



## ANNEX C1: Twinning Fiche

**Project title:** Revising and Improving the Structure of Judicial Storages for Criminal Evidences

**Beneficiary Administration:** The Republic of Turkey, the Ministry of Justice

**Twining Reference:** TR 15 IPA JH 06 18 R 2

**Publication notice reference:** EuropeAid/158932/ID/ACT/TR

**EU funded project**

***TWINNING INSTRUMENT***

## **1. Basic Information**

**1.1 Programme:** Judiciary 2015 Programming Year, Twinning- Indirect Management with ex-post control. Financing Decision number: Instrument for Pre-Accession Assistance (IPA) 2015, National Programme (indirect management) IPA2015/038-404/Turkey

**1.2 Twinning Sector:** Justice and Home Affairs (Judiciary and Fundamental Rights)

**1.3 EU funded budget:** 2.000.000 Euro (IPA Contribution), 2.000.000 (Total Budget)

## **2. Objectives**

### **2.1 Overall Objective(s):**

Enhancing the efficiency and effectiveness of judicial processes and proceedings at investigation and prosecution stages to achieve efficient operation of judicial services and ensure faster judicial proceedings.

### **2.2 Specific objective:**

The project aims at strengthening the institutional capacity of judicial storages with a view to improving the efficiency and effectiveness of services provided by judicial storages.

### **2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans**

#### **A-Accession Partnership Document**

The Council adopted the Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and repealing Decision 2006/35/EC. Annex Turkey 2007 Accession Partnership, in its section “Priorities” Political Dialogue (Democracy and Rule of Law) reads as “Judicial system strengthen the efficiency of the judiciary through, in particular, reinforcing its institutional capacity”.

#### **B- Indicative Strategy Paper for Turkey (2014-2020)**

The Indicative Strategy Paper for Turkey (the Strategy Paper) sets out the priorities for EU financial assistance for the period 2014-20 to support Turkey on its path to accession.

In this strategy paper, the objective defined under sub-sector Judiciary and Fundamental Rights could be read as ‘Turkey needs to further build on its previous track record for reform in the **judiciary** to strengthen relevant institutions as part of an independent, impartial and efficient third power, separate from well-functioning legislative and executive powers.’

### **C- 10th Development Plan (2014-2018)**

The 10th Development Plan addressed activities planned for **2.1.3. Justice sector** in the following articles:

196. To achieve efficient operation of justice services and increase the accessibility of justice; utilization of information technologies in justice sector and judiciary services will be extended.

197. Considering the priorities, the physical and technical infrastructure needs of courthouses, prisons and detention houses will be met. The physical and technical needs of the newly established Regional Courts of Appeal will also be taken into consideration.

### **D- Judicial Reform Strategy (2015-2019)**

The Judicial Reform Strategy, on the judicial reforms in Turkey's European Union membership process, was updated and submitted to the Council of Ministers and declared to the public by Prime Minister on April 17th 2015. New Judicial Reform Strategy was prepared in order to carry out judicial services in an independent and impartial way, finalize judicial proceedings in a reasonable time, and constitute a faster and a more reliable justice system.

In the Strategy Paper, under Goal 3rd titled "Improving the Civil and Criminal Justice Systems", the following objectives mentioned below are included:

"Objective 3.5: Proceeding with the works regarding the improvement of physical and technical capacities of courthouses,

Objective 3.10: Making the information services effective in judiciary"

### **E- Strategic Plan (2015-2019)**

The Second Strategic Plan of the Ministry of Justice for the period 2015-2019 entered into force after being adopted. Strategic plans, that must be prepared compulsorily in the public sector, have gained a different meaning in the judiciary and played an important role in the judicial reform process. With the Plan, the priorities of the Ministry of Justice and where and when available resources would be utilized have been laid down clearly. On the other hand, strategic plans also bear qualification of commitment to the public.

In this plan, under

Objective 1 "Improving Quality and Effectiveness of Civil and Criminal Justice System", the following objective mentioned below is included:

Objective 1.11. Increasing evidence keeping standards in judicial departments

- To make necessary amendments by reviewing legislation which regulates evidence keeping and liquidation methods,
- To create workflow processes and organize the physical structures of judicial storages in the scope of the new standards,
- To organize training activities for the officers working in judicial storages."

**F- Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Forensic property and evidence offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime**

**Article 1 Asset Recovery Offices**

*'1. Each Member State shall set up or designate a national Asset Recovery Office, for the purposes of the facilitation of the tracing and identification of proceeds of crime and other crime related property which may become the object of a freezing, seizure or confiscation order made by a competent judicial authority in the course of criminal or, as far as possible, under the national law of the Member State concerned, civil proceedings.'*

Turkey, as a country in the process of EU membership, also consider the probability of developing similar system in due course in line with these standards.

