

**Standard Summary Project Fiche – IPA decentralised National programmes**  
(maximum 12/15 pages without the annexes)

**1. Basic information**

- 1.1 CRIS Number: TR2009/0136.04
- 1.2 Title: Improved Efficiency of Turkish Criminal Justice System
- 1.3 ELARG Statistical code: 36
- 1.4 Location: Turkey

**Implementing arrangements:**

- 1.5 Implementing Agency:

Mr. Muhsin Altun  
Central Finance and Contracting Unit  
Tel: +90 312 295 49 00  
Fax: +90 312 286 70 72  
E-mail: muhsin.altun@cfcu.gov.tr  
Address: Eskisehir Yolu 4.Km.2.Street Halkbankasi Kampusu No: 63 C-Blok 06580  
Sogutozu/Ankara

- 1.6 Beneficiary (including details of SPO):

**Main Beneficiary: Ministry of Justice**  
**SPO Mr. Huseyin Yildirim, Deputy Undersecretary**  
**Ministry of Justice**  
**Adalet Bakanligi**  
**Milli Mudafaa cd. Bakanliklar/Ankara/Turkey**  
**Tel: +90 312 204 10 50 Fax: +90 312 425 35 25**  
**hyildirim@adalet.gov.tr**

**Contact Person: Yavuz AYDIN**

**Position: Rapporteur Judge**

**Institution: Ministry of Justice, DG for EU Affairs**

**Tel: +90 312 414 79 51**

**Fax: +90 312 419 11 63**

**yavuz.aydin@adalet.gov.tr**

**Contact Person: Ismail Buyukgumus**

**Position: Rapporteur Judge**

**Institution: Justice Academy**

**Tel: +90 0312 489 81 80**

**Fax: +90 312 489 81 01**

**Ismael.buyukgumus@adalet.gov.tr**

**Financing:**

1.7 Overall cost (VAT excluded)<sup>1</sup>:

**4.000.000 Euro**

1.8 EU contribution:

**3.400.000 Euro**

1.9 Final date for contracting: 2 years after signature of financing agreement

1.10 Final date for execution of contracts: 2 years after the last day of the contracting deadline

1.11 Final date for disbursements: 1 year after the end date for the execution of contracts.

## **2. Overall Objective and Project Purpose**

2.1 Overall Objective:

To improve the Turkish criminal justice system in line with the EU standards

2.2 Project purpose:

To improve the appliance of human rights standards and strengthen the efficiency and confidence in the criminal justice system.

2.3 Link with AP/NPAA / EP/ SAA

2008 AP Document provides;

- Strengthen efforts, including through training, to ensure that interpretation by the judiciary of legislation related to human rights and fundamental freedoms is in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), with the case law of the European Court of Human Rights (ECtHR), and with Article 90 of the Turkish Constitution,
- Comply with the ECHR, and ensure full execution of the judgments of the ECtHR
- strengthen the efficiency of the judiciary through, in particular, reinforcing its institutional capacity,
- To continue to develop and strengthen all law enforcement institutions and align their status and functioning with European standards, including through developing inter-agency cooperation is one of the short-term priorities of AP 2008 under Chapter 24 (Justice, Freedom and Security).

2008 NPAA provides;

Functionality and Efficiency of the Judiciary;

”- In order to increase the efficiency and functionality of the Judiciary, in-service training of judges, public prosecutors and auxiliary personnel by Turkish Justice Academy and by department of Training of Ministry of Justice will continue. Besides, training of judicial members regarding ECHR and the ECtHR case law will continue. In addition to this, in-service training will also continue to enhance the effectiveness

---

<sup>1</sup> The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated (see Section 7.6)

of the court management. Informing activities to the members of Constitutional Court, Court of Cassation and State Council on ECHR, the ECtHR case law, the international conventions on human rights and fundamental freedoms to which Turkey is a party and the EU *acquis communautaire* will continue.

- develop and strengthen all law enforcement institutions and align their status and functioning with European standards, including through developing inter-agency cooperation and to develop the use of modern investigative techniques.

**Access to Justice:**

The implementation of the provisions of Criminal Procedural Code and relevant bylaws diligently in compliance with human rights will continue.”

