1. **Basic Information**

1.1. **Number:** PL01.03.10  
**Twinning number:** PL/IB/2001/JH/02

1.2. **Title:** Strengthening the capacity of the Services of the Administration of Justice in Poland to combat organised crime and carry out international legal co-operation.

1.3. **Sector:** Justice and Home Affairs

1.4. **Location:** Poland

2. **Objectives**

2.1. **Wider objective:**
Improving the effectiveness of the Prosecution Service and Prison Service in combating organised crime. Improving the international co-operation in criminal and civil matters, especially concerning actions taken by courts and prosecutors offices involved. Preparation of the Polish justice system for participation in the European Judicial Network that operates on the basis of the Joint Action of 29 July 1998 on the creation of a European Judicial Network.

2.2. **Immediate objectives:**
Improving the professional skills of staff of the Prosecution Service and Prison Service involved in combating of organised crime. Securing the access to information and modern techniques of data processing and distributing to the units within the Prosecution Service and the Prison Service responsible for combating of organised crime. Establishing the network of judges and prosecutors – consultants in international co-operation – who afford assistance in executing foreign requests and preparing requests for co-operation issued by Polish judges and prosecutors, carry out subject-training for judges, prosecutors, and judge's and prosecutor's trainees, and serve as “contact points”. Establishing the electronic database that facilitates access to information necessary to carry out the international co-operation and that contains bodies of legal acts, other documents and analyses, forms of requests for assistance, and practical information such as addresses of competent foreign institutions.

2.3. **Reference to AP (Accession Partnership) and NPPM (National Program of Preparation for Membership in EU) Priorities**
The objectives are in compliance with:

a) priorities (2000) of the new Accession Partnership: short-term priority concerning **Justice System and Internal Affairs** "strengthening of the institutional and administrative capacity of services of the Justice System in the field of combating of organised crime and drugs trade"; medium-term priority concerning **Justice System and Internal Affairs** "further improvement of penal prosecution agencies and Judiciary System (...) and continuation of combating of organised crime, drugs smuggling, and corruption"; medium-term priority concerning **Strengthening of the administrative capacity** "ensuring of functionality of Judiciary System, strengthening of the institutions, especially (... courts)."

b) priority of the **National Program of Preparation for Membership in EU**: **Combating of organised crime** - (point 24.4) concerning strengthening of the structures (...) of crime combating services and supplementing and modernising of the technical equipment; **improvement of the courts and prosecutors offices units in the field of international legal co-operation** (point 24.5) concerning improvement of judges' and prosecutors' skills in performing international legal transactions and establishing the up-to-date technical infrastructure in courts and prosecutors offices that conduct international legal transactions; **improvement of the functioning of the system of common courts in Poland** (point 30.10), **inter alia**, improving of the functioning of the court units that conduct international legal transactions and introducing IT to judicial system.