**3. Description**

**Background and justification:**

The purpose of criminal procedures is to reveal the material facts through lawful evidence. The *'principle of circumstantial evidence'* is recognized in Turkish criminal procedural law. Evidences in criminal procedural law refer to resources which enable to decide whether the criminal activity has been conducted or not (to find out the material truth). Hence, anything involving the legal feature of proofs can be offered as an evidence. However, it cannot pave the way to cite everything as an evidence in a criminal procedure based on the rule of law. Therefore, whether the criminal activity has been conducted or not must be proved only by the evidence which has been lawfully obtained. *The principle of circumstantial evidence* means that any reasonable evidence obtained lawfully and that is capable of representing the matter of dispute can be admissible in criminal proceedings. Such evidence is also freely assessed within the personal conviction of the judge conforming with the law. It is a principle that contradicts the 'statutory evidence system' which is being applied to civil procedural law and foreseeing the justification of the allegations only in a certain way or through certain kinds of evidences. That is to say, the evidence has a significant role in the criminal procedure for the determination of the material fact, elimination of suspicion and detection of the suspect(s). The investigation process consists of detection, collection and examination of material evidence; while the prosecution process refers to a stage in which the evidence is discussed and assessed. As regards the security of evidence during investigation and prosecution processes, two separate units have certain roles to perform. Law enforcement offices undertake protection of evidence, its detection, collection and examination, whereas judicial storages are responsible for keeping and guarding of evidence and criminal items in due form, for their confiscation, consignment, disposal, return, seizure and destruction.

The law enforcement units do not have one dedicated office for evidence related procedures. Despite the fact that this responsibility is delegated to trained and well-equipped offices, investigating units, during their respective judicial tasks, also detect evidence, collect and refer them to related examination units or keep them. However, law enforcement officers and judicial storage officers do not have sufficient knowledge about the procedures concerning detection, collection, packaging and keeping of evidence, which results in the loss, changing or damaging of evidence in practice.

It has been observed in investigation or prosecution stages that some evidence is sent directly to Offices of Chief Public Prosecutors or related courts without prior process/ technical examination/ analysis by law enforcement officers. Such evidence is kept at judicial storages until technical examinations, analysis or assessment is carried out. Since judicial storage officers do not have sufficient knowledge on the procedures concerning protection of evidence, corruption/loss of the evidence may be the case. For example, a Compact Disc, containing a voice record, which should be transcribed in a laboratory, may be broken or damaged due to mispacking.

Furthermore, storage rooms are not at required standards for keeping the evidence over a long period of time (until the prosecution is finalized and the decision becomes final), which therefore, leads to a damage, lost or change on evidence.

Main problems encountered in this particular area can be summarized as follows: a dedicated unit or staff to handle all evidence-related procedures to ensure security of evidence does not exist in law enforcement offices- i.e. different law enforcement units are engaged in the process; the procedures are undertaken by police officers who are not specialists or not well-trained in this specific field; storage rooms at law enforcement units or at Courthouses do not meet required standards; lack of knowledge and experience of judicial storage officers, lack of knowledge and experience of justice inspectors in charge of supervising functioning of judicial storages. So the control mechanism does not function properly; Rooms allocated for judicial storages are physically insufficient; No distinction or differentiation is made for the crime related properties according to their features and all evidence is kept with a single receipt of deposit; In case of seizure of large amount of or large scaled crime-related properties, these properties are either handed in to storages of other governmental institutions or to the plaintiff, accused or third persons for keeping as a depository. It also causes some problems in keeping such properties without any damage or loss till the end of the prosecution process and some other problems regarding the location or costs of storage; change of positions of the staff responsible for the judicial storage services in the courthouses especially in small provinces remains a problem.

*"Security of evidence"* includes all measures that must be taken to prevent any damage to the evidence, avoiding change, alteration and loss of evidence as of the detection of evidence until the completion of prosecution and the decision rendered by the court becomes final. In this process many different staff of different units takes part. The problem is that no clear division of tasks, flow of works has been defined which causes problems in practice. Therefore, the under the scope of the project, it is aimed to determine the roles and responsibilities of all institutions should be determined for all units and staff involved in the process and should be trained accordingly.

On the other hand, lack of storage standards designated for different features and types of evidence lead to problems in the storage of criminal items. There are other problems such as lack of physical capacity in judicial storages and failure to make efficient use of those offices, lack of required storage and liquidation conditions for firearms, drugs, chemical data, evidence requiring high security and confidentiality, technological and digital data, vehicles etc. loss of criminal items and replacement value/ equivalent and lack of effective monitoring mechanisms over judicial storages by public prosecutors and justice inspectors. The project aims at fulfilling the abovementioned missing elements in the system and improving the physical, technical and administrative infrastructure of judicial storages in line with the EU standards and providing an effectively functioning control system.

