

Project Title	Witness protection capacities phase II
Cris Decision number	2011/022-985
Project no.	TR2011/0224.11
MIPD Sector Code	2 Justice, Home Affairs and Fundamental Rights
ELARG Statistical code	24
DAC Sector code	15210
Total cost (VAT excluded) ¹	1 764 800 EUR
EU contribution	1 500 000 EUR
EU Delegation in charge/Responsible Unit	EU Delegation in Ankara
Management mode	<p>Decentralised:</p> <p>The CFCU will be 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 Programme Authorizing Officer (PAO) of the project.</p> <p>Mr. Muhsin ALTUN (PAO-CFCU Director) Central Finance and Contracts Unit Tel: +90 312 295 49 00 Fax: +90 312 286 70 72 E-mail: pao@cfcu.gov.tr Address: Eskişehir Yolu 4.Km. 2.cad. (Halkbank Kampüsü) No:63 C-Blok 06580 Söğütözü/Ankara TURKEY</p>
Implementing modality	Project
Project implementation type	Grant
Zone Benefiting from the action	Turkey

1. Basic Information

1.1 CRIS Number: TR2011/0124.11

1.2. Title: **"Witness protection capacities phase II"**

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

1.3 Sector: Justice, Home Affairs and Fundamental Rights

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, as well as overall coordination and monitoring of the project implementation. The Director of the CFCU will act as Program Authorizing Officer (PAO) of the project.

Contact details of CFCU are:

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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

See contact details under Annex 3.

SPO of the project will be:

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Financing:

- 1.7 Overall cost (VAT excluded) : 1 764 800 EUR
1.8 IPA contribution : 1 500 000 EUR
1.9 Final date for contracting : 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:

Overall objective is improving efficiency and effectiveness in combating national and transnational organised and serious crimes by means of improved technical and operational capacity of the beneficiary witness protection institutions.

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 best practises by the provision of essential technical equipment, training on the use of said equipment and installation where indicated.

2.3 Link with AP/NPAA / Progress Report

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 best practices, including through developing inter-agency cooperation.
- Implementing the national strategy on organised crime.
- “Strengthen the fight against organized crime, drugs, trafficking in persons, fraud, corruption and money-laundering.” identifies in particular the priority 24.4 for

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 (Chapter 24 of the 2008 NPAA).

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

Turkey 2011 Progress Report

Limited progress was registered in the fight against organised crime.

- The Prime Minister signed a national strategy (2010 – 2015) and action plan (2010 – 2012) against organised crime in July 2010.
- The Turkish National Police has established 69 witness protection units over Turkey.
- Establishment of a national fingerprint and DNA database is needed. Reliable and comparable data need to be collected in relation to law enforcement.
- Inter-agency cooperation remains to be strengthened.

Fight against Corruption

This falls 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 24.4: Implementation of the Turkey's National Strategy on Combating Organised Crime. The Strategy against Organised Crime was adopted on 19 July 2010 by the Prime Minister.

- 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

2.4 Link with MIPD

In the MIPD 2011-2013, it is stated that:

Democratisation and rule of law

Assistance will be provided to consolidate the reforms that have been adopted and to improve their implementation on the ground. Therefore, priority will be given to supporting the institutions - within the judiciary, the **law enforcement** services and key parts of the public administration - that are directly concerned by the reform processes. A second priority will be support for the continued development of civil society organisations in their role as motor for, and guarantors of, the reforms.

A) Sector 1: Democratisation and rule of law

A.1 Description of sector

Assistance will be provided to consolidate the reform processes and to improve its implementation on the ground. Priority will therefore be given to supporting the judiciary, law enforcement services and key parts of the public administration that are directly concerned by the reform processes. Where they exist, the implementation of national strategies - such as the reform strategy for the judiciary and the new strategy for anti-corruption fighting – will be supported. To achieve this objective, EU assistance will support the continued development and pluralism of civil society and its role as motor for, and guarantors of, the reforms. Specific guiding principles were developed for this purpose and widely discussed among civil society stakeholders in Turkey. Moreover, a continuation of the civil society dialogue between Turkey and the Member States and other candidate countries will contribute to reach the common understanding necessary to prepare the grounds for Turkish accession.

