1. **Basic Information**
   1.1. Désirée Number: 2002/000-266.03.01
   1.2. **Title:** Improving the effectiveness of criminal procedure
   1.3. Sector: Justice and Home Affairs
       Twinning EE02-IB-JH-01
   1.4. Location: Estonia

2. **Objectives**

2.1. **Overall Objective:**
Citizens of Estonia and EC Member States have confidence in Estonian criminal procedures as the administrative capacity of the Police and Prosecutor’s Office will enhance.

2.2. **Project purpose:**
Increased effectiveness of the criminal procedures through implementation of the new Criminal Procedure Code.

2.3. **Accession Partnership and NPAA priority**
AP 1999: Short-term priorities for 2000, Justice and Home Affairs
“ensure better coordination among law enforcement bodies and the judiciary (staff numbers, training and equipment) to continue the fight against organized crime, drug trafficking, and corruption; strengthen capacities to deal with money laundering.”

AP midterm priority:
“- continue improving the functioning of the judicial system

NPAA 2001:

24.4 Police co-operation

In order to increase the efficiency of police co-operation it is necessary:
- To develop inner state co-operation between law enforcement organizations, including the creation of appropriate data basis and by joint use of them

24.8 Judicial co-operation in criminal and civil matters

In the framework of legal co-operation in criminal matters in 2001 the adoption of the Code of Criminal Procedure and the training of the civil servants has been foreseen.

2.4. Contribution to National Development Plan
N/A

2.5. Cross Border Impact
N/A

3. **Description**

3.1. **Background and justification:**
3.1.1. The New Criminal Procedure Code (CPC)

Up to the present day the Code of Criminal Procedure that is being constantly amended, originating from the Soviet period, is in force. But at the same time the draft of the new Code of Criminal Procedure is in 1st reading in the Parliament. The draft changes remarkably criminal procedure and lays good basis for the more efficient fight against crime and for the protection of fundamental rights of the individuals. As regards the acquis the CPC regulates only matters of 3rd pillar, i.e. mutual assistance. A special chapter on international co-operation is in accordance with the acquis and ensures the adoption of European conventions on criminal matters into Estonian national legislation. The draft CPC is in full accordance with the European Human Rights Convention and its additional protocols.

To guarantee the successful implementation of the new code training on the most essential changes (principle of opportunity and simplified procedures) in the code is needed.

3.1.2. Developing the Structure of Prosecutor’s Office (analyzing and training)

The topic of effective management of the Prosecutor’s Office especially concerning new CPC has not yet been analyzed in an adequate manner. The draft of the Code of Criminal Procedure does not stipulate direct regulations for amendments in the structure of the Prosecutor’s Office or other proceeding agencies, yet the concept and ideology of the act determine a novel, purposeful approach, which gives to the Prosecutor’s Office the key role as the designer of criminal policy. These objectives must proceed from the Parliament and from the person who is responsible in front of the Parliament (the Minister of Justice). The present rigid and static agency model is evidently unfit for this purpose. Consequently it is necessary that an independent expert should analyze the organization and subordination lines of the Prosecutor’s Office structure in order to secure the purposeful implementation of the new Criminal Procedure Code. Training of the leaders, who are able to carry out the changes and accordingly motivate their subordinates, is of uppermost importance in this respect. As the new Criminal procedure Code provides more tasks and responsibility for the prosecutor in the pre-trial investigation and reduces the responsibility of the police (they will be instrumental for the prosecutor in achieving his objectives) the organization analysis and management training is not reasoned in respect of the police.

3.1.3. Training on the principle of opportunity and simplified procedures of the new CPC

Police and judiciary in Estonia are remarkably overloaded with work. The draft code enables prosecutors on the approval of the court to terminate criminal procedure in minor crimes on the basis of the principle of opportunity and also to use simplified procedures that is going to reduce the work load of the criminal justice system in general and makes it possible to deal more actively and with a better quality with such serious crimes as organized crime, drug trafficking, corruption and money laundering (goal-oriented criminal procedure).

The principle of opportunity enables to waive prosecution in minor cases based on the circumstances prescribed in the law, even though the presence of the elements of crime, unlawfulness of the act and guilt are proven. The idea of the principle is to give the law enforcement institutions discretion to decide whether the rule of law has been violated in such a way that there exists the need to punish the offender.

In minor crimes when the accused, whose guilt is not significant, is voluntarily willing to compensate the damages caused and there is a lack of public interest in proceeding with the crime, a prosecutor can request the court to terminate the criminal proceeding of the case by
imposing the accused one of the following duties: payment of a sum of money to the state budget or community work.