2.4 Link with MIPD

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

Judiciary: Comprehensive training for the consistent interpretation of legal provisions related to human rights and fundamental freedoms; Strengthening the independence, impartiality and efficiency of the judiciary; Implementation of the Istanbul Protocol throughout the country; Training of judges in judicial cooperation on civil matters; Enhancement of opportunities for effective defence such as access to legal aid and qualified interpretation services; Strengthening of legal and judicial protection of religious freedoms; as well as of minorities and vulnerable groups, in view of addressing all types of discrimination;”

2.5 Link with National Development Plan (where applicable)

5 year National Development no: 9 includes plan of improvement of judicial services (part 5.6.5 paragraph 321)

2.6 Link with national/ sectoral investment plans(where applicable)

NA

 **Description of project**

3. Background and justification:

Turkey has been a member of the Council of Europe (CoE) since 1949 and a candidate for full membership of the European Union since 1999. Both organisations attach a high importance to common and democratic principles based on human rights and the rule of law. As a member State of the CoE, these principles have significant importance for the Republic of Turkey.

In the course of progress towards accession to the European Union and in response to the obligations of the *Acquis* of the EU and its Member States, the Turkish Government is actively following the NPAA. However, the objective of the process of law approximation is not only implementing the relevant amendments to existing legislation but as importantly, to strengthen those institutions responsible for the enforcement or implementation of the new procedures and processes. This process of “institution building” to enhance administrative capacity is seen as crucial in ensuring the successful transition for Turkish institutions to the standards, norms and achievements of similar EU Member States’ administrations.

A comprehensive project was launched in cooperation with the Council of Europe to train judges and prosecutors on European Convention on Human Rights and case-law of European Court of Human Rights. 8470 judges and prosecutors were trained on a wide range of issues in this project in the period spanning 5 April 2004 to 11 June 2004.

However these efforts did a little to attain high degree of advancement in human rights due to lack of further efforts to ensure sustainability. The Justice Academy came into existence as a result of this need. In the process, the Academy has also faced exactly the same challenge in terms of sustainability owing to lack of well-structured training pool. For these reasons, the principal objective of the project is to contribute to the Academy in establishing a well-structured training pool with the participation of trainers/experts trained in this project.

The Academy was established in 2004. The principal objective of the Academy is to provide in-service and pre-service training for judges and prosecutors. In addition, it can also deliver training for law enforcement officers if needed. Trainers are provided from different branches of judiciary such as Court of Cassation, Council of State, first instance courts as well as from the Ministry of Justice. It also benefit from trainers from different institutions in so far as particular expertise is involved.

In the course of 2004 and 2008, 3000 trainee judges were trained. In-service training was provided for huge number of judges and prosecutors. Since the curriculum was not designed to train experts in particular areas, specialists in different areas of judiciary have not been trained. Having acknowledged the need to ensure expertise in different areas of criminal law, the Justice Academy has completed legislative amendment in order to provide necessary training. In this respect, the ultimate aim of the project is to train trainers/experts in different areas to ensure that trainers' pool of the Academy is sustained. Not only Academy but also entire judiciary will benefit from this pool.

The Academy will be able to deliver qualified in-service and pre-service trainings through trainers/experts trained within the framework of the project. In doing so, the Academy benefits from active involvement of trainers in re-designing the curriculum in line with the European Convention on Human Rights. As a result, pre-service and in-service trainings will be supported to ensure that utmost respect for human rights are displayed in the course of criminal investigations and proceedings.

The Joint Programme on Judicial Modernisation and Penal Reform (JMPR, May 2005 - March 2007) had the aim of supporting the improvement of the functioning and efficiency of the judiciary according to European standards, as foreseen in the Accession Partnership and the National Programme for the Adoption of the Acquis. Appropriate training structures and systems were put in place: a Justice Academy was established in 2004 with an efficient structure and organisation, a training strategy of the Justice Academy was developed and implemented, and a networking of the School was organised. This result could only be achieved thanks to the adoption by the Parliament of the relevant legislation and the allocation by the MoJ of sufficient funds to have the Academy function (operational administrative and teaching staff in place). The norms for the functioning of the Academy were in force and fully implemented by the end of the programme, together with a training strategy (curricula; number of classes; number of students trained). Increased contacts with other European judicial training institutions were also established by the end of the programme.

It must be stressed that Academy has made enormous contribution in drafting the project. It clearly illustrates the willingness of the Academy to involve in implementing the project. Since training of trainers will take place in the Academy, a great amount of the budget will be allocated to the Academy for this purpose. The Executive Board of the Academy is expected to make a commitment to assign trainers of the project to deliver training in the Academy on particular issues after the completion of the project. The projet fiche has been prepared in close cooperation with Forensic Medicine.

In addition, the relevant stakeholders of the project such as law enforcement bodies, Ankara Bar Association and Telecom Authority have been informed about the project. They will be consulted in the implementation phase.