A.2 Past and ongoing assistance

The financial assistance provided for meeting the political criteria, for the implementation of the *acquis communautaire* and support to civil society has amounted until now to over 1.5 billion euro. Under the political criteria, democratisation and the rule of law, as well as good governance, have been addressed through a number of projects. A number of positive immediate and intermediate impacts have been or are being achieved, mainly resulting from training and awareness raising, the drafting of legislation and preparing of strategies/action plans, but also due to the commissioning of supplies.

Expected result and planned activities

- Strengthened judicial enforcement capacities of law enforcement agencies, including forensic skills, crime analysis, criminal investigation
Targeted training completed on human rights and investigation techniques for judges, public prosecutors, law enforcement officers and civil administrators, training and application in the use of ethic principles by law enforcement officers, Training provided for local governors, law enforcement officers, judges and public prosecutors aiming to reflect fully and uniformly the ECHR.
- Support provided towards civilian oversight of law enforcement institutions. Strengthened judicial and administrative capacity of all law enforcement institutions and alignment of their status and functioning with European standards, including through developing inter-agency cooperation.

Supported the fight against crime by:

- Supporting the increase of institutional capacity of law enforcement services, strengthening the witness protection capacity by the provision of essential technical equipment, which 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 project fiche is in line with the National Strategy Document on Combating Organised Crime 2010-2015 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 the achievement of strategic target 7 “To enhance the institutional capacity of judicial and law enforcement bodies through a perspective of specialisation and active combat.” set in the Action Plan and in particular: “**7.4.** To establish Provincial Witness Protection Units to ensure the delivery of complete and coordinated witness protection services across Turkey.”

Before the Law on Witness Protection (Law No:5726), the preceding projects also handled witness protection issues in a limited way, stressing the need of the witnesses to be encouraged in order to fight against organised crime. Witness protection took place in the context of the TR-02 –JH-06 twinning project between Turkey and European Union. As an output of this project, The “National Strategy Document On Combating Organised Crime” was issued in 2010. Before the Law No: 5726 put into force, this document emphasised the protection of witnesses as a key element to combating 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 that is now in place and operating.

3. Description

3.1 Background and justification:

Over the past two decades the scrutiny of the role of witnesses in criminal proceedings, through the judicial processes of the European courts, as well as at the international level has increased significantly. Witness protection has become one of the major concerns 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. Resolution of the Council of 23 November 1995 on the protection of witnesses in the fight against international organised crime (95/C327/04²) mandates that Member States are 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. People are not willing to testify against the perpetrators of crime due to the fear that they and their families could be endangered. One of the important elements in the fight against crime is therefore to ensure the safety and security of the witnesses and justice collaborators. A Witness Protection Programme (WPP) is therefore a most effective tool for law enforcement in combating serious crimes and organised crime. To enable the institutions to provide the appropriate response in respect of protection specialised equipment is required. Again, this is following on other member states that have all procured equipment to ensure that they can operate effectively with a degree of autonomy and secrecy required to protect the officers and the people within the programme. The procurement of technical equipment is required to support these institutions so that they may fulfil their obligations to protect witnesses under Law No. 5726. The Witness protection law regulates

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995Y1207%2804%29:EN:HTML>

the protection of data in respect of Witness Protection; Article 18 – (1) states that the decisions taken and the actions carried out within the scope of this law are secret. Turkey E-Transformation 2005-2010 Project article 5-33-29 aims to carry out the process of transformation Turkey into an information society in a harmonious and integrated structure all over the society with all citizens, enterprises and public segments. The Ministry of Interior has an information exchange system, the Coordination Unit, which is based in Ankara, and facilitates the exchange of information between all institutions. There is also a network system established for the Ministry of Justice called UYAP. UYAP is a central network project developed by the MoJ, which is to implement a very ambitious e-justice information system between the Courts and all other institutions of the Ministry, including prisons, courts, public prosecutors services, in order to ensure fast, reliable, soundly operated and accurate judicial system. UYAP equipped these institutions with computers, network and internet connection and to give them access to all the legislation, the decisions of the Court of Cassation, judicial records, judicial data of the police and army records. Thus UYAP establishes an electronic network covering all Courts, Offices of Public Prosecutors and Law Enforcement Offices together with the Central Organization of the Ministry of Justice. UYAP improves the functioning and efficiency of the judiciary and to create an effective and less bureaucratic judicial system for each concerned institutions and citizens.)