The aim of simplified procedures is to reduce the number of court procedures and to increase in this way the speed of criminal procedure as a whole. Formulating simplified procedures for the proceeding of minor crimes is closely linked to the growth of criminality and an understanding that the number of civil servants in law enforcement agencies cannot be increased without limits. The draft contains 3 kinds of simplified procedures: summary procedure, plea bargaining, and ordered procedure.

These new proceeding types demand very effective co-operation and information share between police and prosecutor’s office, because the prosecutor should in the very early stage of police investigation get an overview of all of the police investigation to determine which way the case must be proceeded or the efficiency effect of these new methods will decrease.

Lack of training has been a problem for all legal professions in Estonia as extensive changes in legislation, especially in the field of criminal law, have been essential during the past decade. Since the foundation of the Estonian Law Center in 1995 supplementary training for judges and prosecutors has been carried out the aim of which has been to present the practitioners amendments made in the legislation. Training for the prosecutors and judges has been organized by the Ministry of Justice, the police, on the other hand has received training through the Ministry of Internal Affairs. As the Code of the Criminal Procedure is a vast and important legal act then training for the policemen and prosecutors has to be unified in order to make the act understandable in the same way to both of the interest groups.

3.1.4. Strategic analysis for Criminal procedure IS development

It is difficult to get an overview what is the amount of criminal cases proceeded by the pre-trial investigation authorities, the Prosecutors’ Office and the court, or to find out in what stadium of the procedure a case has reached. Meaning that it is not possible to acquire operational data necessary for the efficient proceeding of crimes. Criminal statistics is gathered internally by law enforcement authorities and does not provide an objective overall view of the situation, in other words the data is not reliable. Due to the lack of information the prosecutors are not able to perform effective supervision over the legality of pre-trial investigations. Another problem is that the data gathered in pre-trial procedure exists, generally, on paper documents (typed or handwritten text) and has to be later transformed into electronical forms. One of the aims of the project is to carry out a strategic analysis on the organization of the work process so that criminal procedural documents would be compiled at the first stage in electronical form. This should reduce paperwork, and make access to documents and their transport faster.

All these problems and their solutions are described in the Concept of Electronic Criminal Procedure approved by the government on the 5th of June 2001. The main goal of the concept is to develop an information system (Register of Criminal Procedure) that would accelerate the proceeding of crimes and raise the quality of the process through better cooperation between institutions. A project for the creation of the Register has been launched by the MoJ and the first part of the Register (where most important metadata will be recorded) should start to work in June 2002. The next step is to conduct a strategic analysis on the new IT system when the Code of Criminal Procedure has come into force and then develop software that supports a fully electronic criminal procedure.
3.1.5. International co-operation in criminal matters

To reinforce the fight against serious organized crime, Prosecutor’s Offices should have the task of facilitating the proper co-ordination of national prosecuting authorities of the EU and of supporting criminal investigations in organized crime cases in particular on the basis of analysis conducted by Europol. Furthermore, they should co-operate closely with the European Judicial Network, in particular in order to simplify the execution of letters rogatory.

Considering the nature of the project, no NGOs were consulted during the project preparation process. The project aims at institution building at the central government level and the NGOs are not seen as directly benefiting or having a role in the project’s activities.

3.2. Linked activities:

Within Phare project ES 9804.01 Strengthening of the judicial system 04.1999 – 09.2001 Phare provided Estonian court system with 394 PCs, 50 servers, 65 UPSes and 100 licences for Oracle.

ES0007-3 Crime Prevention – started 05.2001, 684 000 EUR, provides advice in developing and implementation of a national strategy for crime prevention and relevant training. Part of the project focuses on training of prison social workers and teachers and developing the educational system and social work in prisons.

ES0007-2 Police Training and Educational System – started 11.2001, 390 000 EUR, is designed to improve professional level of knowledge and practice of police through elaboration and implementation of training strategies. The aim is to have well-trained police that has optimal management structure, improve the detection of the crimes and efficiency of pre-trial investigation. Project is to be implemented by Police Board in co-operation with MoIA, the main beneficiaries are Police Board, Security Police Board, Internal Defense Academy.

ES 010402 Enhancing the administrative capacity of the court system, the aim of the project is to improve the qualification of judges to implement EC law and effective implementation of court information system (several modules) in order to improve the quality of justice. This information system is also a logical part of criminal procedure as courts need to access to the information of different criminal matters in order to unify or separate them. 01.2002-02.2003, 600 000 EUR.

ES 010403 Program of information system for criminal investigation and criminal analyses, the aim of the project is to increase the efficiency of investigations, provide the law enforcement agencies with modern Analyst Workstation software and relevant training on criminal analysis. 715 978 EUR.

The 1999 Phare Horizontal Project “Rule of Law” includes a module on Developing Judicial Co-operation in Criminal Matters in Estonia, Latvia and Lithuania, 01.2000 – 12.2001, 494 000 EUR.

