

TWINNING PROJECT FICHE

1. Basic Information

1.1 CRIS Number: TR2010/0136.11

1.2. Title: "**Strengthening witness protection capacities**"

1.3 Sector: 36 Political Criteria

1.4. Location: Republic of Turkey

Implementing arrangements:

1.5 Implementing Agency:

The CFCU will be the implementing agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management including payment of project activities. The Director of the CFCU will act as Program Authorizing Officer (PAO) of the project. SPO of the project will be responsible for the overall coordination of the project.

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1.6 Beneficiary (including details of SPO):

Main Beneficiary : Turkish National Police (Project Implementation:
Department of Witness Protection)

Side Beneficiaries :

1) Ministry of Justice

2) Gendarmerie General Command

Ministry Of Interior, Turkish National Police,

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1.7 Overall cost (VAT excluded)	: € 1,000,000
1.8 EU contribution	: € 950,000
1.9 Final date for contracting agreement	: 2 years after signing of the financing agreement
1.10 Final date for execution of contracts	: 2 years following the end date for contracting
1.11 Final date for disbursements	: 1 year following the end date for execution of contracts

2. Overall Objective and Project Purpose

2.1. Overall objective:

The overall objective is to improve the efficiency and effectiveness in combating national and transnational organised and serious crimes

2.2. Project purpose:

The project purpose is to strengthen the institutional capacity of the Ministry of Justice, Turkish National Police and Gendarmerie on the implementation of an effective Witness Protection System, in line with European standards.

2.3 Link with AP/NPAA / EP/ SAA

2008 Accession Partnership

The 2008 AP identifies the following short-term priorities:

- Continue to strengthen all law enforcement institutions and align their status and functioning with European standards, including through developing inter-agency cooperation.
- Implementing the national strategy on organised crime.
- Strengthening the fight against organised crime, drugs, trafficking in persons, fraud, corruption and money-laundering.

This project will contribute to the achievement of the objectives identified under these priorities.

Turkey 2009 Progress Report

Limited progress has been made in the fight against organized crime:

- The Regulation implementing the Witness Protection Law was adopted in November 2008. The ratification of two implementing regulations is underway.
- Witness protection programmes are currently being implemented.
- A Department for Witness Protection was established within the Turkish police force in June 2008.
- The capacity of the special unit dealing with criminal proceedings within the Department for Combating Smuggling and Organized Crime has been enhanced.

Fight against Corruption:

Within the scope of the implementation of Turkey's National Strategy on Combating Organised Crime and strengthening the fight against organised crime, drugs, trafficking in human beings, fraud, corruption and money-laundering, training of trainers in the area of fight against corruption

Priority Implementation of the Turkey's National Strategy on Combating Organised Crime. Strengthening the fight against organised crime, drugs, trafficking in human beings, fraud, corruption and money-laundering:

- Preparing an action plan within the scope of the strategy document on the fight against organised crime
- Implementing the strategy on combating against human trafficking
- Preparing an action plan for struggle against drugs in rural areas of Turkey
- Supporting both Turkey's efforts to fight against human trafficking and access of all victims of human trafficking to justice
- Improving cooperation among law enforcement units in the field of fight against organised crime
- Increasing the capacity of law enforcement units in the field of fight against organised crime
- Resolution of the Council of 23 November 1995 on the protection of witnesses in the fight against international organised crime (95/C 329/01)

- Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against international organised crime
- Recommendation 16 of the Action program on the prevention and fight against organised crime, adopted by the Council on 28 April 1997
- The witness protection act was among the laws deemed important in the context of Turkey's Program (2007-2013) to comply with EU legislation
- Accession Partnership Agreement for Turkey, 2008

2.4 Link with MIPD

In the MIPD 2008-2010, it is stated that:

“Within the Institution Building component the focus of assistance in the area of the political criteria will be on the institutions that are directly concerned by the reforms: the judiciary and the law enforcement services” and “[...] the objectives and priorities for assistance will be:

Addressing the Copenhagen political criteria by supporting those institutions directly concerned by political reforms:

Law enforcement services: [...] actions towards greater effectiveness of the law enforcement services in particular with a view to support the functioning of the judicial system.”

Strengthening the witness protection capacities will contribute to the achievement of the above mentioned objective.