Turkey has been undergoing a large scale of constant transformation in the EU process. This transformation can clearly be observed in the judicial system. A set of codes such as Turkish New Criminal and Criminal Procedure Codes came into force in 2005 in an effort to become aligned with the EU acquis. Training seminars for all judges and prosecutors on these laws were provided. The main objective of the entry into force of the above codes was to ensure the proper functioning of criminal justice. Furthermore new mechanisms such as cross examination, interception of communication, witness protection etc. were also introduced.

In the course of the application of these laws, a number of problems have been encountered, in particular, as regards the provisions closely related to human rights such as the right to a fair trial and freedom of expression. It gives rise to increasing number of judgments of European Court of Human Rights against Turkey. The above newly introduced mechanisms also cause confusion and problems in practice as a result of different implementation approaches.

For instance, autopsy and investigation of homicide, investigation of high tech crimes, organized and terror crimes, interrogation techniques, relationship between public prosecution office and judicial police, special investigation methods, utilization and assessments of experts' views, cross examination, interception of communication, search, seizure, the right to freedom of expression, arrest, apprehension, detention, warrant, judicial control, mutual legal assistance remain areas of concern. This project aims to train trainers on the above issues to contribute to efficient functioning of criminal investigations and proceedings.

A particular emphasis should be placed on lack of effective investigation to identify problems in practice. Low rate of indictments that result in convictions is an explicit indicator of how a prosecution is carried out. In addition, the number of indictment returned by reason of insufficient evidence is also another example of poor handling of prosecutions. This picture definitely hampers effective proceedings that foster human rights.

The Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") says that it is Contracting State's obligation under Articles 2 and 13 of the Convention to conduct an investigation capable of leading to the identification and punishment of those responsible in cases of assault. A lot of applications have been made to the European Court of Human Rights claiming defects in investigations. According to Court's case law, the fact that the responsible authorities failed to carry out an adequate and effective investigation is a violation of Article 2 of the Convention. In order to avoid violations of the Convention, investigations should be done adequately and effectively.

In Turkey, more or less every public officer enjoys immunity or different procedure in respect of criminal investigation when he is involved in a crime. Since the procedure applied in these cases is somewhat complex and lengthy, judges and prosecutors tend to take it slow to take legal actions on these crimes.

With regard to effective investigation, it must be concluded that the capacity of prosecutors, forensic medicine experts and law enforcement officers in different areas of prosecution phase should be strengthened.

Despite the substantial steps taken over the last years in relation to human rights, some areas such as the right to freedom of expression, the right to fair trial, the right to liberty and security are still matter of concern.

Infringements of human rights in the course of criminal proceedings are the leading reasons behind the judgments of European Court of Human Rights against Turkey.

For instance, in spite of the fact that Turkey is a party to European Convention of Human Rights, Article 301 of the new Criminal Code has resulted into a large number of prosecutions launched against well-known authors, journalist, scholars etc. Prosecutors and judges in charge of dealing with articles on the right to freedom of expression have displayed different approaches. There is therefore no uniform application in line with the Article 10 of the European Convention on Human Rights. Turkey was found guilty of violating Article 10 of the European Convention of Human Rights for 26 times in 2007. This figure is the highest one among other member state found guilty on the same basis.

The right to fair trial also stands as a challenging issue to be addressed. Cross examination within the context of the equality of arms has been introduced in criminal justice system to ensure the right to fair trial. However due to lack of trainers and training documents, the implementation has fallen behind the expectations. All actors involved in criminal proceedings should be provided comprehensive training on cross-examination.

Closely related to the right to liberty and security, misapplication of arrest, apprehension, detention and judicial control need to be tackled. The question as to which measure should be applied in individual cases depends on the gravity of the crime committed. In this respect, judges and prosecutors in applying these measures enjoy great margin of discretion. However there exists no uniform application in relation to these measures. Training is needed to attain a uniform application to respect for the right to liberty and security. Turkey was found in breach of Article 5 of the European Convention of Human Rights for 99 times in 2007. This figure was the second highest one after Russia among other member states. In tackling the above issues, the principles contained in Framework decision on the European Arrest Warrant; the polical agreement on a Europe Supervision Order and the Framework Decision on the transfer of prisoners will be taken into consideration to be consistent with the European practices in the field.

The area of mutual legal assistance stands as one of the leading reasons behind the length of the proceedings for which Turkey has been found guilty by the Court in various cases. Turkey has been encountering problems related to sending and receiving rogatory letters timely due to lack of expertise in this field. The Ministry of Justice received a number of applications for

mutual legal assistance from a number of countries between the period of 01 January 2007 and 30 April 2008. Within this period, 2461 requests coming within the purview of judicial cooperation in criminal matters were received. While 383 of them were fulfilled, rests of them have been still under consideration.