In bilateral co-operation with Finland there is an ongoing project to carry out an analysis of the implementation of performance management in Prosecutor’s Office and courts.

3.3. Results 1:

3.3.1. Organizational structure of the Prosecutor’s Office meets the indicative requirements of the Criminal Procedures Code (CPC) – goal-oriented management

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1 For the indicators see ANNEX 1 Logical Framework Matrix
3.3.2. All senior managers in the Prosecutor's Office are able to manage the changes necessary in the revised structures
3.3.3. 40 Prosecutor's and 100 Policemen trained to implement the principle of opportunity and simplified procedures according to the new CPC and policemen trained are able to train their colleagues
3.3.4. Strategic analysis for criminal procedure IS development

3.4. Activities:

3.4.1. – 3.4.3. TWINNING

3.4.1.1. Structural analysis of Prosecutor's Office (Result 3.3.1.)

a) Long-term expert (PAA) 12 months, 180 000 EUR
PAA will work in close cooperation with the Courts Department of the MoJ and Prosecutor General’s Office. PAA will be provided with necessary information (related to the CPC, Prosecutor’s Office). An audit of the sub-processes of the whole criminal procedure will be carried out by MoJustice and it will be ready in Spring 2002. On the basis of the long-term Strategy for Training of Judges and Prosecutors (approved by the Government on 20.02.2001) the Prosecutor General’s Office will prepare a detailed personnel strategy, including training plan.

PAA Functions & Tasks
1. Perform a strategic analysis of the Prosecutor's Offices with specific focus on the practical implications and effects of the CPC; (Logframe 1.1)
2. Act as 'mentor' to Prosecutor's Office’s nation-wide structure; (LF 1.5.)
3. Make recommendations for short-term experts; (LF 1.2)
4. Ensure collection and collation of information in accordance with requirements of experts; (LF 2.1, 3.1., 1.6.)
5. Evaluate reports from short-term experts and make recommendations for structural changes; (LF 1.2, 1.1.)
6. Advise Prosecutor’s Office to improve co-operation with the investigators (LF 1.5.)
7. Advise the MoJ in preparing personnel strategy for Prosecutor’s Office; (LF 1.3)
8. Make recommendations of staff training and study visits (3.4.2); (LF 1.3, 1.4, 2.1, 3.1)
9. Organize training provision (3.4.2); (LF 1.4)
10. Provision trainers for above (3.4.2); (LF 1.4)
11. Undertake an evaluation of the training received (3.4.2; 3.4.3); (LF 2.5; 3.4)
12. Organize study trips to two EU countries with similar organizational structures (3.4.2);
(1.3, 2.4)
13. Provide continuous support to the project manager and project team;
14. Assist Estonian Prosecutor's Office in establishing a network for co-operation across the EU

Profile:
- Management experience in a similar organization to the Prosecutor's Office at least 10 years;
- Excellent knowledge about criminal procedure;
- Good spoken and written English;
- Computer literate;
Network of relative contacts available across Europe, strong knowledge of the Acquis;  
Possess analytical skills;  
Organizational restructuring experience;  
Possess mentoring skills.

Necessary info for PAA:
- The requirements and principles of the Constitutional system of Estonia
- The Prosecutor’s Office Act – the requirements for the prosecution service, functions and structure
- New CPC – the tasks of prosecutor in criminal procedure, all related analyses
- Development Strategy of the MoJ – the political directions to the development of the Prosecutor’s Office
- Police Law, structures and developments
- Courts Act and training strategy for the judges and prosecutors 2001 -2004
- Basic statistical information about criminal procedure in Estonia

b) PAA Assistant (12 months), 10 000 EUR

Tasks:
1) Organizes the actions of the PAA;  
2) Assists the Prosecutors Office in composing project reports;  
3) Organizes technical questions;  
4) Organizes letter correspondence related to the project.

Profile:
1) Experience in assistance;  
2) Organization capability;  
3) Command of English is required;  
4) Good computer skills.

c) MS Project Leader (3 days per month during the implementation of the whole project), 12 000 EUR

Tasks:
1) Co-ordination of the project;  
2) Composition of the reports.

Profile:
1) Knowledge and experience in directing PHARE projects;  
2) Command of English is required;  
3) Good computer skills.

Translation, 3 000 EUR

In order to enable experts analyze current structure of prosecutor’s offices, relevant legal acts, development plans, existing analyses and statistical material should be translated.

3.4.1.2. Analysis of unified statistical sources and methods in criminal procedure, Short-term expert (20 days over 2 months), 15 000 EUR
Prepare base statistical information in respect of reported crimes, detection rates, prosecutions etc. from existing materials and establish a method for future statistical collections that will assist in evaluating the effectiveness of the changes to the criminal procedure as whole (from registration of the crime to the court decision).