In the Turkish judicial system principles and procedures to be observed in the restraint, confiscation, disposal, return, seizure and destruction of criminal items and proceeds of crime are laid down by the Regulation on Criminal Items, which entered into force upon being published in the Official Gazette no 25832 dated 01/06/2005. Some partial amendments were introduced in the Turkish Penal Code and Code of Criminal Procedure afterwards. This has led to some problems in practice and led to a need for a new regulation to allow for the improvement of technical and physical conditions and evidence keeping standards of judicial storages, and designing the administrative background accordingly. In this context, the new Regulation on Criminal Items (OJ 29662 of 23 March 2016) entered into force in order to lay down the principles and procedures to be followed by the Regional Courts of Appeal and their Chief Public Prosecutor's Offices, first instance civil and criminal courts, magistrates and their Chief Public Prosecutor's Offices for the restraint, confiscation, disposal, return, seizure and destruction of criminal item and proceeds of crime and use of National Judiciary Informatics System (UYAP) in these procedures.

Under the project, the purpose is to increase the efficiency of judicial storage services; improve the evidence keeping standards at judicial storages, minimize errors and losses at evidence keeping and liquidation processes. It is considered that the project will contribute to the effective implementation of the Regulation on Criminal Items, which aims to improve technical and physical conditions and evidence keeping standards of judicial storages and design the administrative background accordingly.

Handling evidence-related procedures to ensure security of evidence will be provided within the framework of the institutional structure of existing judicial storages by improving their capacities by means of this project. No separate or dedicated unit is considered to be established under the scope of the Project. In addition, it was determined to meet the requirements for keeping digital and biological evidences by improving the capacities of judicial storages. No separate or dedicated unit for digital and biological evidences is considered to be established.

### **3.2 Ongoing reforms:**

EU Financial Assistance, in general, has positively affected **the reform process in the field of judiciary**, although it has been a very long process to change minds and perceptions of the actors of the judiciary and to enable them to get acquainted with other judicial change requirements. Previous EU funds have focused on more generic and urgent needs of the judiciary, such as court management, criminal justice system and establishment of regional courts of appeal.

In this regard, more specific areas of the judiciary require support by the IPA II where there has been no projects under IPA I. Therefore, revising and improving the structure of judicial storages for criminal evidences and seized materials and related legislation in line with EU best practices is an important field of action under 2015 AD, would directly affect the on-going reform process in Turkey. This would also be critical to support Turkey's effort to secure rule of law and increase the level of standards concerning fundamental rights through actions proposed strengthening efficiency and effectiveness of the judiciary.

Revising and improving the structure of judicial storages for criminal evidences and seized materials are judiciary are related to many institutions and the challenging issues under this field require integrated solutions to systemic and legislative shortcomings.

### **3.3 Linked activities:**

#### **Improving the Efficiency of the Turkish Criminal Justice System**

The EU funded Project was implemented with CoE between the years 12/03/2012 and 12/12/2014. The overall objective of the Project was to contribute to the improvement of the efficiency of the Turkish criminal justice system in line with European standards. More specifically, the Project aimed at improving the implementation of human rights standards and enhancing the confidence in the Turkish criminal justice system by increasing competence of professional skills of staff in line with EU practices. The stakeholders of the Project are: Turkish Justice Academy, The Telecommunication Authority, The Forensic Medicine Institute, The Union of Bar Associations, the Ministry of Interior. The target groups are: Judges/prosecutors, candidate judges/prosecutors, forensic medicine experts, lawyers, law enforcement officials.

Since one of the most important expected result of the project is to strengthen the capacity of the judiciary and prosecution services to apply the European Convention on Human Rights (ECHR) in the delivery of criminal justice is strengthened. The pre-service and in-service training curricula of the Justice Academy are redesigned in line with the ECHR and studies to strengthen judicial co-operation has been made.

A comprehensive report based on a 'needs assessment analysis' has been prepared. The findings of the report and the cascade seminar outputs on criminal justice system will be taken into consideration in the Project.

### **3.4 List of applicable *Union acquis*/standards/norms:**

There is support for the alternative of introducing minimum procedural standards for gathering information and evidence commonly agreed to at EU level.

Also Eurojust considers that observance of minimum procedural standards is essential in the context of taking evidence. It is important to provide a consistent implementation among EU zone starting from taking evidence to the final decision of the High Court and some cases to the judgment of ECHR.