2.5 Link with National Development Plan (Contribution to National Development Plan)

According to points **323,324,325** and **380** in the 9th National Development Plan of Turkey, the legal and institutional framework action will continue.

These points are:

Section 5.6.6 Making Security Services Efficient

2.6 Link with national/ sectoral investment plans

The proposed project fiche is in line with the National Strategy Document on Combating Organised Crime and its Action plan which says that „The perspective of preventing organised crime entails complicating the crime, minimising its effects, preventing its recurrence and protecting its victims to the highest extent possible.” This project will directly contribute to be achievement of some of the strategic targets set in the Action Plan and in particular:

- 11. Strengthening Institutional Capacity of Witness Protection Department, structuring affectivity in whole country by becoming specialist
- 16. Expanding co-operation between Witness Protection Department and other Public Institutions

The above strategic targets are linked with the activities in the fiche and in particular with Activity 1.1, Activity 1.2, Activity 2.2, Activity 2.3, Activity 2.4, Activity 3.1 and Activity 3.2.

Before the Law on Witness Protection (Law No:5726), the preceding projects also handled witness protection issue in a limited way stressing the existing needs of the witnesses to be encouraged in order to fight against organised crime. Witness protection took place in the content of the TR-02 –JH-06 twinning project between Turkey and European Union. As an output of this project, The “Strategy Document For the Fight Against Organised Crime” was issued in October 2006. Before the Law No:5726 put into force, this document emphasised the protection of witnesses as a key element to combat organised crime and the increasing need for a detailed legal document on this topic. This strategy document was aimed to implement the current Witness protection Law.

3. Description

3.1 Background and justification:

This Project is intended to be follow-up with the supply component in 2011 programming package.

Over the past two decades the role of witnesses in criminal proceedings through Europe and internationally has increased significantly. Witness protection has become one of

major concern for the criminal justice systems of many European countries and consequently an issue of study, standard-setting and regulation of international co-operation in this field by the Council of Europe and the European Union.

The most important factors that have led to increased attention for the role of witnesses in criminal proceedings at the European as well as at the international level are emergence of interest in the status of victims in criminal proceedings and the significant rise in terrorist and organised crime.

European legal instruments in respect of procedural witness protection measures are therefore aiming at setting common criteria for the design and implementation of a set of effective legal and practical protection measures and assistance programmes for different categories of witnesses, victims and collaborators of justice while preserving an acceptable balance between the protection measures and the human rights and fundamental freedoms of all the parties involved (witnesses/collaborators of justice, defendants, victims). Additionally, an important part of European "regulation" is naturally aimed at closer and more efficient international cooperation among criminal justice authorities in this field.

There is at present no binding European legal instrument that would specifically and comprehensively deal with witness protection.

However, a number of binding legal texts addressing the problem of organised crime, corruption, money laundering, terrorism, trafficking of human being and international mutual legal assistance adopted in the framework of the Council of Europe and the European Union are indirectly also of relevance for witness protection and can facilitate international co-operation in this field. Furthermore, as already mentioned, there exists a significant body of case-law of the ECHR in relation to Article 6 of the Convention which is de facto binding on all Council of Europe member states.

In respect of European Union instruments on the issue, specific reference should be made to the Resolution of the Council of 23 November 1995 on the protection of witnesses in the fight against international organized crime (95/C327/04) This resolution calls on the Member States to guarantee proper protection of witnesses against all forms of direct or indirect threat, pressure or intimidation before, during and after trials in the fight against organised crime.

Organized criminal groups pose a significant threat to the community. Because of serious threats from crime organizations, people are not willing to testify against them due to their fear that they and their families could be endangered. One of the important elements through fighting against crime is therefore to ensure the safety of the witnesses and justice collaborators.

Without the testimony of the witness or victim-witness, it is very difficult to detect and convict the key crime organizers. A Witness Protection Program (WPP) is most certainly an effective tool for law enforcement in combating terrorism and organized crime.

In Turkey comprehensive witness security program had not been implemented until the Law on Witness Protection (Law No:5726, dated:05.01.2008) was put into force. Before this law, only limited security measures were executed for witnesses of terror and organised crimes. The aim of this law is to bring witness protection measures in line with European standards.