Together with the MoJ and MoIA analyzes the crime statistics and helps to find the ways to gather the necessary information to measure the effectiveness of law enforcement agencies. Makes suggestions about the electronical data collection without interfering the substantial working process.

Profile:
- Experience in analyzing crime statistics at least 5 years
- Knowledge of different criminal procedures in Europe
- Command of English
- Computer literate

3.4.2. Change management capacity building (within Prosecutor's office) 60 000 EUR (Result 3.3.2)

a) Short-term experts (25 days over 2 months), 20 000 EUR.
All senior managers in the Prosecutor's Office will be trained in order to manage the changes necessary. Short-term experts have functions as follows:

- Compile training materials
- Training
- Evaluation

Profile:
- Higher education on relating to management
- Experience on management (theoretical and practical)
- Experience on lecturing (5 years)

b) Study visits 2*5 days for 20 persons, 40 000 EUR
In addition to the management training study visits will be organized for the senior managers in order to get familiar with the structure, administration and management of the prosecutors offices in the MS, to get a first hand view on practical work and to reinforce international contacts. In addition to the Phare budget, travel costs in the amount of 10 000 EUR will be covered from the State budget.

3.4.3. Training of trainers and mentors (40 days over 5 months, approx. 5 STEs), 100 000 EUR (Result 3.3.3.)
Actions:

- Compile training materials
- Training
- Evaluation

Profile:
- Experience on criminal procedure concerning the principle of opportunity and simplified procedures
- Higher theoretical knowledge concerning the criminal procedure, specially the principle of opportunity and simplified procedures
- Lecturing experiences (3 years)

40 Prosecutor's and 100 Policemen (60 in-trainers and mentors, 10 teachers from the Police School and the Police College of the Public Service Academy, 20 managers as superintendents of the CID divisions of the local prefectures and 10 managers from the Estonian Police Board) will be trained to implement the CPC practical requirements. Trained prosecutors will act as mentors and experts to their colleagues. Trained policemen will train the rest of investigative police force; therefore, some pedagogical elements should be included in training programme. The aim of the training provided for the policemen and prosecutors should concentrate on the most essential changes compared with the present legislation. Training in the following fields are foreseen:

**The principle of opportunity**
1) Presentation of the conditions when the principle can be used from the legislative aspect;
2) Presentation of the practical aspects: what are the positive aspects in using the principle and what are the threats and how does the principle effect over-all criminal policy.

**Simplified procedures**
Giving a thorough overview of the regulation of the simplified procedures and providing them also with knowledge about the implementation of the simplified procedures.

**3.4.4. Strategic analysis for Criminal procedure IS development.**

Conducting a strategic analysis of new IS to ensure that it will meet the requirements of the CPC and to provide effective system support (50 000 EUR)

Strategic analysis of new IS will be carried out after the enforcement of CPC simultaneously with the analysis of Prosecutor’s Office management/structure (PAA). The analysis will be based on the Concept of Electronic Criminal Procedure, pre-feasibility study to be carried out by the time of the CPC – subject to the adoption of the code by parliament and independent verification/audit of the quality that the study is objective and unbiased, Criminal Procedure Code and Development strategy of MoJ.

Strategic analysis is expected to point out the work processes, likely to be supported with IT solutions and how it could be done. Analysis will be expected to determine the technical capability of concerned institutions and the need for supplementary technical resources. The analysis is expected to contain description of the current situation, analysis of requirements, description of new system and description of preparations for the next phase, also technical specification for software development tender. Analysis will be approved by Steering Committee (inter-ministerial).

Analysis must provide a detailed development plan, how will the main goals of IS be achieved:
Main goals of Criminal procedure IS are:

- Unify all data of ongoing and terminated criminal procedures in Estonia into one database;
- Unify all documents in a criminal case into “digital criminal record” in electronical form;
- Replacing paper record with digital record in order to provide concerned parties quick access to required information; fasten the exchange of information;
• Ensure secure transmission and storage of criminal records;
• Ensure constant overview of criminal procedures;
• In order to carry out criminal procedure effectively, enable for investigators, prosecutors and judges to get operative information about other criminal procedures;
• Intensification of prosecutor supervision over pre-trial investigation;
• Relieving compilation of statistical overview about crime and criminal procedure.

3.5. Lessons Learned

OMAS Report 24.04.2001: 
*Phare assistance has not covered all AP priorities and NPAA priority themes. Also there were flaws in Programme design, which made it impossible to meet the targets during the lifetime of the Programmes assessed. However, Phare assistance has been successful in strengthening the court system and improving the effectiveness of border controls. Still much work remains to be done in this sector.*

The MoJ should develop, together with the relevant authorities, e.g. National Registers and banks, action plan, including necessary legal action in order to use the full potential of the established information system in legal executive departments. Also the MoJ should devise statutory solution permitting standardized legal written material to be copied in order to streamline the paperwork involved in the register of court records and thus make better use of the information system and the equipment provided by Phare.