For this reason, the capacity of Ministry of Justice and public prosecutors in relation to mutual legal assistance needs to be reinforced to facilitate mutual legal assistance in order to accelerate judicial process.

Need assessment studies will be conducted merely in the following fields; high-tech crimes, organised and terror crimes, special investigation methods, corruption, utilisation and assessment of experts' reports, interception of communication, search, seizure, apprehension, detention, arrest, judicial control (pre-trial detention). Those studies will be conducted by 3 groups with the participation of foreign experts for each field mentioned above so as to identify the problems in the place of origin in 3 pilot courthouses. It gives us an opportunity to determine the scope of the training in each field. Therefore the first group will focus on interception of communication, search, seizure, apprehension, detention, arrest, judicial control. The second group will focus on high-tech crimes and assessment and utilisation of experts' reports. The third group will focus on terror and organised crimes and special investigation methods and corruption. Thus, 3 groups will hold 9 study visits to pilot courthouses in total.

In this context, study visits are of a great importance to observe the best practice on the above-mentioned areas. Outcome of the study visits and the field studies will constitute a road map through which we run the project. Since this project includes a wide range of issues, the number of study visits should be tolareted, given the importance of the issues.

The root cause of this misapplication and confusion in practice is that the outcome of the above mentioned training activities have not been sustained and institutionalized within a single framework.

In addition, the activities which will lead to better justice for whole citizens match the priorities identified in the Judicial Reform Strategy prepared by the Ministry of Justice to meet the benchmark for Chapter 23 in negotiation process.

Overall, after the project, the number of applications and judgments by the ECtHR against Turkey as well as criticism by the EU will substantially decrease. Hence, making use of the outcome of this project, Turkey will have met the Copengahen political criteria within the context of criminal justice system on the way to be full member of the EU.

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

Identifying the lack of well-structured training as a source of the problem, the project will be conducive to enable the Academy to have a sustained and qualified training pool in delivering training service.

The targeted group in the short run will be the trainers/experts to be trained through this project so that the Justice Academy has a trainer pool to deliver in-service and pre-service training for judges and prosecutors.

In the long run, the targeted group will be all judges and prosecutors and other law practitioners. After the completion of the project, trainers/experts trained in the project will be available to train their other colleagues whenever it is needed.

In other words, training staff of Academy will be strengthened through trainers/experts trained in this project.

As it will serve to provide law practitioners with in-depth understanding of various issues closely related to criminal justice system, the project will result in proper functioning of criminal system. It will also boost public confidence in justice.

Since trainers/experts trained in this project will contribute to Academy in establishing well-structured training pool, the Academy will organize ongoing training activities to ensure sustainability after the completion of the project.

Well trained judges, prosecutors and law practitioners will also contribute to decrease in number of complaints and judgments at European Court of Human Rights against Turkey in the long term.

Overall, after the completion of project activities, not only the capacity of judges and prosecutors but also the capacity of the Justice Academy for proper functioning of investigations and proceedings will be fostered.

### 3.3 Results and measurable indicators:

3.3.1. The capacity of the judiciary and prosecution service to apply the ECHR in the delivery of criminal justice is strengthened

Decrease by 20% in the number of judgments of ECtHR against Turkey on the ground of lack of effective investigation by the IV. Quarter of 2015

50% of public prosecutors and penal judges trained within 2 years after the completion of the project

Increase by %20 in the rate of indictments that result in convictions by the IV. Quarter of 2015

Decrease by %15 in the number of indictments returned by courts by the IV. Quarter of 2015

Decrease by 20% in average duration of prosecutions by the IV. Quarter of 2015

Decrease by 20 % in the number of objections against decisions not to prosecute by the IV. Quarter of 2015

Decrease by 20% in the number of judgments of ECtHR against Turkey on the ground of freedom of expression, the right to respect for private life, the right to security and liberty and the right to fair trial ( the right to be tried within a reasonable time period) by the IV. Quarter of 2015

Decrease by 20% in the number of cases filed against the state on the ground of unlawful arrest, search, seizure and warrant by the IV. Quarter of 2015

Decrease by 20% in the number of cases initiated on the ground of the right to freedom of expression and convictions by the IV. Quarter of 2015

3.3.2 Pre-service and in-service training curricula of the Justice Academy redesigned in line with the European Convention on Human Rights

Curricula of the Justice Academy is strengthened by 2012

Training pool of the Academy is established by 2012

3.3.3 Judicial cooperation is strengthened.

30% acceleration in proceedings involving mutual legal assistance by 2015

3.4 Activities:

The project consists of one direct agreement:

1. Direct agreement: Direct agreement will cover the activities related with results 1, 2, 3 which will cost 4.00.000 Euro. 10% of this amount ( 400.000 Euro) will be funded by the Ministry of Justice and 5 % thereof (200.000 Euro) will be funded by CoE as a private contribution.