Three institutions have the leading role in implementing witness protection measures, the Ministry of Justice, the law enforcement agencies (TNP and Gendarmerie) and the Witness Protection Board.

At the investigation stage, prosecutors have the authority to determine whether witnesses are eligible for protection or not and if so, which measures will be implemented. Following approval of the indictment, the authority on witness protection process passes to judges. After a witness testifies at trial, material protective measures can be applied which are determined by the Witness Protection Board.

A main obstacle for effective implementation of witness protection measures is lack of sufficient awareness between judges and prosecutors. Since the Law No:5726 is relatively a new law, most of the judges and prosecutors are not aware of the law or the importance of it. Judges and prosecutors who are aware of the Law and its importance have some doubts about how they will implement the measures. Because of these reasons the training of judges and prosecutors is very crucial.

Law No: 5726 requires witness protection units to be established in Turkey. Accordingly, two witness protection units were established in Turkey, one under the Turkish National Police for urban areas and the other under Turkish Gendarmerie for rural areas of the country. Law No: 5726 also improved the measures which could be

implemented through the protection process. A whole range of measures from physical protection to plastic surgery have been made possible by the law.

As required by Law No: 5726 The Witness Protection Department of the TNP, which is responsible for the urban areas, was established in June 2008. At present the Witness Protection Department of the TNP has 110 staff and 8 divisions. The Department is planned to have 120 officers centrally, 160 officers working in the sections established in eight big cities and several officers in the bureaus established in the rest of the provinces of the country. It is ultimately intended to have approximately 700 officers work across the country with final implementation planned to be completed by 2011.

The Witness Protection Division of the Gendarmerie has currently 14 staff in headquarters which will be split between Istanbul, HQ and Ankara. It is hoped to have offices in 10 cities, comprising of 30 staff in each office by 2012.

As newly organised units, Turkish Witness Protection institutions need to develop their individual capacities. Transferring know-how in the area of witness protection from EU member countries which have experience and expertise on the field will be of very great importance.

Strong cooperation between Ministry of Justice and law enforcement agencies is very crucial for witness protection. In order to contribute to this cooperation, this project has been planned to be implemented cooperatively by these three institutions.

3.2 Assessment of project impact, sustainability, catalytic effect and cross border impact (where applicable)

Project Impact:

An effective struggle against organised crime and terrorism has two significant impacts: one is to avoid the negative effects of such crimes in Turkey and other is to avoid negative effects upon to Turkey's neighboring countries primarily the EU. Therefore, the project will have major impact on a variety of sectors varying from commerce to public order and to national security. Another important impact is that fight against organised crime will be strengthened as Turkey will have up-to-date practices, methods, equipments and well-trained staff similar to that found in EU Member States.

Catalytic Effect:

The project, by assisting with the implementation of elements of the strategy for the fight against organised crime and terrorism through enhancing the technical and institutional capacity of relevant witness protection agencies, will pose a catalytic effect on the full implementation of the strategy and constitute a major step taken against such crimes.

Sustainability:

To ensure the sustainability of the effective and efficient implementation of the witness protection activities trainers from TNP and Gendarmerie will be trained on witness protection, which will bring consistency among all witness protection staff in the execution of their responsibilities. The trainers will be charged with in-service training activities in the law enforcement agencies.

Training materials will be disseminated to the institutions involved in witness protection activities.

Trainee judges and prosecutors will also be chosen among judges and prosecutors who deal with organised crime cases and implement witness protection measures most often. Following training activities they will continue their professions and will decide on witness protection measures more consciously. Consequently witness protection measures will be implemented more often and stable, which will lead to positive results being accomplished in the fight against organised crime. Judges and prosecutors who will be trained as trainers will be charged with training of judges and prosecutors. Furthermore they will be used by MoJ for in-service training activities later on.

The internal budget for salary of the specialized staff will be readily available by the law enforcement funds.

International witness exchange programs will be established by means of bilateral and multilateral agreements.