The key recommendations focus on the need to ensure better synergy between assistance provided to the sector where the responsibility is split between the Ministry of Justice and the Ministry of Internal Affairs.

In order to ensure co-operation between different information system and registers the Ministry of Justice has formed an IT Steering Committee, which is responsible to evaluate all project proposals and their development in the Ministry of Justice. All these IT projects can be approved only if they are in full cooperation with existing information systems.

Electronic court records register is currently being implemented; system will be fully operative from April 2002. There is an operative information system for bailiffs and in addition they have access to Business Register.

4. Institutional Framework

Prosecutor in Estonian judicial system is responsible for supervision over the legality of registration of reports of criminal offences; supervision over the legality of the pre-trial criminal proceedings; supervising over the legality of surveillance actions; and representing public prosecutions in court. The police is responsible for the entire pre-trial criminal procedure, the prosecutor only performs supervision over pre-trial legality (controls the limitation of fundamental rights). When all pre-trial procedural acts have been performed, an indictment is compiled by the investigator, which has to be verified by the prosecutor. If the prosecutor verifies the indictment, it will be sent to the court and presented there by the prosecutor. This procedural model will be changed by the adoption of the new Code of Criminal Procedure. According to the European model the prosecutor is going to be the head of pre-trial investigation. Still, most of the investigative work will remain the authority of the police. Responsibility for the criminal proceedings no longer lies with a single prosecutor but with the Prosecutor's Office as a unit.
The Ministry of Justice has the competence to draw up the development plans of the institutions within its field of government, one of those being the Prosecutor’s Office, and the guarantee of financial means to carry out the development plan. The Ministry of Internal Affairs has similar competence regarding the police.

Since August 2000 responsibility for the development of the Prosecutor’s Office is in the hands of a special unit – the Prosecutor’s Office Division the aim of which is to raise the quality and efficiency of the actions of the Prosecutor’s Office through changes in the legislation, organizational directives and training for the prosecutors. The unit is also involved in the IT projects of the IT Department for the development of the Prosecutor’s Office.

The Ministry of Internal Affairs has two departments dealing with the development of the police: Inner State Security Analytic Department and Inner State Security Politics Department.

The basic CPC training will be provided by the MoJ and MoIA. The development strategy of the Prosecutor’s Office up to 2004 foresees an aim to guarantee the implementation of the new Penal Code and Criminal Procedure Code in the following way: 1) to provide special financial means for the training; 2) to elaborate changes in the work schedule of the prosecutors to make it feasible for them to participate in the training in a way that has the minimum effect on the their work results; 3) the whole training ends with an exam-evaluation, the results of which determine whether a person can continue working as a prosecutor.

In the 1990s a remarkable amendments in legislation has been carried out, replacing practically all Soviet time legal acts. New and vast legal acts have been taught on the basis of the draft, so that when the act will come into force the implementers would be ready for it. This kind of practice has shown good results, as the tutors have been foreign lecturers from these EU countries whose legislation has served as a model for the elaboration of new acts. The Code of Criminal procedure is not an exception.

The Ministry of Justice and the Ministry of Internal Affairs are committed to and responsible for governmental plans and policy. The Estonian government has accepted the draft Criminal Procedure Code in December 2000. The co-operation in this project will be guaranteed with an agreement letter between these two authorities. The beneficiaries in this project are also Ministry of Justice and Ministry of Internal Affairs.

5. Detailed Budget

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### 6. Implementation Arrangements

#### 6.1. Implementing Agency

CFCU will act as Implementing Agency. CFCU is responsible for contracting and disbursement.

Program Authorizing Officer is Mr Renaldo Mändmets, Deputy Secretary General of the Ministry of Finance. Phone: 6 113 545, fax: +372 6 317 810; e-mail: rena.land.mandmets@fin.ee.

Program Officer is Mr Enno Loonurm, Deputy Secretary General of the Ministry of Justice, phone: +372 6 12 78 80; fax: +372 6 12 78 11; e-mail: enno.loonurm@just.ee.

Estonian Project Leader will be Mr Tristan Ploom, Counsel in the Prosecutor’s Office Division of the Court Department, phone: +372 6 12 78 97; fax: +372 6 12 78 11; e-mail: tristan.ploom@just.ee. The Project Leader is responsible for overall implementation and monitoring of this project.