Activity 3.4.1

Activity 1: Preparation of a comprehensive report based on field studies to identify problems. Field studies (need assessment studies) will be conducted merely in the following fields; high-tech crimes, organised and terror crimes, special investigation methods, corruption, utilisation and assessment of experts' reports, interception of communication, search, seizure, apprehension, detention, arrest, judicial control (pre-trial detention). Those studies will be conducted by 3 groups with the participation of foreign experts for each field mentioned above so as to identify the problems in the place of origin in 3 pilot courthouses. It gives us an opportunity to determine the scope of the training in each field. Therefore the first group will focus on interception of communication, search, seizure, apprehension, detention, arrest, judicial control. The second group will focus on high-tech crimes and assessment and utilisation of experts' reports. The third group will focus on terror and organised crimes and special investigation methods and corruption. Thus, 3 groups will hold 9 study visits to pilot courthouses in total.

Activity 2: 7 study visits on freedom of expression, search, seizure, special investigation methods, statement-taking and interviewing techniques, cross examination, corruption, organised crimes, terrorism-related crimes, pre-trial measures, high tech crimes, interception of communication, utilisation of experts' reports, autopsy, investigation of homicide, relationship between judicial police and prosecution office. These visits will be made by 7 different groups. Each group will consist of 8 trainers. In total, 56 trainers (judges, prosecutors, law enforcement officers, lawyers, forensic medicine experts, officials of Telecommunication Authority) will attend study visits.

Activity 3: Placement of 6 trainers for 1 to 2 months (judges, prosecutors, lawyers) in one of the member state having best practice on cross-examination.

Activity 4: On the basis of the above-mentioned analysis, relevant recommendations will be formulated and presented in the report in addition to legislative amendment if needed (for example special investigation methods, utilisation of experts' reports etc.)

Activity 5: Publication in Turkish of the report prepared and distribution to the target groups including high level officials.

#### Activity 3.4.2

Activity 1: expert meetings on the development of curricula of 8 clusters regarding criminal justice, in particular (1) ECHR standards (liberty and security, fair trial, freedom of expression, length of proceedings, search, seizure, special investigation means, witness protection, interviewing techniques, cross examination, corruption, organised crime, terrorism-related crimes, pre-trial measures, high tech crimes, autopsy, investigation of homicide, relationship between judicial police and prosecution office.

Activity 2: preparation and publication of training materials related to the above-mentioned areas in the light of the ECtHR standards

#### Activity 3.4.3

Activity 1: 14 series of training-of-trainers (ToT) sessions for up to 250 judges and prosecutors, 2 lawyers, 20 law enforcement officers, 4 forensic medicine experts, 4 officers of Telecommunication Authority on each of the clusters organised by the Justice

Activity 2: 14 Series of cascade seminars for candidate judges and prosecutors on ECHR standards related to the above-mentioned areas, organised by the Justice Academy and carried out by the pool of national trainers. Trainers will train sitting judges and prosecutors after the completion of the project.

#### Activity 3.4.4:

Activity 1: Establishment of an inter-agency working group on improving procedures related to mutual legal assistance and length of proceedings.

Activity 2: Two needs assessment studies related to mutual legal assistance and length of proceedings

Activity 3: Elaboration of recommendation in working group meetings.

Activity 4: Experts meeting to elaborate a strategy on how to improve delays in the delivery of criminal justice and procedures for mutual legal assistance.

Activity 5: Study visits to CoE member states, Eurojust and European Judicial Network to discuss best practice on improving procedures related to mutual legal assistance and length of proceedings.

Activity 6: Publication of the strategy

Activity 7: Series of meetings to disseminate the recommendations of the strategy.

Activity 8: 150 liaison prosecutors trained on mutual legal assistance.

Activity 9: Establishment of a working group responsible for drafting legislative amendments translating the recommendations regarding delays in the delivery of criminal justice and procedures in mutual legal assistance.

Activity 10: Expert opinions carried out by the CoE of the draft legislation

Activity 11: Round table to present the CoE experts' opinions.