Cross-border Impact:

Organised crime organizations operate across international borders. Fight against organised crime in Turkey will also contribute fight against organised crime in the EU and the region. The project will not only contribute to the security issues but also provide a significant enhancement on rule of law. Strengthening of the Witness Protection Capacity of Turkish Law Enforcement will contribute to the fight against organised crimes, drugs, human trafficking, fraud, corruption and money-laundering by means of

forensic evidence based investigations. This would also contribute to the detection and management of crime across the European Union. Such benefits would mirror benefits gained from a scientific approach to the investigation of crime being reaped in Member States of the EU and in other candidate countries, where similar projects have been carried out. Furthermore, it will set an example for countries in the region.

Agency Commitment:

All agencies involved will commit themselves to adapt new methods and requirements developed during the program and disseminate them through further training and awareness-raising activities, especially through the use of trainers trained in the program.

Project to be implemented through twinning require the full commitment and participation of the senior management of the beneficiary institutions. In addition to providing the twinning partner with adequate staff and other resources to operate efficiently, the senior management will be involved in the development and implementation of policies and changes required to deliver the project results.

It is important that all beneficiaries have the same level of commitment and are involved in the respective activities of the Twinning project to ensure the achievement of the project objectives.

The main aim of this section is to raise all beneficiaries in the same level. However all beneficiary institutions have different implementation field and because of that reason an equal level seems hard to be achieved but will be improved by the MOU process proposed in Activity 3.1.

3.3 Results and measurable indicators:

The following results are foreseen for the project:

Result 1 Adequate institutional capacity and procedures in place to run an effective and efficient Witness Protection System with well trained staff and signed MoU for improved cooperation and collaboration between institutions and international co-operation in the form of exchange of witnesses.

The achievement of the result will contribute to strategic targets 11 and 16 of the Action Plan for the implementation of the National Strategy Document on Combating Organised Crime.

Measurable Indicators for Result 1.

- Witness protection strategy based on the EU requirements and best practices developed by 5th month and implemented by 2014.
- Elaborated manuals (best practice manuals) for Witness Protection staff by 10th month
- At least 20% increase will be realised in the number of protected witnesses by the end of 2013 compared with 2009 statistics.
- TNP and Gendarmerie staff trained in various witness protection areas - 240 TNP and Gendarmerie staff trained by the end of the Project.
- Ministry of Justice staff trained on different aspects of the implementation of the Witness Protection Law – at least 100 MOJ staff trained by the end of the Project.
- Train trainers from TNP and Gendarmerie – at least 20 trainers trained by the end of the project.
- At least 30 % increase in successfully implemented witness protection measures by TNP and Gendarmerie staff, by the end of the project.
- At least 30% decrease in the number of complaints submitted to the Witness Protection Board by 2013.
- At least 30 % increase in staff trained by the trainers trained under the project, by 2013.
- Signed MOU between Ministry of Justice, TNP and Gendarmerie indicating their commitment to participation and active cooperation in place before contract is concluded.
- Signed MOU's to enhance cooperation with other government authorities by month 5th of the Project.

- At least 20 % increase in the interactions (requests for information, joint training events, joint training programmes, etc) between the Institutions, by the end of the project.
- Signed MoUs for exchange of witnesses with at least two EU member states by the end of the Project.
- The number of interactions (request for information, participation in international forums) with EU member states increased by at least 20%.

3. 4. Activities:

Twinning: Twinning contract will cover all the activities related with abovementioned results:

Component 1 Strengthened institutional capacity

Activity 1.1 Assessment of the institutional capacity and development of a strategy for efficient Witness Protection System;

Development of a strategy for efficient witness protection system updated according to European standards and covering all areas of witness protection, including management, supervision and inter-institutional exchange of information as well as psychological assessment of witnesses, Financial Control and Audit, Covert Operating, Anti Surveillance, Re-identification of protected witness and Human Rights issues, incorporating all relevant government agencies, etc. The strategy will be developed after an assessment of the institutional capacity of the relevant institutions has been carried out by the STEs.

Activity 1.2 Elaboration of manuals (best practice manuals) for Witness Protection staff in TNP, Gendarmerie and Ministry of Justice;

Development of Manuals to ensure staff awareness on the legal and operational requirements for witness protection and to ensure consistency of staff in performing their duties. This will also ensure compatibility between member states. The STEs will review the existing procedures and manuals and will produce Best practice

manuals for the TNP, Gendarmerie and the Ministry of Justice, which will be in line with European standards. Best practice manual should involve subjects like geographical relocation, change of identity, cover documents, fictitious data in registers and physical protection. Also vulnerability aspects should be brought out in "best practice manual" like all other vital information for the effective witness protection unit.