Deputy Project Leader is Mr. Allan Plekksepp, assistant adviser of the Prosecutor’s Office Division of the Court Department, phone: +372 6 12 78 96; fax: +372 6 12 78 11; e-mail: allan.plekksepp@just.ee. He is responsible for daily management of the project and all technical aspects of the project implementation.

The counterpart from the Prosecutor’s Office is Mr. Norman Aas, the heading prosecutor of the Administrative Division Of The Prosecutor’s Office of Tallinn, phone +372 6 28 26 41; e-mail: norman.aas@tallinn.prokuratuur.ee.

Contact person of the Ministry of Internal Affairs is Mr. Marco Anderson, counsel of the Inner State Security Politics Department, phone +372 612 5139, e-mail: marco@sisemin.gov.ee.

Contact person of the Police Board is Ms Piret Palusoo, Police director of the Personnel Department, phone: +372 612 3130, e-mail: piret.palusoo@pol.ee.

A Steering Committee will be set up to oversee the project implementation. The Steering Committee will meet once in a quarter and it will include the representatives of the Ministry of Justice, Ministry of Interior, Prosecutor General’s Office, Police Board, the EC Delegation in Tallinn and Ministry of Finance.

#### 6.2. Twinning

Institution Building will be implemented according to the Twinning concept. General counterpart for the PAA will be the Prosecutor’s Office Division of the Court Department, responsible person: Mr Tristan Ploom, Counsel in the Prosecutor’s Office Division of the Court Department, phone: + 372 6 12 78 97; fax: +372 6 12 78 11; e-mail: tristan.ploom@just.ee.
Counterpart for the IT infrastructure will be Mr Riivo Pilvik, Project Manager of the IT Department, phone: +372 6 20 81 76; fax: +372 6 20 81 09; e-mail: riivo.pilvik@just.ee.

6.3. Non-standard aspects
No non-standard aspects are foreseen. The DIS Manual and Practical Guide will strictly be followed.

The following twinning arrangements will be conducted under the project:
Twinning contract - 428 000 EUR (388 000 Phare + 40 000 co-financing)

6.4. Contracts
Twinning – 388 000 EUR
Service contract - 50 000 EUR

7. Implementation Schedule

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</table>

8. Equal Opportunity

At the implementation of the project there will be no discrimination on the grounds of race, sex, sexual orientation, mother tongue, religion, political or other opinion, national or social origin, birth or other status. Equal opportunities for women, men and minorities will be ensured by the Steering Committee during the implementation of the project. The Estonian laws, regulations and ratified international conventions concerning the equal opportunities for women, men and minorities will strictly be followed. Equal opportunity for men and women to participate in the project will be measured by recording the experts and consultants employed.

9. Environment

No environmental aspect.

10. Rates of return

N/a

11. Investment criteria
11.1. Catalytic effect:
In this project Phare support for conducting strategic analysis for IS development speeds up implementation of CPC by making CPC and future information system implementation more effective.
11.2. Cofinancing:
Phare must use its grants to attract as much co-financing as possible from all sources. Estonian co-financing for training will be applied from 2003 state budget.

11.3. Additionality:
Phare grants do not displace other financing resources.

11.4. Project readiness and Size:
Project will be ready for tendering at the time FM is being signed. Technical study for criminal procedure information system (analysis) will be completed during the project.

11.5. Sustainability:
There will be multiplier impact through own-training CPC as part of police training/academy/development plan (describes training schedule and numbers). The in-trainers and mentors will proceed internal training in their police departments. The number of policemen who need a retrain is approximately 1700. The trainers and the teachers of the school and academy will develop a new programme in the basic training curricula and design a new programme for additional training of the CPC within 2 months. The strategic analysis of the criminal procedure information system will be used for future development of the system (second phase). Analysis will be complemented by technical specification for procurement of supplies and services.

11.6. Compliance with state aids provisions
The state aid provisions of the Europe Agreement will be respected.

12. Conditionality and sequencing
1. By the time of the training program starts, the draft of the Code of Criminal Procedure has been adopted (expected to become law by June 2002).
2. MoJ and MoIA will have signed a formal agreement on co-operation within the frames of this project.
3. All prosecutors and police officers will have passed the supplementary training in penal law by September 2002.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. Reference to feasibility /pre-feasibility studies. For all investment projects, the executive summary of the economic and financial appraisals, and the environmental impact assessment should be attached (compulsory)
5. List of relevant Laws and Regulations (optional)
6. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc) (optional)
7. Detailed Cost Breakdown (only for projects consisting of different sub-projects)
**Programme name and number**

**Contracting period expires:** July 2004  
**Disbursement period expires:** July 2005  
**Total budget:** 0.488 Million Euro  
**Phare budget:** 0.438 Million Euro

