also deemed to have trespassed upon the ancestral social order resulting in an imbalance within the overall cosmic system which must be replaced by the perpetrator through payment of compensation to, and reconciliation with, the victim(s). Failure to replace the lost value can result in punitive acts by the ancestors, such as the loss of crops or the death of a family member.

Except for murder and other serious physical assaults, recourse to the State justice system is only where local efforts have failed to produce an acceptable resolution. Those who by pass local justice mechanisms may in fact be penalised by local chiefs for doing so.

In contrast to western approaches of justice, the focus of traditional justice remains firmly on the well-being of the community rather than the individual actors. Traditional villages are dependent on each other and conflict and disorder threatens the economic and social structures of the group. Therefore, the emphasis in 'traditional' justice in Timor-Leste is more on the restoration of social order and harmony than on conflict resolution between two parties. In cases of domestic violence, rape and adultery, the core disorder is viewed in terms of the world of social relationships, threatening the peaceful living together of a community rather than the victim and perpetrator. Transgression of social order affects the cosmic flow of values. Cosmic disorder, created through adultery, for example, should be recovered by reinforcing a flow of values in the 'right' direction. The punishment of a crime or resolution of a conflict is mainly concerned with the re-establishment of the correct exchanges of values to reinforce the socio-cosmic order. They recreate the 'right' flow of value by replacing taken or missing values so social disarray may be corrected (Hohe 2010).



Image of Venue of Traditional Justice Session – Baucau, Timor Leste

I had the opportunity to observe a traditional justice session in the town of Baucau, situated some 73 miles east of the capital Dili. The session was attended by the local chief, the spiritual leader, the catholic priest, the local midwife, a member of PRADET Staff, the victim and members of her family and the perpetrator with members of his family. The session was conducted entirely in Tetun so I was reliant on an interpreter to keep me informed of the proceedings.

The case being discussed was brought by a wife whose complaint was against her husband who had broken her arm when he returned home drunk in the early hours of the morning a few days earlier. I was told that the wife was reluctant to bring the case but local elders had overheard the incident and had intervened by standing outside the couple's home banging pans to make noise and to shame the perpetrator into stopping the violence. Accounts were heard from all parties (victim, perpetrator and witnesses). Then the father of the victim and mother of the perpetrator, who were defined with the roles of 'wife giver' and 'wife taker' were asked what recompense was required to reach satisfaction and compensation for all. After much discussion, it was agreed that the perpetrator would apologise and agree not to drink any alcohol for two full months, the perpetrator's family would also loan their youngest daughter to the wife to help her to look after the children and manager her home whilst the injury healed.

This was a fascinating experience and so alien to me having worked within the British justice system for most of my working life. There was no focus on expediency, with the session taking almost three hours and all parties were encouraged to put forth views. The session concluded with coffee and

snacks, which the mother of the perpetrator served. The focus was on gaining harmony and repairing relationships between the families rather than on the individuals involved in the dispute. I talked to the Chief after the session. He explained that traditional justice allowed the families to agree fair resolution and the product of the resolution was owned and retained by the community. He compared this with western justice where placing someone in prison benefited nobody and left the dispute unresolved and festering and therefore no cosmic balance was reached. Community ties in Timor Leste are ancient and complex, involving land, linages, ancestors and the future. In referencing cosmic balance the Chief was telling me if agreed processes and rituals are not followed and unbalance will be created and disaster and violence will follow. Whilst our secular views would not recognise this level of superstition, we can engage with concept that a lack of meaningful resolution can lead to future harm.

Talking to Ava, the Timorese PRADET worker, she stated that her role was an educational one. She stated that whilst she felt that traditional justice was the right mechanism to resolve conflict, it was also critical that those facilitating the event were cognisant of the harm caused to victims in such situations. She felt that through building relationships and ongoing dialogues with village elders, she had slowly shifted perceptions to enable greater victim empowerment.