Component 2. Training on Witness Protection System

Activity 2.1 Training Needs Assessment;

Training needs assessment to identify witness protection training needs within TNP Gendarmerie and Minister of Justice. Carrying out all Training Needs Assessment activities in accordance with Systems Approach to Training principles ensures rigorous visibility in each design stage with clear audit trails from the initial Scoping Study through to the recommended solution.

Activity 2.2 Training of Trainers on Witness Protection

Training programs will be established and implemented within the project for training of trainers on witness protection. Due to the vital importance of expertise, it is aimed to align the professionalization of the trainers who will be responsible to train the staff, with the EU standards. This will ensure the sustainability of the effective and efficient implementation of the witness protection activities by the Turkish National Police, Gendarmerie and Ministry of Justice staff. This activity is directly linked with Action 25.8 'Preparing education programmes on Witness Protection Laws and implementations to officers which are responsible to combat Organized Crime activities' of the Action Plan on the implementation of the National Strategy Document on Combating Organised Crime.

Activity 2.3 Training in Specialised topics such as; Financial Control and Audit, Covert Operating, Physiological Awareness, Anti Surveillance and Human Rights training (ECHR) for the Turkish National Police and Gendarmerie staff

8 two-day seminars, for 240 people will be organised in Turkey for the TNP and Gendarmerie staff to increase cooperation and to provide staff with vital knowledge, skills and techniques in witness protection. Principally, staff expertise has to be

ensured to enhance witness security. For this reason the training of the staff will have the primary status. This activity is directly linked with Action 25.9 ‘Preparing training activities to Witness Protection staff to become a specialist’ of the Action Plan on the implementation of the National Strategy Document on Combating Organised Crime.

Activity 2.4 Training for the Minister of Justice Staff

4 two-day seminars, for 100 people will be organised in Turkey for the judges and prosecutors who have the authority to decide to take some measures, in order to give detailed information about the implementation of the Witness Protection Law.

Training 20 judges and prosecutors as trainers have been planned under this project. These trainers will train 100 judges and prosecutors and these trainers will subsequently be used by the MOJ for training activities on witness protection. This activity is directly linked with Action 25.8 ‘Preparing education programmes on Witness Protection Laws and implementations to officers which responsible to combat against Organized Crime activities’ of the Action Plan on the implementation of the National Strategy Document on Combating Organised Crime.

Component 3 Inter-agency and International Cooperation

Activity 3.1 Development of MOU’s for enhanced cooperation with other government agencies;

To ensure cooperation and collaboration between institutions is of vital importance for combating organised crime and other serious crime cases. During the Twinning Project the witness protection institutions (TNP, MoJ, and Gendarmerie) will be cooperating under one roof and after the end of the project there will be a strong connection between each other and counterparts of twinning partners. A commission consisting of Ministry of Interior Witness Protection Department representatives, Gendarmerie General Command and Ministry of Interior representatives will be established for drafting MOU’s to enhance cooperation with other government authorities. This commission will have meetings to discuss the areas of possible interagency cooperation. Short term experts will also advise on these issues through advisory missions and will review the drafts of the MoUs and provide recommendations and suggestions on how to improve the Inter-agency cooperation.

This activity will also contribute to the achievement of Strategic Target 16 ‘Expanding co-operation between Witness Protection Department and other Public Institutions’ of the Action Plan on the implementation of the National Strategy Document on Combating Organised Crime.

Activity 3.2 Development of International MOU’s for exchange of witnesses with other EU countries

Guidance on the International MOUs between countries following the EU conventions obligations on accession states in particular the Police co operation conventions in relation to the exchange of witnesses. The STEs will suggest a list of potential host-countries for witness exchange and will make contacts with the relevant witness protection authorities to facilitate the signing of the MoUs. This activity is directly linked with Action 15.4. ‘Making preliminary studies on entering force of bilateral agreements with appropriate countries in the frame of exchanging witnesses in Witness Protection field’ of the Action Plan on the implementation of the National Strategy Document on Combating Organised Crime.

Activity 3.3 Study Visits

Four study visits will be conducted to review Witness Protection services within various Governmental Institutions of member states and to improve cooperation between Turkish and relevant EU countries witness protection staff.