## LOGFRAME PLANNING MATRIX FOR IMPROVING THE EFFECTIVENESS OF CRIMINAL PROCEDURE

<table>
<thead>
<tr>
<th>Overall Objectives</th>
<th>Objectively Verifiable Indicator</th>
<th>Source(s) of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| Citizens of Estonia and EC Member States have improved confidence in Estonian criminal procedures as the administrative capacity of the Police and Prosecutor's Office will enhance. | Improved detection of crimes in society | EU progress Report  
Project report  
Half-year statistics and analyses by courts, Police and Prosecutor’s Office | Overall criminality in society does not worsen (crime rate inversely proportional to economic growth and development)  
Pattern of gradual structural shift in criminal activity away from blue-collar to white collar continues. |

## Project Purpose

Increased effectiveness of criminal procedure through implementation of the new Criminal Procedure Code

<table>
<thead>
<tr>
<th>Objectively Verifiable Indicator</th>
<th>Source(s) of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| Rate of solving serious crimes improves by an average 5% per year  
Rate of solving number of crimes improves by an average 5% per year | Ministry of Justice statistical information  
Court records | Overall criminality in society does not worsen (crime rate inversely proportional to economic growth and development)  
Pattern of gradual structural shift in criminal activity away from blue-collar to white collar continues. |

## Results

1. Organizational structure of the Prosecutor's Office meets the indicative requirements of the Criminal Procedures Code (CPC) – goal-oriented management

<table>
<thead>
<tr>
<th>Objectively Verifiable Indicator</th>
<th>Source(s) of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| Analytical report available by 5 months from the project start  
Final report on available by 8 months from the project start | EU Progress Report  
Project reports  
Steering Committee approval  
Draft law to amend the Prosecutor’s Office Act | PAA has necessary skills and experience  
Short-term experts are available |

2. All senior managers in the Prosecutor's Office are able to manage the changes necessary in the revised structures

<table>
<thead>
<tr>
<th>Objectively Verifiable Indicator</th>
<th>Source(s) of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| All (20) senior managers are trained and certified as competent in change management and related skills by 11 months from the project start | Training records  
Personnel records  
Project reports | Trained personnel remain within the service |

3. 40 Prosecutor's and 100 Police trained to implement the principle of opportunity and simplified procedures according to the new CPC and policeman trained are able to train their colleagues

<table>
<thead>
<tr>
<th>Objectively Verifiable Indicator</th>
<th>Source(s) of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| 40 prosecutors trained as in-house 'experts' (by 06/2003)  
100 Police trained as trainers (by 06/2003) | Training records for attendance and exam results  
Personnel records  
Project reports | Police and Prosecutors attend training  
Trainers remain in the service |

4. Strategic analysis for criminal procedure IS development.

<table>
<thead>
<tr>
<th>Objectively Verifiable Indicator</th>
<th>Source(s) of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| Analytical report available by 12 months from the Project start  
Technical specification for tenders is available by 11 months from the Project start | Steering committee report  
Ministry of Justice steering committee report  
Inter-ministerial report  
Project records | Analysis completed within agreed time scale  
Technical spec. available within agreed time scale |
<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Cost (EUR) *</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Structural analysis of Prosecutor's Office (viz. CPC)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1. Strategic analysis of the Prosecutor's Office incl. analysis of 'gaps' and recommendations</td>
<td>1.1. &amp; 1.3.- 1.7.; 2.1; 2.4;2.5; 3.1; 3.4 PAA Twinning arrangement (12 months)</td>
<td>213 000</td>
<td>PAA found with necessary qualifications and experience</td>
</tr>
<tr>
<td>1.2. Analysis of unified statistical sources and methods in criminal procedure (ST expert)</td>
<td>1.2. ST expert (20 days over 2 months)</td>
<td>1.2. 15 000</td>
<td>ST expert available when required</td>
</tr>
<tr>
<td>1.3. Recommendations of staff training and study visits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.4. Organizing trainings, finding lectures and participate in evaluation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.5. Advising local prosecutor’s offices on management issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.6. Collection and review information for ST experts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.7. Developing first-hand contacts between Estonian and MS prosecutors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Change management capacity building (within Prosecutor’s office)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1. Compilation of curriculum according to training need analysis (PAA)</td>
<td>2.2.-2.3. 2 ST experts (25 days over 2 months)</td>
<td>2.1.-2.3. 20 000</td>
<td>ST expert available when required</td>
</tr>
<tr>
<td>2.2. Preparation of training materials</td>
<td></td>
<td>2.4. 40 000</td>
<td>ST training expert available in required competencies</td>
</tr>
<tr>
<td>2.3. Training</td>
<td></td>
<td>10 000</td>
<td></td>
</tr>
<tr>
<td>2.4. Study visits to MSs</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2.5. Evaluation (PAA)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>3. Training of trainers and Mentors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1. Compilation of curriculum according to training need analysis (PAA)</td>
<td>3.2.-3.3. 5 ST experts over 5 months</td>
<td>100 000</td>
<td>ST training expert available in required competencies</td>
</tr>
<tr>
<td>3.2. Preparation of training materials</td>
<td></td>
<td>30 000</td>
<td></td>
</tr>
<tr>
<td>3.3. Training</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4. Evaluation (PAA)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Strategic analysis for Criminal procedure IS development.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1. Strategic analysis of new IS to ensure that it will meet the requirements of the CPC and to provide effective system support</td>
<td>4.1. Service contract (with private company)</td>
<td>50 000</td>
<td>CPC in force</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 000</td>
<td>Changes in Prosecutor’s Office management/structure are being analysed simultaneously (PAA)</td>
</tr>
<tr>
<td>TOTAL Phare</td>
<td>TOTAL Estonia</td>
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<td></td>
</tr>
<tr>
<td>438 000</td>
<td>50 000</td>
<td></td>
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</tbody>
</table>