There is a Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Forensic property and evidence offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime and there is an aim to strengthen the existing European legislative framework for the freezing and confiscation of proceed of crime through further harmonized rules. This project is an important opportunity to harmonize domestic rules with EU Acquis. Additionally, the right to a fair trial under art. 6 of the ECHR, protection of property under art. of Protocol 1 of ECHR, and no punishment without law under art. 7 of the ECHR is directly related to the Project's scope.

### 3.5 Results per component

Result I : Structure of judicial storages and efficiently functioning of judicial storage services are improved; institutional capacity of the judicial storages in terms of administrative (staff, training, organizational structure, distribution of work, cooperation etc.) physical (equipments, facilities etc.) and technical (IT programming, registry schedule etc.) infrastructure is strengthened.

Sub-results I:

- i. Screening process concerning the current situation and practices of the judicial storages in terms of the work load, human resources, physical and technical infrastructure will be initiated; A detailed needs analysis report will be drafted at the beginning of the Project. The relationship between related institutions and the standards of seizing and keeping of evidence will be analyzed. Local visits will be organized to the judicial storages of selected at least 5 pilot courthouses.
- ii. Surveys, questionnaires targeting various groups (public prosecutors, judges of criminal courts, judicial storage officers, lawyers and citizens) will be held to identify common problems.

Result II: Errors and losses in evidence keeping and liquidation processes are minimized.

Sub-results II:

- i. Barcode system will be improved and applied effectively and comprehensively in judicial storages. It has been already envisaged to establish a barcode system under the provision of the new Regulation on Criminal Items and installed into UYAP system. However, it has not been put into practice yet. It is foreseen that the implementation of barcode system will be ensured, improved and extended through this project.
- ii. Guidelines to improve the quality of the practices concerning the types of offenses and types of evidence will be prepared and distributed to practitioners.
- iii. Two separate training materials will be developed targeting law enforcement officers on one hand and judicial storage officers and public prosecutors and justice inspectors on the other hand.
- iv. Trainers will be selected. Training of trainers will be provided.
- v. The training materials will be tested on pilot seminars and revised accordingly.(academics, experts, ...)
- vi. Judicial storage officers across all courthouses will be trained
- vii. Training activities will be organized for the personnel working in pilot areas (judicial storages officers, public prosecutors in charge of judicial storages, judicial inspectors).
- viii. Training activities will be organized for at least 250 law enforcement officers.
- ix. The relevant practice and legislation on barcode system or any other similar system in the EU Member States will be examined through the study visits mentioned above.
- iii. The tasks and distribution of the roles of the staff will be determined (law enforcement officers, judicial storages officers, prosecutors) A detailed report/road map will be drafted to identify the findings and requirements.



- iv. Study visits will be organized to four EU Member States with best practices in judicial storage system to make comprehensive and comparative analysis of the EU best practices.
- v. A book will be published including information on study visits in detail (participants, visited institutions, findings of the visits, photos, recommendations and comparisons)
- vi. A comprehensive analysis will be conducted on related legislation of the EU MSs to determine the most appropriate model for Turkey and applicable legislations will be translated into Turkish as a reference guide.
- vii. A Working Group will be established with EU experts and an advisory report will be drafted by taking into account of the EU best practices.
- viii. A draft law/regulation will be prepared (If amendment in legislation is needed to the findings of need-assesment studies).
- ix. Information and experience exchange meetings will be held every six months to discuss developments and challenging matters in pilot areas.
- x. Two separate training materials will be developed targeting law enforcement officers on one hand and judicial storage officers and public prosecutors and justice inspectors on the other hand.
- xi. Judicial storage officers, law enforcement officers, public prosecutors and justice inspectors will be trained through training activities.

### **3.6 Means/input from the EU Member State Partner Administration(s)\*:**

The project will be implemented in the form of a Twinning contract between Turkey and a Member State/Member States. The overall duration of the project is envisaged to be **24 months**. The Twinning partner(s) will manage all aspects of the judicial storages system described in this project fiche in close cooperation with the MoJ.

The Twinning partner(s) will provide a Project Leader (PL) and a Resident Twinning Advisor (RTA) and also secure a pool of short- term experts, who will be called upon whenever necessary to contribute to the achievement of the mandatory results and especially for the purpose of advisory services and training according to the work plan that will be prepared as part of the corresponding contract.

Short Term Experts will work together with the staff of the beneficiary institution under the overall direction of the beneficiary institution and the Project Steering Committee. In addition to providing the Twinning partner with adequate staff and other resources to operate effectively, the senior management of the beneficiary institution is expected to be involved in the development and implementation of policies and institutional change required to deliver the project results.

The EU Twinning partner will be a Member State institution directly involved in the judicial storages Member States may also form a consortium which could result in a wide range of qualified senior experts gathered from the public administrations or mandated bodies from up to two Member State, provided that national approaches can be harmonized within this consortium.