In the context of beneficiary staff participating in missions outside of Turkey paid for under a contract, the maximum amounts eligible for accommodation costs and daily allowances ("per diems") are the official rates provided for by EuropeAid for the destination country (see website for the latest rate). Provided the total cost of daily allowance and accommodation charged to the contract remains below these maximum rates, the applicable Turkish rules and regulations for per diems shall be applied when reimbursing these costs for public servants from the beneficiary institutions. Where a contract foresees the reimbursement of such expenses for Turkish public servants and other beneficiaries of IPA projects during missions inside of Turkey, the maximum costs reimbursed under the contract will be those provided for domestic missions under the applicable Turkish legislation provided that they are subject to the same ceiling for maximum rates. This provision cannot be construed and applied in contradiction with the IPA Framework Agreement and in particular the IPA Implementing Regulation.

3.5 Conditionality and sequencing

In terms of basic sequencing, the activities shall proceed in the below order while the study visits and training seminars will be implemented in parallel:

- Activity 1.1 Assessment of the institutional capacity and development of a strategy for efficient Witness Protection System;
- Activity 2.1 Training Needs Assessment
- Activity 3.1 Development of MOU's for enhanced cooperation with other government agencies;
- Activity 1.2 Elaboration of manuals (best practice manuals) for Witness Protection staff in TNP, Gendarmerie and Ministry of Justice;
- Activity 3.2 Development of International MOU's for exchange of witnesses with other EU countries

A basic MoU between the TNP, Gendarmerie and Ministry of Justice indicating their willingness should be in place before the contract is concluded, ensuring their participation and active cooperation. During the project this basic MoU will then be developed into a more comprehensive one, indicating roles for each institution in the programme. Discussions have already taken place among the three parties and they have agreed to sign the basic MoU before the start of the project.

3.6. Linked Activities:

3.6.1 This project will be a model of implementation of Turkish national strategy for the fight against organised crime especially for the ongoing studies for an action plan against organised crime and terrorism in Turkey.

A number of projects which directly or indirectly have dealt with organised crime have been achieved. These are as follows:

- Strengthening the Fight against Money Laundering
- Strengthening the Fight against Organised Crime
- Strengthening Institutions in the Fight against Trafficking in Human Beings
- Strengthening the struggle against money laundering, financing sources of crime and the financing of terrorism.

- Strengthening Capacity against Cybercrime
- Strengthening the Investigation Capacity of Turkish National Police and Gendarmerie Against Organised Crime
- Enhancement of the professionalism of the Turkish Gendarmerie in its law enforcement activities
- Supporting Turkey's effort to combat human trafficking and promote access to justice for all trafficking persons

3.6.2 Increasing the Accountability and Efficiency of the Turkish National Police:

A related project in the 2003 Financing Proposal is the similarly structured twinning project on Increasing the Accountability and Efficiency of the Turkish National Police. This project aims to enhance the efficiency and effectiveness of the Turkish National Police in the discharge of its responsibilities in respect of the enforcement of law in accordance with democratic principles and respect for Human Rights, to strengthen the ability of the Turkish National Police to adopt current and future EU recommendations in respect of the working conditions for police officers and to ensure that the Turkish National Police have efficient and effective training and personnel systems.

3.6.3 2002 Project on Strengthening the Fight against Organised Crime:

This project aims to strengthen the law enforcement institutions of the Ministry of the Interior, National Police and Gendarmerie, dealing with the fight against organised crime. Witness protection took place in the content of the TR-02 –JH-06 twinning project with the Turkey and European Union. As an output of this project, The “Strategy Document for the Fight against Organised Crime” issued in October 2006. The relevant chapter of the document is appended below:

- Personal statements remain an important piece of evidence in investigations and prosecutions. Using various methods of pressure and threat, organised crime networks intimidate witnesses prepared to give statements against them, try to prevent witness statements, or force such witnesses to make false statements. For this reason, it is essential that witnesses prepared to give statements for crime cases to be resolved should be protected by the State, which can only

fulfill this duty of protection under a Witness Protection Law specifying the relevant measures. Such a law and a Witness Protection Programme must be urgently put into implementation.