Preconditions
| CPC becomes law by June 2002.  
| Formal agreement of co-operation between Police Boards and Ministry of Justice for Police officials to attend training  
| Dedicated PM experience for project  
| Provision of co-financing verifiable. |
## ANNEX 2
TIME IMPLEMENTATION CHART

Project N°: ES  
Project Title: Improving the effectiveness of criminal procedure

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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</thead>
<tbody>
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<td>Twinning</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>C</td>
</tr>
<tr>
<td>PAA, Assistant, Project Leader</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>STE (analysis)</td>
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<td>I</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>2 STE (man. train)</td>
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<td>I</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>Study visits</td>
<td>I</td>
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<td>I</td>
<td>I</td>
</tr>
<tr>
<td>Training (CPC)</td>
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<td>I</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>TA</td>
<td>I</td>
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</tr>
<tr>
<td>IT Analysis</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>C</td>
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</tbody>
</table>

18
### CUMULATIVE CONTRACTING SCHEDULE (by quarters) ANNEX 3a

<table>
<thead>
<tr>
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</tr>
<tr>
<td>II</td>
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</tr>
<tr>
<td>III</td>
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<td>0.388</td>
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<td>IV</td>
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</tr>
<tr>
<td>Institution Building</td>
<td>0.388</td>
<td>0.388</td>
<td>0.388</td>
<td>0.388</td>
</tr>
<tr>
<td>Twinning</td>
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<td>0.388</td>
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<tr>
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</tr>
<tr>
<td>TOTAL</td>
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<td>0.388</td>
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</table>

### CUMULATIVE DISBURSEMENT SCHEDULE (by quarters) ANNEX 3b

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
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<th>2005</th>
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</thead>
<tbody>
<tr>
<td>III</td>
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<td></td>
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</tr>
<tr>
<td>IV</td>
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<tr>
<td>I</td>
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<tr>
<td>II</td>
<td></td>
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<tr>
<td>Institution Building</td>
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<tr>
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<td>0.05</td>
<td>0.05</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0.008</td>
<td>0.108</td>
<td>0.173</td>
<td>0.348</td>
<td>0.413</td>
</tr>
</tbody>
</table>
REFERENCE TO FEASIBILITY/ PRE-FEASIBILITY STUDIES

Project No: ES
Project title:

---

2 Compulsory for all investment projects. For all investment projects the executive summary of the economic and financial appraisal, and the environmental impact assessment should be attached (compulsory). In all cases where these are not available the reason(s) for this must be stated.
Project No: ES02.03.01  
Project title: Improving the effectiveness of criminal procedure

1. The Draft Code of Criminal Procedure
2. Prosecutors Office Act
3. Courts Acts
LIST OF GOVERNMENT STRATEGIC PLANS AND STUDIES

Project N°: ES 02.03.01
Project title: Improving the effectiveness of criminal procedure

1. NPAA
4. The Development Strategy of the Ministry Of Justice up to the year 2004 has been approved by the Minister of Justice in February 2001. The strategy covers the whole area of jurisdiction of the MoJ including the Prosecutor’s Office.
5. Government’s decision Nr 33, July 25, 2000 “Basic Principles of Crime Control up to the year 2003”
6. Concept of Electronic Criminal Procedure (approved by the Government on June 5, 2001)

This annex is optional. Government strategic plans and studies are e.g. Institution Development Plan, Business plans, Sector studies etc.
ANNEX 7
DETAILED COST BREAKDOWN OF THE PROJECT (MEUR)⁵

Project N°: ES
Project Title: Improving the effectiveness of criminal procedure

⁵ This annex is compulsory only, if project consists of different sub-projects.