3.5 Conditionality and sequencing:

NA

3.6 Linked activities

### **Judicial Modernization and Penal Reform Project- 2002**

The Turkish government has started planning and implementing various measures on penal reform and judicial modernization. This program which provides support to enhance these efforts in certain areas seeks to contribute more generally to increasing the capacity of the Ministry of Justice to design and implement broader reform strategies for the future, drawing on good practice in the EU. The programme was finalised in 2007.

#### **Support to the Establishment of the Courts of Appeal**

This project provided training for 15 hundred judges and prosecutors and 12 hundred auxiliary staff of the new Court. The introduction of the Court of Appeals into the Turkish judiciary will lead to a considerable improvement in the functioning of the Court of Cassation by decreasing significantly the caseload of this Court. The project is finalised in 2007.

#### **UYAP National Judicial Network Project**

The Project has established an electronic network and program development covering all Courts, Offices of Public Prosecutors and Enforcement Offices together with the Central Organization of the Ministry of Justice. The Project has the objective of abolishing the use of written documents and typewriters. When the project is completed, the cases shall be transferred to electronic environment starting from its petition to the court-house, repetitions shall be avoided, and the information gathered by the Office of the Public Prosecutor shall be available online during the trial stage.

#### **Better Access to Justice in Turkey-2005**

The project aims improved access to justice by increasing the utilization of the legal aid system, making ADR more applicable in the justice system and strengthening the functioning of the judiciary.

#### **Strengthening the Court Management System in Turkey**

An efficient court management system, i.e. case flow management, fiscal management, human resources management and technology management should be developed in Turkey.

To address this issue, the Turkish Ministry of Justice has taken the initiative to introduce the project to be financed under the 2006 pre-accession financial assistance for Turkey. Taking into consideration the wide area of intervention, the project was designed in two consecutive faces: The first phase covers activities related to the needs assessment study which can then be interpreted into a strategy plan. The second phase, based on the strategy plan and the needs identified in the first stage, includes training of the judicial staff in five pilot courts and implementation of the new management system in these courts.

### **TR060107 - Supporting Turkey's efforts to combat human trafficking and promote access to justice for all trafficked persons**

Through this project, 300 prosecutors and criminal judges in total will have been trained on implementation of relevant provisions of new Turkish Penal Code and Criminal Procedure Code.

#### 3.7 Lessons learned

Bearing in mind the heavy workload of the judges and prosecutors, they should not leave their offices as much as possible. In this respect, training activities for them should be conducted in a shortest time possible. For instance ten days training for fifty judges means that those who have cases at the participants' courts have to wait until the end of the training period. Since in most cases substitute judges do not tend to render judgments for the files, citizens become victim of repeated postponement of trials. In addition, these training activities should be undertaken in a more professional and institutionalized manner in which the Academy should involve. For that purpose, the Academy should be able to deliver training for judges and prosecutors through well-structured trainers/experts pool. Thus it is of great importance to train trainer/experts on particular issues in order to enable the Academy to have the above mentioned training pool. Sustainability plans to be attained in this way.

#### 4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION (Council of Europe) 5%	
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)	% (3)
Activity 1													
Direct agreement contract 1.1	X	-	4.000.000	3.800.000	3.400.000	89,5	400.000	10,5	400.000			200.000	5
TOTAL IB			4.000.000	3.800.000	3.400.000	89,5	400.000	10,5	400.000			200.000	5
TOTAL INV													
<b>TOTAL PROJECT</b>			<b>4.000.000</b>	<b>3.800.000</b>	<b>3.400.000</b>		<b>400.000</b>		<b>400.000</b>			<b>200.000</b>	

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Public** Expenditure (column (b))

(3) Expressed in % of the **Total** Expenditure (column (a))

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

Contracts	Start of Tendering	Signature of contract	Project Completion
Direct agreement Contract 1.1	2010/1	2010/4	2013/4

All projects should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA

## 6. Cross cutting issues (where applicable)

### 6.1 Equal Opportunity

Participation in his project will be open to both males and females involved in the sector. Records of professionals' participation in all project related activities will reflect this and will be kept with the project documentation. All the staff of the pilot execution offices will involve the activities of the project equally.

### 6.2 Environment

NA

### 6.3 Minorities

According to Constitutional system the word "minorities" encompasses only groups of persons defined and recognized as such on the basis of multilateral and bilateral instruments to which Turkey is a party.

## ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 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
  - Reference to National Development Plan
  - Reference to national / sector investment plans

5- Details per EU funded contract (\*) where applicable:

For *TA contracts*: account of tasks expected from the contractor

For *twinning covenants*: account of tasks expected from the team leader, resident twinning advisor and short term experts

For *grants schemes*: account of components of the schemes

For *investment contracts*: reference list of feasibility study as well as technical specifications and cost price schedule + section to be filled in on investment criteria (\*\*)

For *works contracts*: reference list of feasibility study for the *constructing works* part of the contract as well as a section on investment criteria (\*\*); account of services to be carried out for the *service part* of the contract

(\*) non standard aspects (in case of derogation to PRAG) also to be specified

(\*\*) section on investment criteria (applicable to all infrastructure contracts and constructing works):

- Rate of return
- Co financing
- compliance with state aids provisions
- Ownership of assets (current and after project completion)

**ANNEX 1: Logical framework matrix in standard format**

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number  PIS 50	
Improved Efficiency of Turkish Criminal Justice System	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 : <b>3.800.000 Euro</b>	IPA budget: <b>3.400.000 Euro</b>

Overall objective	Objectively verifiable indicators	Sources of Verification	
To improve the Turkish criminal justice system in line with the EU standards	Positive assessment for human rights practices in country regular progress reports	Evaluation of the EU Regular Reports on Turkey's progress towards accession  Other EU documents on Turkey  Statistics released by Ministry of Justice	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Improving the application of human rights standards in Turkish criminal justice system.	<ul style="list-style-type: none"> <li>✓ Decrease by 20% in the number of judgments of European Court of Human Rights (ECtHR) against Turkey by 2015</li> </ul>	<ul style="list-style-type: none"> <li>✓ Statistics of the European Court of Human Rights</li> <li>✓ Statistics of Justice Ministry and Court of Cassation</li> <li>✓ Evaluation and expert mission report</li> <li>✓ EC Representation monitoring reports</li> </ul>	<p>Full commitment of the involved authorities (Bar Associations, Law Enforcement Offices, Turkish Telecommunication Authority etc)</p> <p>Permission by High Council for Judges and Prosecutors for attendance of judges</p>

	<ul style="list-style-type: none"> <li>✓ Decrease by 25% in the number of applications to ECtHR against Turkey by 2015</li> <li>✓ Decrease by %15 in the number of indictments returned by courts by 2012</li> <li>✓ Decrease by %15 in the number of objections against decisions not to prosecute by 2012</li> <li>✓ Increase by %20 in the rate of indictments that result in conviction by 2012</li> <li>✓ Decrease by %20 in the number of judgments of ECtHR on the ground of lack of effective investigation by 2015</li> <li>✓ Decrease by %20 in average duration of preparation of</li> </ul>	<ul style="list-style-type: none"> <li>✓ Project reports</li> <li>✓ Monitoring and interim evaluation reports</li> <li>✓ Continuous evaluation on basis of complex analysis of operation of judiciary as a whole</li> <li>✓ Statistical data on persons trained</li> </ul> <p>Survey conducted among the relevant stakeholders and public</p>	<p>to training and other programmes</p> <p>Commitment of other EU member states authorities for study visits and placements</p>
--	---	---	---

Annex 16 — Template of project fiche for IPA programmes / component I – decentralised management

	medical report of Forensic Medicine and other experts' reports by 2012		
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
		<ul style="list-style-type: none"> <li>✓ Statistics of the European Court of Human Rights</li> <li>✓ Regular Progress Reports</li> <li>✓ Statistic of Ministry of Justice</li> <li>✓ Records of Courts and Public Prosecutor Offices</li> <li>✓ Evaluation and expert mission report</li> <li>✓ EC Representation monitoring reports</li> <li>✓ Project reports</li> <li>✓ CEPEJ reports</li> </ul>	

Annex 16 — Template of project fiche for IPA programmes / component I – decentralised management

--	--	--

Annex 16 — Template of project fiche for IPA programmes / component I – decentralised management

	<ul style="list-style-type: none"><li>✓ Curriculum of the Justice Academy</li><li>✓ Annual reports of the Justice Academy</li></ul>	
--	---	--

Annex 16 — Template of project fiche for IPA programmes / component I – decentralised management

		<ul style="list-style-type: none"> <li>✓ Statistics of the European Court of Human Rights</li> <li>✓ Regular Progress Reports</li> <li>✓ Statistic of Ministry of Justice</li> <li>✓ Records of Courts and Public Prosecutor Offices</li> <li>✓ Evaluation and expert mission report</li> <li>✓ EC Representation monitoring reports</li> <li>✓ Project reports</li> <li>✓ CEPEJ reports</li> </ul>	
<b>Activities</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
1.1. Preparation of a comprehensive report based on field studies to identify problems. Field studies (need assessment studies) will be conducted merely in the following fields; high-tech crimes, organised	Direct Agreement	<b>3.800.000 Euro</b>	