Western notions of harm and risk were completely absent from the proceeding, no assessments were made, no forms completed and the result was not captured in any document. However, the care and respect shown to the victim were tangible, and unlike western models she retained a voice throughout the hearing. It was clear that the traditional justice proceedings had a strong restorative justice flavour which has its roots in practices from developing counties and pre-industrial western traditions. Whilst restorative justice schemes are embedded across the UK, our criminal justice system remains retributive (focused on punishment) rather than restorative (focused on healing and reparation). There is also lessons to be learnt in accepting a less then secular approach. Whilst for many good reasons criminal justice agencies are secular, when working with offenders and victims with deep and enduring religious beliefs, our legitimacy and effectiveness are questionable if these are not harnessed to support rehabilitation.



Image of small shrine in counselling room at PRADET

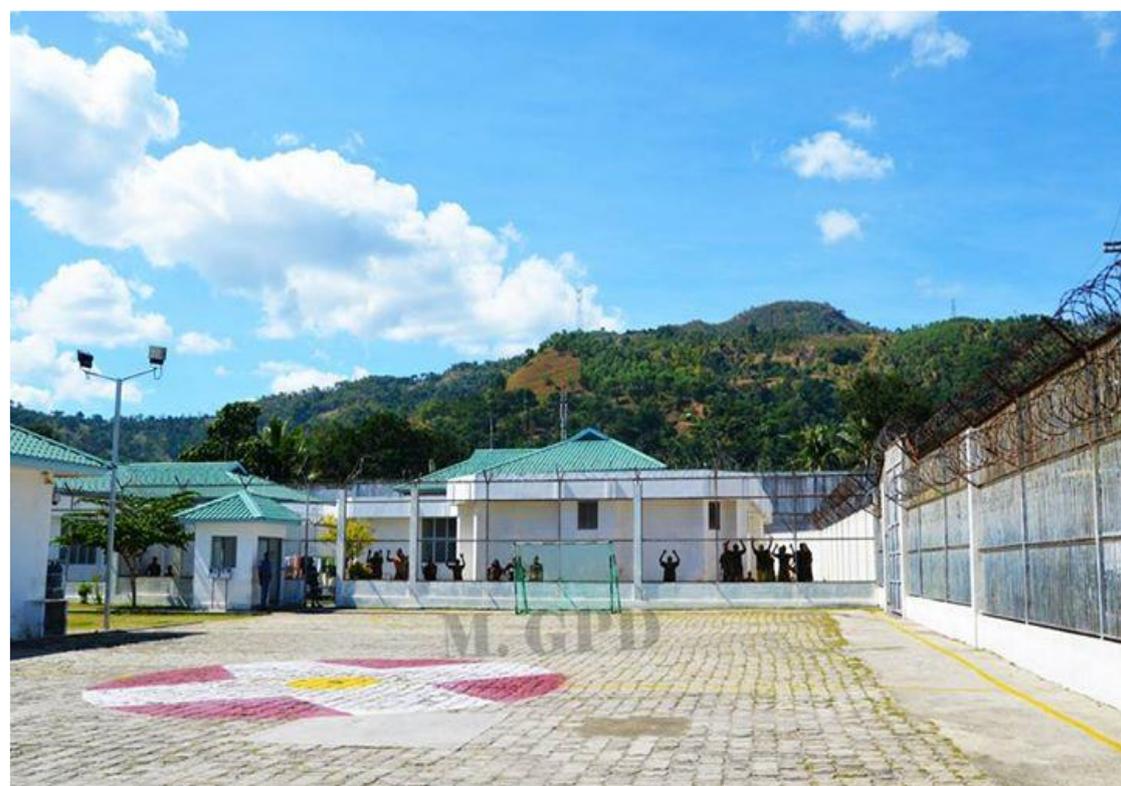
4. Prison Programmes & Psychological Interventions

PRADET's operating model draws on psycho-social interventions to support well-being and integration. Psycho-social intervention has its roots in western mental health practice, but in recent years has become an integral part of many international relief policies in conflict areas. Psycho-social interventions are defined as an approach that considers the individual in the context of how the combined influence of psychological, social and factors influence their well-being and are often conflict trauma.

Given the clear narrative in the PRADET literature detailing psycho-social approaches, I was surprised at the responses of Susan Kendal and Dr Margaret Gibbons (PRADET's only international advisors) who were clearly frustrated by western notions of trauma and the need for risk based responses to manage the condition. They are not alone in their concern about pathologising the experiences of whole populations, Pupavac (2013) argues that 'in essence the psycho-social model sees distressful situations as triggering traumatic symptoms causing dysfunctional and violent responses to all that experience them'. She points out that the experience of clinical trauma rendering people unable to function is relatively rare and that normal distress should not be conflated into clinical symptoms requiring treatment, as this may inadvertently inhibit an individual's own coping mechanisms.