### **3.6.1. Profile and tasks of the PL**

The Project Leader from the EU Member State should be a senior civil servant or equivalent staff who works in the field relevant to this project and have been at least three years in a management position within the institution.

The Project Leader will be responsible for achievement of project results, ensuring the activities for the co-operation and information exchange between EU Member States side and Beneficiary side and ensuring that all the required support of the management and staff of the EU side are available. S/he will coordinate the Project Steering Committee meetings on the EU Member State side.

Short Term Experts will work together with the staff of the beneficiary institution under the overall direction of the beneficiary institution and the Project Steering Committee. In addition to providing the Twinning partner with adequate staff and other resources to operate effectively, the senior management of the beneficiary institution is expected to be involved in the development and implementation of policies and institutional change required to deliver the project results.

The EU Twinning partner will be a Member State institution directly involved in the judicial storages. Member States may also form a consortium which could result in a wide range of qualified senior experts gathered from the public administrations or mandated bodies from up to two Member State, provided that national approaches can be harmonized within this consortium.

#### **Profile:**

##### **Qualification and skills**

- ☐ University level education in law or 8 years equivalent professional experience in the related field
- ☐ Broad long-term knowledge of all processes in the area of acquis that the project is dealing with
- ☐ Excellent written and oral command of English
- ☐ Experience in working intercultural projects

##### **General professional experience**

- ☐ At least 3 years experience in working with Union acquis concerning judiciary and fundamental rights
- ☐ Experience in project management
- ☐

##### **Specific professional experience**

- ☐ Knowledge of the EU Member States' on Revising and Improving the Structure of Judicial Storages for Criminal Evidences

##### **Tasks**

- ☐ Overall project co-ordination;
- ☐ Co-chairing, with the Turkish PL, the regular project implementation steering committee meetings;
- ☐ Mobilizing short term experts;
- ☐ Executing administrative issues (i.e. signing reports, administrative order etc.).

### **3.6.2 Profile and tasks of the RTA:**

The RTA will be in charge of the day-to-day implementation of the Twinning project in the Republic of Turkey. S/he will coordinate the implementation of activities according to a predetermined work plan and liaise with the RTA counterpart in the Republic of Turkey.

The RTA will bring in a significant professional input, especially at the beginning of the Twinning project.

RTA on judicial storages will provide technical and operational assistance to the MoJ in the implementation period. The RTA is expected to co-ordinate all activities of the project. He/she will be located at the MoJ in Ankara, **General Directorate for Criminal Affairs**. He/she has to be a person with significant experience as a manager and should have a capacity for managing projects and coordinating large-scale capacity building projects.

The RTA must be highly qualified in public affairs and the field of judicial storages covered by the Twinning contract, and must possess good management skills.

#### **Profile**

##### **Qualification and skills**

- ☐ University level education in law or 8 years equivalent professional experience in the related field Excellent written and oral command of English
- ☐ Good PC literacy (Word, Excel, PowerPoint)

##### **General professional experience**

- ☐ At least 3 years experience in working with EU countries concerning judicial storages

##### **Specific professional experience**

- ☐ Recent experience in a senior position in a state institution\mandated body responsible for judicial storages
- ☐ Experience in preparation / revision of major strategic documents and policy papers in the area of the project
- ☐ Experience in developing, co-ordinating and conducting capacity building activities, preparation / revision of legal documents and training programmes
- ☐ Knowledge in criminal law is an asset

#### **Duration of RTA secondment: 21+3 months**

##### **Tasks**

- ☐ To design a work plan for the implementation of the programme;
- ☐ To assist in the preparation of all strategic project documents [inception study, sector strategy/policy/plan, quarterly monitoring reports, final project report, training manuals etc.]
- ☐ To ensure continuity of implementation, working on a daily basis with the MoJ staff to implement the project;
- ☐ To plan and coordinate outputs;
- ☐ Together with the Project Leader: to nominate and mobilize the short term experts;
- ☐ To supervise the short term experts;
- ☐ To ensure proper quality of outputs;
- ☐ Co-ordination - together with MoJ for the organization of consultation process;
- ☐ Co-ordination - together with MoJ in the design and delivery of a training programme and provision of technical and operational advice;

- ☐ Facilitation of EU member states to transfer best practices and high quality potential inputs for their implementation in Turkey.

### **3.6.3 Profile and tasks of Component Leaders:**

Component leaders will ensure the implementation of project components and plan the agreed activities in a timely manner with high quality. They report to the RTA and liaise with the RTA counterpart.