Annex 16 — Template of project fiche for IPA programmes / component I – decentralised management

<p>and terror crimes, special investigation methods, corruption, utilisation and assessment of experts' reports, interception of communication, search, seizure, apprehension, detention, arrest, judicial control (pre-trial detention). Those studies will be conducted by 3 groups with the participation of foreign experts for each field mentioned above so as to identify the problems in the place of origin in 3 pilot courthouses. It gives us an opportunity to determine the scope of the training in each field. Therefore the first group will focus on interception of communication, search, seizure, apprehension, detention, arrest, judicial control. The second group will focus on high-tech crimes and assessment and utilisation of experts' reports. The third group will focus on terror and organised crimes and special investigation methods and corruption. Thus, 3 groups will hold 9 study visits to pilot courthouses in total.</p>			
---	--	--	--

<p>1.2: 7 study visits on freedom of expression, search, seizure, special investigation methods, statement-taking and interviewing techniques, cross examination, corruption, organised crimes, terrorism-related crimes, pre-trial measures, high tech crimes, interception of communication, utilisation of experts' reports, autopsy, investigation of homicide, relationship between judicial police and prosecution office. These visits will be made by 7 different groups. Each group will consist of 8. In total, 56 trainers (judges, prosecutors, law enforcement officers, lawyers, forensic medicine experts, officials of Telecommunication Authority) will attend study visits.</p> <p>1.3: Placement of 6 trainers for 1 to 2 months (judges, prosecutors, lawyers) in a member state having best practice on cross-examination.</p>			
---	--	--	--

<p>1.4: On the basis of the above-mentioned analyses, relevant recommendations will be formulated and presented in the report in addition to legislative amendment if needed (for example special investigation means, utilisation of experts' reports etc.)</p> <p>1.5: Publication in Turkish of the report prepared and distribution to the target groups</p> <p>1.6: 14 series of training-of-trainers (ToT) sessions for up to 250 judges and prosecutors, 2 lawyers, 20 law enforcement officers, 4 forensic medicine experts, 4 officers of Telecommunication Authority on each of the clusters organised by the Justice</p> <p>1.7: 14 Series of cascade seminars for candidate judges and prosecutors on ECHR standards related to the above-mentioned areas, organised by the Justice Academy and carried out</p>			
---	--	--	--

<p>by the pool of national trainers. Trainers will train sitting judges and prosecutors after the completion of the project.</p> <p>2.1: Expert meetings on the development of curricula of 8 clusters regarding criminal justice, in particular (1) ECHR standards (autopsy and investigation of homicide, high tech crimes, organised and terror crimes, statement-taking and interrogation techniques, relationship between judicial police and prosecution office, special investigation methods and corruption investigation of corruption, utilisation of experts' reports, cross-examination, interception of communication, search and seizure, freedom of expression, apprehension, arrest detention, warrant judicial control, mutual legal assistance)</p> <p>2.2: Preparation and</p>			
---	--	--	--

<p>publication of training materials related to the above-mentioned areas in the light of the ECHR standards</p> <p>3.1: Establishment of an inter-agency working group on improving procedures related to mutual legal assistance and length of proceedings.</p> <p>3.2: Two needs assessment studies related to mutual legal assistance and length of proceedings</p> <p>3.3: Elaboration of recommendation in working group meetings.</p> <p>3.4: Experts meeting to elaborate a strategy on how to improve delays in the delivery of criminal justice and procedures for mutual legal assistance.</p> <p>3.5: Study visits to CoE member states, Eurojust and European Judicial Network to discuss best practice on improving</p>			
---	--	--	--

<p>procedures related to mutual legal assistance and length of proceedings.</p> <p>3.6: Publication of the strategy</p> <p>3.7: Series of meetings to disseminate the recommendations of the strategy.</p> <p>3.8: 150 liaison prosecutors trained on mutual legal assistance</p> <p>3.9: Establishment of a working group responsible for drafting legislative amendments translating the recommendations regarding delays in the delivery of criminal justice and procedures in mutual legal assistance.</p> <p>3.10: Expert opinions carried out by the CoE of the draft legislation</p> <p>3.11: Round table to present the CoE experts' opinions.</p>			
--	--	--	--

**Pre conditions**