The aforementioned 3 institutions have the leading role in implementing witness protection measures; the Ministry of Justice, the Turkish National Police and the Gendarmerie.

The background of this project is also supported and linked to the "Strengthening witness protection capacities" project with reference TR10IBJH04³ under 2010 programming (see under 3.6.1 below). **In this project Germany has been chosen as the twinning partner and the contract is expected to be signed soon.**

An outline needs requirement for each agency is appended as follows:

Ministry of Justice

The Ministry of Justice is required to ensure that witnesses can attend hearings without fear of harm or intimidation. In order to ensure this, the Ministry has to provide remote

³<http://www.sida.se/PageFiles/32506/TR%2010%20IB%20JH%2004%20Strengthening%20witness%20protection%20capacities.pdf>

viewing/monitoring systems to allow the witness to give evidence from a more secure environment than can be provided by the court or courtroom. These systems are utilised by the judicial process in many other member states.

Within the framework of the ‘Better Access to Justice’ project, some video equipment was provided for 133 Heavy Penal Courts Centres and installed in 225 courtrooms within these centres. This enabled court proceedings to be recorded both visually and audibly. That procurement will enhance the existing equipment in order to provide for the needs of protected witnesses, children and vulnerable adults as proscribed in the legislation.

Turkish National Police

The Turkish National Police has implemented a Department of Witness Protection and requires the necessary facilities and equipment, in order to allow witness protection measures to be provided in line with common European best practices. The TNP has a system of “Safe Houses”. These are locations specially selected where witnesses can be accommodated in protected conditions.

Article 5 of the Turkish Witness Protection Law 2008 requires that the Witness protection Programme be able to change the place of residence (relocation), workplace or educational establishment, provide temporary accommodation in a safe location or placement in an appropriate facility when serving a term of imprisonment. This is to enable the Witness Protection Unit to be able to immediately relocate the individual under protection for a short period of time to another address, which is different from his/her permanent place of residence. The physical protection of an individual under protection in safe houses shall be an activity that consists of protection of his/her integrity from illegal intervention, which may be provided on a 24-hour basis. A security team may use protection equipment, such as a camera, and a radio intruder alarm system for the implementation of these measures.

The number of cases under prosecutors of the special authorised courts, that is, the number of cases susceptible to generate an interest in the protection of witnesses, has shown an upward trend from 28.371 cases in 2000 to 35257 in 2008, 24% over 8 years⁴. Furthermore, application for inclusion into the witness protection programme were compared between 2008-2009 and 2009-2010 and found to increase by 4 %.

There is no requirement for specific legislation in respect of the provision of “Safe Houses” and this in line with the European norms. Currently Turkish National Police (TNP) Witness

⁴ http://www.adlisicil.adalet.gov.tr/istatistik_2008/cm250sav/cm250sav1.pdf

Protection Department has a central department with 140 staff and 68 sub units with 200 staff located in different parts of the country. By the end of 2013, TNP will train and equip the staff to perform their role accordingly, and all groups will receive training in respect of data protection and data sharing protocols set out by the Ministry of Interior in their Information Exchange system.

Gendarmerie General Command

The Gendarmerie has implemented a Department of Witness Protection as required by the Turkish Witnesses Protection Law no. 5726 entered into force in July 2008. The unit was re-named the Witness Protection Branch as from 03 August 2009 and their personnel was increased. In 2010, there are three teams in total: one in the headquarters of the Gendarmerie General Command, one in Ankara Provincial Gendarmerie Command and one in İstanbul Provincial Gendarmerie Command. The teams are composed of three personnel; one is a non-commissioned officer and two are specialised gendarmeries. In addition, three personnel are assigned to ensure implementation and coordination at headquarters. There are 12 personnel in witness protection units of the Gendarmerie General Command. The Gendarmes are committed to establish witness protection units in 12 more cities taking into account the crime rates in the cities and 2010-2029 Target Force Structure Plan of the Gendarmerie General Command. At the end of 2013, 15 witness protection units (the number of the personnel will be 48) with equipment will be set up within the structure of the Gendarmerie General Command.