In discussions Susan Kendal stated that PRADET's focus lay in empowerment and the facilitation of integration and acceptance of individuals back into their communities. They are currently running two prison in-reach programmes, one with women at Bacau and the other with young men at Bacura Prison in Dili. She stated that the biggest fear across both populations was of being rejected by their families and communities. To a great extent this fear lay in the lack of community resolution for their crimes. They had been convicted and sentenced by the state and therefore their transgressions had not been resolved within their communities and their victims had received no recompense. One of PRADET's key roles was therefore to mediate with families and communities to seek resolution and acceptance for these offenders. These are often protracted and complicated negotiations requiring workers to travel for many hours to remote villages across the country. As those sentenced to imprisonment are convicted of the most serious offences success was not guaranteed. In those circumstances PRADET would work with the individual to relocate providing practical and financial support to become economically self-sufficient, by for example providing small start-up loans to set up some micro businesses such as land to farm or a kiosk to run.

5. Becora Prison



Images of Becora Prison, Dili

Becora prison is located on the outskirts of Dili, and has a young offender compound situated within the jail. There are currently 38 young offenders serving sentences in Timor Leste, and these small numbers allow for meaningful relationships to be developed and maintained. My first experience of visiting a prison in Timor Leste has left a lasting impression on me. Having undertaken countless prison visits in my role as a probation officer I have always found custodial establishments to be stressful environments where security is tightly and not always successfully managed. The national news regularly reports on levels of violence towards both staff and other prisoners along with an endemic drug culture. In complete contrast, it was immediately evident that drugs do not feature as a factor within Becora prison. Given that Timor Leste can only be reached via connecting flights from Singapore and Indonesia (which actively pursue the death penalty for drug trafficking) it is not surprising that Timor Leste has not developed a drug culture. As a result, both the behaviour linked to drug abuse and the coercive culture that underpins it did not appear to feature. Talking to the governor, he claimed that there were no incidents of prisoner on prisoner or prisoner on staff violence, and that disputes were mediated at weekly gatherings. Whilst I was a little sceptical about these claims, the environment had no undertones of menace. Prisoners were mostly occupied building a church within the grounds or sitting in small groups drinking coffee and smoking. As soon as the PRADET staff arrived a large group of young men immediately stopped what they were doing to greet the staff. I should confess to being more than a little jealous as I can't recall being met with such unadulterated joy when undertaking prison visits!

The PRADET staff visit is a weekly event (reduced from bi-weekly due to a reduction in funding). Staff bring letters and messages from family members along with local news. Unfortunately, this was to be a short visit as the jail was too close to visitors early to allow prisoners to cast their votes for the general election (something they all took very seriously). However, in the time we had some of the PRADET staff took individual prisoners aside for one to one conversations whilst the rest of the staff played a few games of volley ball (a Timorese passion) with the remaining boys. Reflecting on my visit it was apparent that significant resources were focused on mediating relationships with families and communities, and that this work was perceived as being of significant value to the young inmates. It was also reminder of how real relationships and compassion go a long way to improve the well-being of others.

6. Gleno Prison



Image of Susan Kendal, Governor Gomes, Luisa Marcel and Jeremias Filipe in the grounds of Gleno Prison

Eighteen women (Timor Leste's total female prisoner population) are incarcerated within a compound at Gleno prison which is located in the hills around fifty miles west of Dili. Only those convicted of the most serious offences are imprisoned and the women at Gleno had been convicted of either domestic homicide (murder of their husbands) or infanticide. PRADET staff explained to me that infant malnutrition remained significant challenge in the country. This did not relate to lack of food but linked to custom practice of women choosing to severely restrict their intake of food during pregnancy to ensure that their babies remained small and that they were therefore more likely to survive labour without recourse to caesarean section. This clearly increases infant mortality as well as limiting the life chances of the children and is a focus of NGO activity across the country. It was PRADET's view that several of the women had been convicted of infanticide incorrectly and had babies that were still born due to poor diet and lack of pre-natal care. They were working with partner NGOs to challenge these cases, but the process was slow given the lack of capacity within the state justice system.