#### **Qualifications and skills:**

- ☐ University level education in law or 8 years equivalent professional experience in the related field;
- ☐ Good written and oral command of English;
- ☐ Capacity to integrate into a large expert team;
- ☐ Willingness to work in a different cultural environment.

#### **General professional experience:**

- ☐ At least 3 years of professional experience in the relevant field.

### **3.6.4 Profile and tasks of other short-term experts:**

A pool of short-term experts is required to implement the project activities covering the following indicative subjects:

- ☐ Conducting consultation process, working group meeting and workshops
- ☐ Conducting institutional needs assessment with EU comparison
- ☐ Conducting legal assessment with EU comparison
- ☐ Conducting training need assessment particular attention to EU experience
- ☐ Developing training programmes and materials
- ☐ Delivery of training sessions
- ☐ Strong law background with an extensive experience on judicial storages,
- ☐ Institutional capacity building on judicial storages, in terms of legislation and practice
- ☐ Strategy development and policy paper preparation

#### **General Profile of the Short Term experts**

##### **Qualifications and skills:**

- ☐ University level education in law or 8 years equivalent professional experience in the related field
- ☐ Good written and oral command of English;
- ☐ Proven contractual relation to public administration or mandated body;
- ☐ Capacity to integrate into a large expert team;
- ☐ Willingness to work in a different cultural environment.

##### **General professional experience:**

- ☐ At least 3 years of professional experience in the relevant field, 8 years experience is considered to be an asset

##### **Tasks**

- ☐ To contribute to the project activities with a short term provision of inputs with specialised knowledge in the area of judicial storages,

- ☐ To provide inputs for the consultation process, meetings and workshops;
- ☐ To prepare training programme and materials and delivery of sessions;
- ☐ Advice and backstopping from a national EU Ministry of Justice and other relevant stakeholders.

#### 4. Budget

##### Maximum Budget available for the Grant

<b>Activity on Revising and Improving the Structure of Judicial Storages for Criminal Evidences and Seized Materials and Related Legislation in line with EU Best Practices</b>	<b>EU contribution 100%</b>	<b>National Contribution -</b>	<b>Total 2.000.000 Euro</b>
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*The co-financing here above will be considered and fulfilled according to the provision of the relevant Financing Agreement.*

#### 5. Implementation Arrangements

##### 5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):

###### Central Finance and Contracts Unit (CFCU)

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##### 5.2 Institutional framework

The beneficiary is the MoJ, the Directorate General for Criminal Affairs. As a leading institution, the MoJ is given important responsibilities and powers to ensure well functioning of the justice system. The MoJ is the main responsible executive institution for forming the justice policy and carry out the administrative duties for better serving of the justice system.

In this regard, opening and organizing courts which already have been established by law, planning, establishing and improving all levels and types of judicial institutions such as prisons and correctional facilities, judicial storages are among the duties of the MoJ. Additionally, drafting and delivering legislation concerning justice services, conducting researches for better functioning of the justice system are some of other important functions.

The main stakeholders are: DG for Personnel Affairs, DG for Civil Affairs, Training Department, IT Department, Council for Judges and Public Prosecutors, Justice Academy of Turkey, Inspection Board of Ministry Justice, Ministry of Interior, Pilot courthouses, law enforcement offices.

The MoJ, **the Directorate General for Criminal Affairs** will be the main end beneficiary of the project. During the technical implementation of the project the supervision/ coordination will also be conducted by DG for Criminal Affairs. DG for Criminal Affairs will be responsible for ensuring close cooperation with sub- beneficiaries. Within the scope of the power granted by the Law on Establishment and Duties of Judicial Organization, the Directorate General for Criminal Affairs is responsible for taking all kinds of legal and administrative measures with regard to the issues concerning the functioning of judicial storages. The project will closely monitored by DG for EU Affairs of MoJ as "lead institution" under IPA II period.

### **5.3 Counterparts in the Beneficiary administration:**

#### **5.3.1 Contact person:**

Mr. Yavuz Eraslan

Judge

Director General for Criminal Affairs

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#### **5.3.2 PL counterpart**

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Director General of DG for Criminal Affairs

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#### **5.3.3 RTA counterpart**

Mr. Ramazan Gürkan

Head of Department

Directorate General for Criminal Affairs

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### **6. Duration of the project**

21+3 months

### **7. Sustainability**

The project will be implemented by the DG for Criminal Affairs and training materials and modules will be developed to ensure sustainability. Training programmes developed in the framework of this Twinning project should be simple enough to be regularly updated and changed by the staff of the respective organizations without external support.