The Gendarmerie is responsible for the rural areas of Turkey, which constitutes 92% of the total land mass. Most of this area consists of small villages (less than 1000 inhabitants). Witnesses could easily be recognised by others in the area and in most cases will need to be relocated to other locations. They also require the necessary facilities and equipment to allow witness protection measures to be provided in line with common European best practice. As for the Turkish National Police, it is intended to have a system of “Safe Houses” where witnesses will be accommodated in protected conditions. These locations will still require the provision of various electronic means of protection to enhance security and for maximum efficiency to minimise the numbers of personnel that need to be deployed in the monitoring and protection of any site. To facilitate this process a range of video monitoring equipment will need to be procured. This equipment will be to the same technical specification as that required for the Turkish National Police. The ability to install and remove monitoring

equipment on demand is also essential to provide value for money in the ability to continually re-use the equipment.

To date, the Witness protection unit has been established in 68 cities under the Turkish National Police (TNP). Ankara, Istanbul, Izmir, Malatya, Adana, Diyarbakir, Van and Erzurum branches established in the area of specialised courts (Criminal Procedure Act Article 250.) have been established to deal with cases that require expertise and special knowledge.

The number of witnesses included in witness protection program for the years between 2011 and 2014 will be provided by the Ministry of Justice and Ministry of Interior. Currently, three witness protections teams have been formed and according to 2011-2013 personnel training plan of the Gendarmerie General Command, 15 witness protection teams are intended to be formed as of 2013.

A Witness Protection Board exists in Turkey, which is composed of one high-ranking representative of Ministry of Interior, MOJ, TNP, Gendarmerie, Customs and Coast Guard. Their role is to make recommendations in respect of Witness protection. The Board acts as a decision-making council whose members are from different public authorities. The Board decides if a measure is required or not and which measure will be applied for each case in line with the reports submitted by the Witness Protection Department. Additionally The Board has some supervising authorities over the witness protection applications. The board has not been included in this project as a beneficiary because of its general administrative functions.

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

Project Impact:

An effective struggle against organised crime has two significant impacts: one is to avoid the negative effects of such crimes in Turkey and the other is to avoid negative effects upon to Turkey's neighbouring 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 through enhancing the technical and institutional capacity of relevant witness protection agencies, will bring a catalytic effect on the full implementation of the strategy and constitute a major step taken against such crimes.

Sustainability:

The investment will be sustainable in the long term, i.e. beyond the date of accession. The equipment supplied will comply with the EU norms and standards. By the completion of the Project, the units within the Ministry of Justice, the TNP and Gendarmerie will have the necessary level of security and the administrative, logistic and human resources capacity. The future maintenance and operating costs will be covered by the budget of the respective organisations.

To ensure the sustainability of the effective and efficient implementation of the witness protection technical equipment, trainers from TNP and Gendarmerie will be trained on the deployment and use of the various technical equipments that will bring consistency among all witness protection staff in the execution of their responsibilities. Sustainability will also be achieved in respect of the MOJ by providing training through the Turkish Academy of Law and to selected judges and prosecutors who deal with organised crime cases and implement witness protection measures most often. In addition, Judges and prosecutors will be selected as peer trainers “trained as trainers” and then they will be charged with training of judges and prosecutors. Furthermore, they will be used by MOJ for in-service training activities. All training under this Project Fiche is conceived to be sustainable (train trainers, manuals, etc.) in order that more value for money is achieved.

Cross-border Impact:

Organised crime organisations operate across international borders. Fight against organised crime in Turkey will also contribute to the 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.

3.3 Results and measurable indicators

The following result is foreseen for the project:

Result 1: Adequate equipment will allow the Turkish National Police, Ministry of Justice and Gendarmerie General Command to run an effective and efficient Witness Protection System and fulfil the requirements of Law 5726.

Measurable Indicators for Result 1.

- All equipment is to be in use by the end of Q1 2014.
 - With the technical devices to be provided within the scope of the project, the effectiveness of the witness protection measures shall be improved. Application for inclusion into the witness protection programme grew by 4% each year in 2012-2013-2014.
 - Assuming similar increases for the years 2011-2014, we anticipate a cumulated progress of 12% of the number of application by the end of 2014.
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- Result 2- The confidentiality and reliability level to the witness protection system in Turkey will be increased. The complaint appeals to the Witness Protection Board is to be decreased at least %20 by the end of 2014.

Result 3- Owing to increase in the reliability level to the witness protection system in the society, the more witnesses are encouraged and expected to testify against the organised crime groups.

- Due to increase in reliability level among society, the number of protected persons is expected to increase at least % 12 from 2011 to 2014 as the witnessing against terror and organized crime groups is encouraged.