- After a Witness Protection Programme decision is made, the procedures and methods concerning the implementation of the decision must be determined by the law enforcement authority.
- With the aim of implementing the Witness Protection Law, administrative work must be carried out in this area, and the existing infrastructure must be improved.
- Special training activities must be organised to ensure specialisation concerning the duties under the Witness Protection Programme.

Our project will therefore support this previous project.

3.7. Lessons learned

Previous projects handled witness protection in a limited fashion. Since there was not a comprehensive legal arrangement for witness protection, the projects which were previously carried out, stressed the need for witness protection and focused on the aim of the legal arrangements to be put into force. The relevant projects were as listed previously. After the Law No:5726 the aims of this project should focus on the practice and training.

An improved approach through the fight against organised crime, which also enhances practical implementation, will have a profound impact and lead a significant decline on such crimes. Having similar knowledge, training and equipments will motivate and encourage the personnel in their efforts. It is understood that more co-operation, training, the exchange of experiences and information is extremely vital in this struggle.

It is also considered that the training courses should continue after the end of the project and should have a continuous aspect. So, it is essential to pay attention to the training of trainers and prepare appropriate education and training materials.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.RE		IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (e)	% (2)
Activites													
contract 1.1 Twinning Contract	X	-	1 000 000	1 000 000	950 000	95	50 000	5	50 000				-
													-
.....													
TOTAL IB						95		5					
TOTAL INV													
TOTAL PROJECT			1 000 000	1 000 000	950 000	95	50 000	5	50 000				

***In the IB and INC contribution will be co-financed by TNP, Gendarmerie and Ministry of Justice according to the activities.

Amounts net of VAT

- (1) In the Activity row use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

For Twinning contracts joint cofinancing will be provided to cover 5% of the costs of the Twinning contract. Additional parallel cofinancing will be provided in order to cover costs of activities not eligible for IPA support in line with the Twinning Manual.

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Twinning Contract 1.1	2011/1	2011/3	2012/4

6. Cross cutting issues

6.1 Equal Opportunity

TNP, Ministry of Justice and Gendarmerie provide equal opportunity for their staff. Selection of staff and other personnel to work on the project will be based on objective assessment of qualification and experience, without regard to gender. r. An appropriate male/female balance will be sought in all the managing bodies and activities of the project and its activities.

6.2 Environment

The project will not have discernible effects on the environment. The equipment will not have any negative influence on the environment.

6.3 Minorities and Vulnerable Groups

According to the Turkish Constitutional System, the word minority encompasses only group of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party. This project has no negative impact on minority and vulnerable groups.

6.4 Civil Society:

Since the legal arrangements on the witness protection field is quite new, the civil society institutions have not yet handled this issue comprehensively. It is certain that of the main necessities is to be supported by civil society to encourage to witness and to inform community. As parties of the project we are principally willing to cooperate with the civil society institutions.

ANNEXES

- 1- Logical framework matrix in standard format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Program

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number: "Strengthening witness protection capacities"	
Strengthening Witness Protection Capacities	Contracting period expires in 2 years after the signature of FA.	Disbursement period expires 1 year after the end date for the execution of contracts
	Total budget : 1,000,000 Euro	IPA budget: 950,000 Euro

Overall objective	Objectively verifiable indicators	Sources of Verification	
Overall objective is improving efficiency and effectiveness in combating national and transnational organised and serious crimes	Improved detection of crimes	- Turkey Progress Reports - EU Documents on Judiciary - Public polls; - Police statistics	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
The project purpose is to strengthen the institutional capacity of Ministry of Justice, Turkish National Police, and Gendarmerie on the implementation of an	At least 20% increase will be realised in the number of protected witnesses by the end of 2013 compared with 2009 statistics.	- Turkey Progress Reports - EU Documents on Judiciary - Evaluation and Expert Mission Reports	Adequate technical and communication equipment; Coordination with the neighbor countries and related institutions