A pool of trainers will be built and the trainers will train the officers in pilots. Candidate judges and prosecutors will be trained and in- service training of judges and prosecutors will be delivered at the Justice Academy of Turkey. Where relevant, training programmes could be included in the training curriculum of the national training institutions. Project materials will be distributed to practitioners in both hard and soft copies. Furthermore, with the arrangements and implementations to be introduced during the duration of the project, physical, technical and administrative and education-related standards of judicial storages will be improved, their effectiveness and efficiency will be enhanced as required. Training activities targeting officers

of judicial storages will continue on a regular basis after finalisation of the project. Utilisation of the outputs of the project such as training materials and trainer pool will be ensured. The MoJ ensures required financial sources after the implementation of the project to strengthen the sustainability.

### **8. Crosscutting issues** (*equal opportunity, environment, climate etc...*)

The main crosscutting theme of the project is universal; increasing efficiency and effectiveness of the judiciary and access to justice. The functioning of the judicial storages will be analysed and revised in accordance with EU best practices. This Project would directly contribute to the efficiency of justice and confidence to judiciary.

Participation in this project will be open to both males and females involved in the sector.

The principle of equal opportunity will also be integrated into all stages of the project implementation. The Beneficiary respects the rights of equal opportunity of all genders, groups (i.e. disabled persons) and ages for employment.

Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. Both women and men have identical prospects. Nevertheless, all periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to participation of women and equal opportunity for women and men and will provide measurements of achievement of this goal.

### **9. Conditionality and sequencing**

N/A

### **10. Indicators for performance measurement**

<b>Levels</b>	<b>Indicators</b>
<b>Overall objective</b>	1. Number of the evidences secured with the barcode system 2. Number of trained personnels (judicial storages' officers, law enforcement officers, public prosecutors, justice inspectors) 3. Number of improved judicial storages in the pilot courthouses allocated for keeping digital and biological evidence
<b>Project purpose</b>	1. Establishment of safe areas to keep evidences ( for evidences obtained from computers, digital evidences, biological, chemical evidences) 2. To prepare training materials and description and distribution of work for judicial storages' officers, law enforcement officers, public prosecutors based on their needs 3. The number of the personnel received training on the new practice
<b>Results</b>	<b>Result I Indicators</b> - Local and study visits, reports - The % 10 increase in the satisfaction of the users  <b>Result II Indicators</b> - Number of barcoded evidences  - Number of training activities and trained personnel (judicial storages' officers, law enforcement officers, public prosecutors, justice inspectors)

<b>Results</b> <b>AD</b>	<b>Result 1 Indicators</b> <b>Number of the evidences secured with the new barcoding system</b> Baseline(2014): 0 Milestone 2018: 100 Final Target 2020: 200 Statistics released by MoJ <b>Result 2 Indicators</b> <b>Number of trained property and evidence officers</b> Baseline(2014): 0 Milestone 2018: 100 Final Target: 200 Statistics released by MoJ <b>Result 3 Indicators:</b> Dedicated property and evidence units established in the pilot courthouses for keeping digital and biological evidence Baseline(2014): 0
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### 31. Facilities available

The MoJ guarantees effective and efficient working conditions within a mild organisational climate for the entire project team. All required soft and hardware will be available for the RTA and his/her assistants. Additionally, MoJ allows the utilization of any kind of its facilities for the project activities, meetings, seminars etc. within their capacities.

The MoJ commits itself to make available free of any charge for the project:

- Office facilities for the RTA and the RTA assistant(s) for the entire duration of their secondment, with a level of equipment at least comparable to that in use in the Beneficiary administration.
- Adequate conditions for the short-term experts to perform their work while on mission to the Beneficiary.
- Training and conference venues, catering if appropriate and presentation and interpretation equipment.

## ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format



## LOGICAL FRAMEWORK

ANNEX 1: Logical framework matrix in standard format

<b>LOGICAL FRAMEWORK PLANNING MATRIX for the Project Fiche</b>		Project title and number:	Revising and Improving the Structure of Judicial Storages for Criminal Evidences and Seized Materials and Related legislation in line with EU Best Practices
		The contracting deadline on: 3years after the date of signing the Financing Agreement.	Execution period ends on : 3 years following the end date for contracting
		Total Budget: 2.000.000 Euro	
		IPA Budget: 2.000.000 Euro	<b>Assumptions</b>
<b>Overall objective</b>	<b>Objectively verifiable indicators (OVIs)</b>	<b>Means of Verification</b>	Close cooperation and full commitment of all stakeholders. Sustainability in utilisation of the outputs of the Project.
Enhancing the efficiency and effectiveness of judicial processes and proceedings at investigation and prosecution stages to achieve efficient operation of judicial services and ensure faster judicial proceedings.	-Number of the evidences secured with the barcode system -Number of trained personnels (judicial storages' officers, law enforcement officers, public prosecutors, justice inspectors)Number of improved	1. Statistics released by MoJ 2. Statistics released by MoJ 3. Statistics released by MoJ	