3.4 Activities

The Activities in this project will relate entirely to the supply of equipment as detailed further under Annex V below.

Co-financing of the supply will be funded by the national budget shares of Turkish National Police, Ministry of Justice and Gendarmerie General Command.

Supply of technical equipment to support witness protection activities

Activity 1.1 Provide MoJ with necessary technical equipment

Supply and installation for the Ministry of Justice of modern and necessary tools and equipments supplied to 83 heavy penal courts in order to ensure the safety of witnesses during hearings. The indicative list of equipment is given in Annex V.

Activity 1.2 Provide TNP & Gendarmerie with necessary technical equipment

Supply for the Turkish National Police and Gendarmerie General of the necessary tools and equipment needed to apply witness protection measures in line with the European best practices. The equipment which is attached in Annex V is needed to ensure the security of witnesses in their home locations if required or at ‘Safe Houses’ if relocation is necessary, and the safety of the witnesses and the law enforcement during the transit.

Activity 1.3 Provide TNP & Gendarmerie and MOJ with necessary training

All institutions will be trained in the use and application of the supplied equipment in accordance with the European best practices. All groups will receive training in respect of data protection and data sharing protocols which are in use.

3.5 Conditionality and sequencing:

Sequencing:

Any legal arrangement is not needed for the implementation of this project. 5726 Witness protection Law provides the legal base for execution of this project smoothly. In 5726 Law the beneficiary institutions are authorised to implement the witness protection measures which are aimed to be strengthened via this project.

Conditionalities:

- The Safe Houses system is evaluated as a form of physical protection of the protected persons and encompassed by the 5726 Witness Protection Law. The safe

houses are already in use in some provinces under the control of Witness Protection Departments of Turkish National Police and Gendarmerie General Command. The Ministry of Justice has committed to set up witness rooms in 83 court houses. Witness protection rooms will be ready at latest by the signature date of the supply contract. These rooms will be separate from the main courtrooms. Official letters have been sent to the 83 chief public prosecution offices and they were instructed to begin necessary preparations. Separate witness rooms were planned in all court houses with the exception of the court houses which will be moved to new buildings within next two years. The sketches and photos of the hearing rooms and witness rooms were sent by all chief public prosecution offices and were collected by MoJ. Witness rooms will be ready and in use at Q2 2013.

- The TNP and Gendarmerie are committed to the proposed increases to staff within their Witness Protection Programmes:
 - The Gendarmerie increases their staff from 12 to 48 by the end of 2013.
 - The Turkish National Police increase their witness protection personnel to 300 staff in the provincial witness protection units and 170 staff in Headquarters by the end of 2013.

More specifically, by the end of the year 2013, The Turkish National Police is planning to have 81 provincial units, meaning there will be witness protection units in all provinces. In 8 cities, (Adana, Ankara, Diyarbakir, Erzurum, Istanbul, Izmir, Malatya, Van) there will be witness protection divisions with 10 additional personnel, and in 73 cities there will be witness protection bureaus with 3 staff each.

- The TNP and Gendarmerie are committed to use the safe houses as one of many tools to ensure the safety of the witnesses and the success of the Programme, and have committed that there will be no issue in tendering or monitoring due to the secrecy of locations of safe houses, within the bounds of the information that can be made available without compromising the safety of the witnesses. An appropriate monitoring mechanism will be provided to the representatives of the implementing agency.

3.6 Linked activities

3.6.1 A number of projects, which directly or indirectly have dealt with organised crime, have been achieved or are in preparation stages:

- Very closely linked to the Twinning project entitled "Strengthening witness protection capacities", reference TR10IBJH04. 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. The current status of this project is pending the signature of the Financial Agreement which would happen soon.
- If the TNP, MoJ and Gendarmerie are to have an effective Witness Protection Programme, their staff need to have the technical equipment to protect and safeguard the life of the witnesses, which at the moment is not present, and the above mention Project does not provide for.
- This Procurement Fiche was prepared to compliment the above project in providing the three institutions with the relevant witness protection equipment to ensure security of the witness and their families at the place of residence, and whilst appearing at courts.
- The twinning project will establish a Witness protection strategy based on the EU requirements and best practices; elaborated manuals (best practice manuals) will be produced and TNP and Gendarmerie staff will trained in various witness protection areas including the technical protection of Witnesses homes and any temporary accommodation ("Safe Houses"). The procurement of the relevant technical equipment will enable these protection means to be implemented. Ministry of Justice staff trained on different aspects of the implementation of the Witness Protection Law including the provision of video conferencing and other measures for the witness before during and after testimony to ensure their safety. The provision of video conferencing facilities will enable these measures to be implemented