Gleno like Becora felt very different from prisons in the UK. There was a lot of activity with the male inmates busy building a new recreation building. When we arrived, the women were gathered together using ancient but servable sewing machines to make dresses as gifts. They greeted the PRADET staff with enthusiasm keen to get letters and hear news from their communities.



Image of Sewing Machine in Women's Compound

When the women had settled and all news imparted, they gathered together to sing, accompanied by Julio a PRADET volunteer who had brought his guitar. They clearly found this very therapeutic, singing with real abandonment and a lot of skill. Many of the women seemed to use the singing to release emotion as tears were evident on many faces. Yoga and meditation followed this followed by another volleyball game in the grounds. They do like their volleyball!



Image of Julio and Susan Rehearsing for Sing-along Outside Gleno Prison

When we left the women were smiling and relaxed. It was unlike any prison visit I had previously experienced. Reflecting on this with the PRADET advisor Susan Kendal reiterated that her focus was on mediating and strengthening family and community ties, and developing self-esteem and self-worth through activities that brought pleasure to the women. It seems like a simple recipe but the endorphins brought on by singing, exercise and relaxation had a visible impact on the women.

7. Conclusion



Image of Car Donated by UK ambassador to Timor Leste

My short visit to Timor made a huge impression. It gave me a feeling of hope and optimism that a country which has endured so much trauma and loss can recover and re-establish communities and wellbeing for its people. In the UK, we do have opportunities for innovative practice but the pursuit of top down standardisation does not sit easily with local innovation. I had a breath of fresh air in Timor, their fledgling country has not abandoned their prisoners and although struggling for funding, PRADET appears to meet the demands of their small caseload and can offer a valuable service to prisoners and their families and communities. Our own probation officers no longer have the capacity to offer this and consequently have lost some of the agency they may hope to have with prisoners whom they 'risk manage'. However, there are lessons we can learn from a developing criminal justice system.

We cannot hope to replicate Traditional Justice Sessions in the UK, and it is not without its own limitations as an approach. However, there are key elements which commissioners may want to consider when approaching our own version of Traditional Justice – Restorative Justice. Do those that lead the sessions have legitimacy within the community, are families present and do they have a voice and what role can the church and other religious leaders play.

There is also potential for learning in the recognition within the traditional justice forum, that an offence does not only concern the individual actors (victim and perpetrator) and that the disorder and impact can have a ripple effect on family, friends, neighbours and communities. When these groups do not accept the legitimacy of the legal system, then the harm is not so easily healed. Probation

providers by identifying cases where there has been a harmful ripple effect as the result of an individual's actions could consider delivering or commissioning work to mediate and resolve the discord and enable offenders to return to their families and communities without the inevitable conflict,

Traditional justice systems are often viewed as discriminatory and our magistrates courts which have their roots in local communities, were criticised for delivering post code justice, efforts over the years, through sentencing guidelines, national training programmes have sought to iron out the different sentences meted out, Nonetheless, we still have discrimination endemic in our system, where young black men and black women receive harsher sentences (Lammy 2017), where we struggle to deliver timely, proportionate and meaningful justice. Given the recent dismantling of our criminal justice system and its new form of community rehabilitation companies and the national probation service. This arena provides an opportunity for a new beginning of small scale projects that are part of a national network of restorative and community based approaches to crime and restoration.

Finally, in considering the impact of programmes and regimes in custody in the UK, is it worth considering the need to facilitate activities that bring joy and emotional release to those imprisoned. Self-harm incidents in England's prisons has increased by 73% between 2012 and 2016 with 120 self-inflicted deaths. Overcrowding and staff shortages have undoubtedly contributed to this and work is underway to recruit and train 2,500 new prison guards. With this review of prisons and recruitment there is an opportunity to take a fresh approach to how we occupy and engage the 85,000 men, women and children currently incarcerated in this country. Whilst the popular press may shout their disapproval, surely, we can be brave enough to consider that to bring a little pleasure into the life of our inmates is the right thing to do both for individuals and the greater good.

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Image of One Dollar Beach – Timor Leste



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