	judicial storages in the pilot courthouses allocated for keeping digital and biological evidence		
<b>Specific purpose</b>	<b>Objectively verifiable indicators (OVIs)</b>	<b>Means of Verification</b>	<b>Assumptions</b>
The project aims at strengthening the institutional capacity of judicial storages with a view to improving the efficiency and effectiveness of services provided by judicial storages.	<p>1. Establishment of safe areas to keep evidences ( for evidences obtained from computers, digital evidences, biological, chemical evidences)</p> <p>2. To prepare training materials and description and distribution of work for judicial storages' officers, law enforcement officers, public prosecutors based on their needs</p> <p>3 The number of the personnel received training on the new practice</p> <p>4- The number of the evidences secured with the new barcode system</p>	<p>1. Site-visits, reports</p> <p>2.Training materials, the number of trainings</p> <p>3. Materials, Job Description Documents</p> <p>4. Number of trainings</p>	<p>Close cooperation and full commitment of all stakeholders</p> <p>Sustainability in utilisation of the outputs of the Project.</p>

<b>Results</b>  I. Structure of judicial storages and efficiently functioning of judicial storage services are improved; institutional capacity of the judicial storages in terms of administrative (staff, training, organizational structure, distribution of work, cooperation etc.) physical (equipments, facilities etc.) and technical (IT programming, registry schedule etc.) infrastructure is strengthened.  II. Errors and losses in evidence keeping and liquidation processes are minimized	<b>Objectively verifiable indicators (OVIs)</b>  1. Local and study visits, reports  2. The number of questionnaires, surveys  4.Number of barcoded evidences  4- Number of training activities and trained personnel (judicial storages' officers, law enforcement officers, public prosecutors, justice inspectors)	<b>Means of Verification</b>  1. Local visits/ reports obtained from pilot courthouses  2. Statistics obtained from pilot courts, surveys  3. Statistics obtained from pilot courthouses, surveys  4.Satisfaction surveys, questionnaires	<b>Assumptions</b>  Close cooperation and full commitment of all stakeholders  Sustainability in utilisation of the outputs of the Project.

<b>Sub-results:</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
<p>Result I: Structure of judicial storages and efficiently functioning of judicial storage services are improved; institutional capacity of the judicial storages in terms of administrative (staff, training, organizational structure, distribution of work, cooperation etc.), physical (equipments, facilities etc.) and technical (IT programming, registry schedule etc.) infrastructure is strengthened;</p> <p>Sub-results1:</p> <ul style="list-style-type: none"> <li>i. To initiate a screening process; to draft a detailed needs analysis report, local visits to pilot courthouses</li> <li>ii. To hold surveys and questionnaires</li> <li>iii. To draft a detailed report/roadmap</li> <li>iv. Study visits to 4 EU Member States</li> <li>v. To publish a book including information on findings obtained through study visits</li> <li>vi. A comparative and comprehensive analysis on related legislation of the EU MSs and translation of</li> </ul>	<ul style="list-style-type: none"> <li>1. Working group studies</li> <li>2. Study-visits, Workshops, seminars</li> <li>3. Local visits, surveys, questionnaires</li> <li>4. Official letters</li> <li>5. Training activities for trainers and personnel</li> </ul>		<p>Close cooperation and full commitment of all stakeholders</p> <p>Sustainability in utilisation of the outputs of the Project.</p>

<p>applicable legislation into Turkish as a reference guide</p> <p>vii. To draft an advisory report on EU best practices</p> <p>viii. To prepare a draft law (if deemed necessary)</p> <p>ix. To arrange meetings to exchange information and experience</p> <p>x. To develop separate training materials</p> <p>xi. To conduct training activities targeting law enforcement officers, public prosecutors and justice inspectors</p> <p>Result II: Errors and losses at evidence keeping and liquidation processes are minimized;</p> <p>Sub-results II:</p> <p>i. To apply barcode system effectively and comprehensively</p> <p>ii. To prepare and distribute guidelines with an aim to improve the quality of practices concerning the types of offenses and evidence</p> <p>iii. To develop two separate training materials</p> <p>iv. To select trainers and provide training of trainers</p> <p>v. To test training materials on pilot seminars and revise accordingly</p> <p>vi. To train all judicial storage officers</p> <p>vii. To organize training activities for the personnel working in pilot courthouses</p> <p>viii. To organize training activities for law enforcement officers</p>			
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ix. To examine relevant practices and legislation on barcode system or any other similar system in the EU MSs via study visits			
ix. To determine the tasks and distribution of the roles of the staff working in judicial storage services			