Other related projects include:

"Strengthening the Fight against Money Laundering, Strengthening the investigation capacity of Turkish National Police and Gendarmerie against Organised Crime"; "Strengthening Institution in the Fight against Trafficking in Human Beings"; "Strengthening the struggle against money laundering, financing sources of crime and the financing of terrorism"; "Strengthening the investigation capacity of Turkish National Police and Gendarmerie against Cybercrime"; "Enhancement of the professionalism of the Turkish Gendarmerie in its law enforcement activities" and "Supporting Turkey's

effort to combat human trafficking and promote access to justice for all trafficking persons”.

3.6.2 Better Access to Justice in Turkey Project

The implementation of the EU Project “Better Access to Justice”, aiming at improving access to justice by establishing the necessary infrastructure in 225 Heavy Penal Courts in order to use of sound and visual recording systems, has already started and sound and visual recording systems have been established in those courts.

Part of this new project’s aim is to establish a system in courts in order to take witnesses’ statements anonymously by locating witness in a separate room and by adding equipment to that which has already been procured for the above 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 equipment for the witness protection authorities.

An improved approach through the fight against organised crime, which also enhances practical implementation, will have a profound impact and lead to a significant decline on such crimes. Having similar knowledge, training and equipments will motivate and encourage the personnel in their efforts.

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)+(c)	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)
Supply Contract	–	X	1 764 800		1 500 000	85	264 800	15	264 800				–
TOTAL IB													
TOTAL INV			1 764 800	1 764 800	1 500 000	85	264 800	15	264 800				
TOTAL PROJECT			1 764 800	1 764 800	1 500 000	85	264 800	15	264 800				

***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

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

Contracts	Start of Tendering	Signature of contract	Project Completion
Supply Contract	Q3 2012	Q2 2013	Q1 2014

Duration of the project: 9 months, not including warranty services for the items provided under Annex 5 All projects should in principle be ready for tendering in the 3rd Quarter following the signature of the FA.

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. 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 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 groups of persons defined and recognised as such based on 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 in the witness protection field are quite new, the civil society institutions have not yet handled this issue comprehensively. It is certain that the main necessities are to be receive the support of the civil society to encourage people to witness and to

inform the community. The parties of the project are principally willing to cooperate with the civil society institutions.

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Program
- 3- Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents:
 - Reference list of relevant laws and regulations
 - Reference to AP /NPAA / EP / SAA
 - Reference to MIPD 2011-2013
 - Reference to National Development Plan
 - Reference to national / sectoral investment plans
- 5- Technical Specifications, cost price schedule & Market Research
 - 5.a: Technical Needs Assessment
 - 5.b: General Technical Specifications for all equipment - Item List
 - 5.c: Technical Indicative Specifications per beneficiary
 - 5.d: Budget breakdown
 - 5.e: Market Research

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number: "Strengthening witness protection capacities II"	
<i>Strengthening witness protection capacities II</i>		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 : 1 764 800	IPA budget: 1500 000Euro
Overall objective	Objectively verifiable indicators	Sources of Verification	
Overall objective is improving efficiency and effectiveness in combating national and transnational organised and serious crimes by means of improved technical and operational capacity of the beneficiary witness protection institutions.	The beneficiary institutions will have the necessary equipments and trained staff having the capability of installing the equipments in case any need for related witness security applications.	<ul style="list-style-type: none"> - Turkey Progress Reports - National Strategy Document on Combating Organised Crime 2010-2015 and Action Plan - Public polls - Police statistics - UYAP: National Judiciary Informatics System 	