effective Witness Protection System in line with European standards.		- Personnel records.	established
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
Result 1 Adequate institutional capacity and procedures in place to run an effective and efficient Witness Protection System with well trained staff and signed MoU for improved cooperation and collaboration between institutions and international co-operation in the form of exchange of witnesses.	<ul style="list-style-type: none"> • Witness protection strategy based on the EU requirements and best practices developed by 5th month and implemented by 2014. • Elaborated manuals (best practice manuals) for Witness Protection Unit staff by 10th month • At least 20% increase will be realised in the number of protected witnesses by the end of 2013 compared with 2009 statistics. • TNP and Gendarmerie staff trained in various witness protection areas - 240 TNP and Gendarmerie staff trained by the end of the Project. • Ministry of Justice staff trained on different aspects of the implementation of the Witness Protection Law – at least 100 MoJ staff trained by the end of 	<ul style="list-style-type: none"> - Turkey Progress Reports - EU Documents on Judiciary - Evaluation and Expert Mission Reports - Project reports - Monitoring and interim evaluation reports - Quarterly reports from the Steering Committee - Internal Ministry of Justice and Ministry of Interior Reports 	

	<p>the Project.</p> <ul style="list-style-type: none"> • Train trainers from TNP and Gendarmerie – at least 20 trainers trained by the end of the project • At least 30% increase in successfully implemented witness protection measures by TNP and Gendarmerie staff, by the end of the project. • At least 30% decrease in the number of complaints submitted to the Witness Protection Board by 2013. • At least 30 % increase in staff trained by the trainers trained under the project, by 2013. • Signed MOU's to enhance cooperation with other government authorities by month 5th of the Project. • At least 20 % increase in the interactions (requests for information, joint training events, joint training programmes, etc) between the Institutions, by the end of the project. 		
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	<ul style="list-style-type: none"> • Signed MoUs for exchange of witnesses with at least two EU member states by the end of the Project. • The number of interactions (request for information, participation in international forums) with EU member states increased by at least 20% by the end of the project. 		
Activities	Means	Costs	Assumptions
<p>Component 1.Strengthened institutional capacity</p> <p>Activity 1.1 Assessment of the institutional capacity and development of a strategy for efficient Witness Protection System</p> <p>Activity 1.2 Elaboration of manuals (best practice manuals) for Witness Protection staff in TNP, Gendarmerie and Ministry of Justice</p>	<p><i>Twining contract (18 months)</i></p> <p>RTA (18 months)</p> <p>RTA’s assistant (18 months)</p> <p>MS Project Leader (5 days per month during the implementation of the project)</p> <p>STEs</p>		<p>STEs available when required.</p> <p>Appropriate for study visits</p> <p>Member State identified.</p> <p>Full commitment of all parties involved.</p> <p>Timely and adequate resources available.</p>

<p>Component 2. Training on Witness Protection System</p> <p>Activity 2.1 Training Needs Assessment;</p> <p>Activity 2.2 Training of Trainers on Witness Protection</p> <p>Activity 2.3 Training in Specialised topics such as; Financial Control and Audit, Covert Operating, Physiological Awareness, Anti Surveillance and Human Rights training (ECHR) for the Turkish National Police and Gendarmerie staff</p> <p>Activity 2.4 Training for the Minister of Justice staff</p> <p>Component 3 Inter-agency and International Cooperation</p> <p>Activity 3.1 Development of MOU's for enhanced cooperation with other government agencies;</p>			
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<p>Activity 3.2 Development of International MOU's for exchange of witnesses with other EU countries</p> <p>Activity 3.3 Four study visits in EU courtiers to establish working relationships with equivalent Witness Protection Authorities</p>			
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ANNEX 2 Amounts contracted and Disbursed per Quarter over the full duration of Programme **(IPA contribution only)**

Contracted	2011/1	2011/2	2011/3	2011/4	2012/1	2012/2	2012/3	2012/4	2013/1	2013/2	2013/3	2013/4
Twinning Contract 1.1			95000 0									
Cumulated			950 000									
Disbursed	2011/1	2011/2	2011/3	2011/4	2012/1	2012/2	2012/3	2012/4	2013/1	2013/2	2013/3	2013/4
Twinning Contract 1.1			250,00 0				450,000	250,000				
Cumulated			250,00 0				700,000	950,000				

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Detailed Implementation Chart - Project: "Strengthening witness protection capacities"

Components	2011				2012			
	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q
Component 1 "Strengthening witness protection capacities" Twinning	C	C	C/I	I	I	I	I	I/X

C = Contracting period

I = Implementation

X = Closure