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
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<p>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 the European best practices by the provision of essential technical equipment, training on the use of said equipment, and installation where indicated.</p>	<p>- 4% annual increase in the number of protected witnesses by the end of 2013 compared with 2010 statistics relating to Witness application for acceptance.*</p>	<ul style="list-style-type: none"> - EU peer based assessment Mission reports - National Strategy Document on Combating Organised Crime 2010-2015 and Action Plan. - Interim and final evaluation reports - Official statistics from TNP (UYAP: National Judiciary Informatics System), Gendarmerie and Ministry of Justice - The exact data on the number of witnesses in the programme is retained by the beneficiaries and is secret by virtue of article 18-1 of the Witness Protection legislation 	<p>Senior management of the three Institutions remains committed to the project.</p>
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Results	Objectively verifiable indicators	Sources of Verification	Assumptions
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<p><u>Result 1:</u></p> <p>Adequate equipment will allow the Turkish National Police, Ministry of Justice and Gendarmerie General Command to run an effective and efficient Witness Protection System and fulfil the requirements of Law 5726.</p>	<ol style="list-style-type: none"> 1. All the equipment is in use by the end of Q4 2013 2. With the technical devices to be provided within the scope of the project, the effectiveness of the witness protection measures shall be improved. Application for inclusion into the witness protection programme grew by 4% each year in 2012-2013-2014. 3. Assuming similar increases for the years 2011-2014, we anticipate a cumulated progress of 12% of the number of application by the end of 2014. 	<ul style="list-style-type: none"> - Turkey Progress Reports - Monitoring and interim evaluation reports - Data from ministry of justice, ministry of interior and the witness protection commission 	<p>That adequate resources will be timely available.</p>
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<p>Result 2- The confidentiality and reliability level to the witness protection system in Turkey will be increased.</p>	<ul style="list-style-type: none"> • The complaint appeals to the Witness Protection Board is to be decreased at least %20 by the end of 2014. 	<ul style="list-style-type: none"> - Turkey Progress Reports - Monitoring and interim evaluation reports - Data from ministry of justice, ministry of interior and the witness protection commission 	
<p>Result 3- Owing to increase in the reliability level to the witness protection system in the society, the more witnesses are encouraged and expected to testify against the organised crime groups.</p>	<ul style="list-style-type: none"> • Due to increase in reliability level among society, the number of protected persons is expected to increase at least % 12 from 2011 to 2014 as the witnessing against terror and organized crime groups is encouraged. 		

*As a method of expression a parameter to express the development process in the witness protection implementations without breaching confidentiality will be used. A baseline year which equals to 100 to be able to use as a measurable indicator without breaching confidentiality. This baseline will be the cumulative protected persons of 2010 which equals to 100. And the other years will cumulatively be compared to this year the increase is thought to be expressed in this way.

Activities	Means	Costs	Assumptions
<p>Activity 1.1 Provide MOJ with the necessary technical equipment</p> <p>Supply and installation for the Ministry of Justice of modern and necessary tools and equipments supplied to 83 heavy penal courts in order to ensure the safety of witnesses during hearings. The indicative list of equipment is given in Annex V.</p>	<p>Procurement and delivery of all equipment at the relevant locations and installation in the 83 heavy penal courts by the end of Q4 2013</p>	<p>€ 994.750</p>	
<p>Activity 1.2 Provide TNP & Gendarmerie with necessary technical equipment</p> <p>Supply for the Turkish National Police and Gendarmerie General of the necessary tools and equipment needed to apply witness protection measures in line with the European best practices. The equipment which is attached in Annex V is needed to ensure the security of witnesses in their home locations if required or at ‘Safe Houses’ if relocation is necessary, and the safety of the witnesses and the law enforcement during the transit.</p>	<p>Procurement and delivery of all equipment at the relevant locations and the relevant headquarters of the beneficiaries by the end of Q4 2013.</p>	<p>€770.050</p>	

<p>Activity 1.3 Provide TNP & Gendarmerie and MOJ with necessary training</p> <p>All institutions will be trained in the use and application of the supplied equipment in accordance with the European best practices. All groups will receive training in respect of data protection and data sharing protocols which are in use.</p>	<p>An estimation of 16 days of training (indicative) to be included in the supply price with no extra fee. (See Annex V(5) .e – Market research)</p> <p>Schedule of the trainings to be identified by the supplier based on the delivery and set-up dates of the electronic items in question, by the end of Q4 2013</p> <p>Number of staff receiving training: to be identified by the beneficiaries.</p> <p>All items under the contract will be covered by the training, depending on their interaction and set-up. However, particular focus should be placed on the items such as: servers for video recording, video-conferencing units, MCU, streaming and recording devices, and all associated software of the above.</p>		
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