3. **Description**

3.1. **Background and justification:**
The project aims at improving capacity of services of the Polish administration of justice to combat organised crime and to carry out international legal co-operation. Both (combating organised crime and international legal co-operation) are equally important in the context of creating the area of freedom, security and justice in Europe. Works linked with the fight against organised crime are co-ordinated within the Ministry of Justice by the Bureau for Combating Organised Crime at National Prosecutor’s Office. The Bureau supervises proceedings carried out at 17 especially appointed investigation departments for combating organised crime at all 16 Provincial Offices of Prosecution Service in Poland and additionally in Jelenia Góra due to enormous threat of cross-border organised crime. This structure
is embracing at present some 150 prosecutors, however, after likely establishing of an 18th investigation department for combating organised crime in another Provincial Office of Prosecution Service, personnel involved in direct combating organised crime will increase by 5-10 persons. The judicial map may undergo only minor corrections. To strengthen these services and therefore to make combating organised crime more effective, relevant activities that have been focused on introducing IT to the Prosecution Service, improving professional skills of the prosecutors, and developing adequate legal instruments, have been planned and launched under PHARE 1998 and 1999 projects. The Prison Service also plays a significant role in the system of services concerned in State security. However, its role is a specific one, concerning the execution of decisions on pre-trial detention and imprisonment sentences. In general, goal of imprisonment sentence is to protect society of criminals and try to correct criminals whilst a pre-trial detention serves to secure proper penal proceeding. Due to change of crime structure in Poland and in result of transformation of Government system initiated in 1989, more and more of inmates in establishments of the Prison Service, both sentenced and detained as suspects are involved in organised crime. Such situation puts the Penal Service in a position of new quality. Inmates originating from structures of organised crime represent large threat, not only to the public but also to penitentiary establishments and other inmates and staff. Efficient contribution of the Prison Service to combating of organised crime depends on various factors. However, as in case of the Prosecution Service, issues related to providing the Prison Service with up-to-date equipment and system to capture and analyse data and improving professional skills of the Prison Service staff are the most important. As far as international legal co-operation is concerned, it has been essentially transformed in Poland during the last decade. Both the legal regulations, in particular the treaty foundations of co-operation, as well as actual environment were changed. Accession of Poland to the Council of Europe and related ratification of major conventions, participation in The Hague Conference on International Private Law, and first of all adapting the Polish law to EU standards resulted in assuming obligations to co-operation in this area on basis of international conventions. Growing, due to liberalising internal regulations and agreements on visaless transborder movement, number of persons crossing the Polish border fructified with increase of cases that require legal assistance of the Polish justice system and in which the Polish bodies request such an assistance of foreign institutions. Activity of organised crime groups that operate in international scale can not be neglected. After adoption of the Amsterdam Treaty within EU structure, series of activities aimed at establishing the "European area of freedom, security and justice" have been initiated. Decisions made up by the Tampere European Council and activities aimed at execution of these decisions assure that dynamics of international legal co-operation will grow constantly in near future. To meet growing requirements, certain legislative actions adapting Polish law to international treaties signed by Poland and implementing solutions adopted within EU structure were carried out. This process is pending: a draft act introducing execution of certain foreign judicial decisions in criminal matters made by foreign courts to Polish criminal law is in the Parliament, and another draft act simplifying extradition procedure and introducing a principle of ne bis in idem in relation to decisions of foreign courts was presented to the Cabinet in September. Concurrently training courses on international co-operation, including presentation of both regulations binding for Poland now and solutions used in EU are delivered to the judges and prosecutors. Ensuring to judges and prosecutors an easy and permanent access to information necessary to co-operation, and improving their contacts with judges and prosecutors from other countries should be another step on the way to improve international co-operation. As present judges and prosecutors who seek information about law or legal practice contact the Department of International Co-operation and European Law in Ministry of Justice. Better results would be achieved if they could ask for advice from their learned colleagues – specialists in this area – working in their judicial districts. Therefore, appointment of consultants for international co-operation in selected courts and prosecutors offices is planned. These consultants – recruited from individuals experienced in the area of international legal transactions and having command of foreign languages – would be trained intensively to familiarise not only with a legal structure but also a practice of international co-operation in other states, in particular European Union Member States. In the future – after accession of Poland to European Union – part of them can serve as "contact points" within the European Judicial Network. For that reason Poland, before its accession, will solicit participation of 2-3 consultants as observers on meetings of the European Judicial Network. Specificity of tasks of the judges and prosecutors being consultants requires that administrative staff co-operating with them directly should obtain relevant training on international legal transactions and have a basic command of at least one foreign language. Taking into consideration present and past activities and development
plans of the European Judicial Network as well as that quick access to information and immediate and quick contact with foreign partners in a particular case are very important, establishing a computer database containing legal acts and adequate analyses concerning legal reasons and practice of international legal co-operation is planned. Additionally, the database should contain forms (in proper languages) of requests and replies to these motions. Structure of the database should facilitate its future integration with the Web site and databases of the European Judiciary Network. Due to different topics to be covered (combating organised crime – international legal co-operation) and different Services to be involved (Prosecution Service units responsible for combating organised crime – Prison Service units – Courts and Prosecution Service units responsible for international legal co-operation), the project will consist of three components:

Component 1: Strengthening of the Prosecution Service structures involved in combating of organised crime, which represents continuation of the PHARE 1998 and 1999 projects;
Component 2: Strengthening of the Prison Service structures involved in combating of organised crime.
Component 3: Strengthening Courts and Prosecution Service units responsible for international co-operation in criminal and civil matters - preparation for participation in the European Judicial Network.

3.2. Linked activities:
Component 1

Issue of improvement of the Prosecution Service operations concerning combating of organised crime was a subject matter of the following projects:

PHARE 1998 Improving the operations of the Justice System that included, inter alia: working-up by foreign experts of the expertise to verify assumptions for IT system for the Prosecution Service structures involved in combating of organised crime; implementing the IT system in selected pilot centres.

PHARE 1999 Support of the obligations resulted from Pillar III that includes Strengthening of the Justice System structures involved in combating of organised crime project that included the following activities: developing and implementing legislation required to combat organised crime, compliant with acquis communautaire, including preparation of a comprehensive expertise (identifying deficiencies of the Polish legislation and conditions needed to overwhelm these deficiencies) by team of experts from EU States; improving the professional skills of the Prosecution Service staff involved in combating of organised crime (training); securing the access to information and modern techniques of data processing and distributing to all Prosecution Service units responsible for combating of organised crime. To achieve this goal an adequate IT system will be installed in the Bureau for Combating Organised Crime of the National Prosecutor's Office and investigation departments for combating organised crime at Provincial Offices of Prosecution Service.

Component 2

Within the pending PHARE 1998 Improving the operations of the Justice System project, certain activities aimed at modernising the management of substantial and human resources of the Prison Service were planned and were and are carried out (missions of foreign experts, seminars). In particular, these activities are targeted at: providing Polish administration of penitentiary establishments with operational knowledge concerning multi-year plan of real estate management on basis of French experience; providing Polish administration of penitentiary establishments with means of up-to-date management on basis of operational knowledge of the Dutch Penitentiary Establishments Administration; improving the professional skills of the Prison Service staff in area of dealing with two special categories of confined individuals: dangerous prisons and insane prisons (this part of the program is devoted to the Netherlands). It was assumed that the tasks performed within the project will constitute a foundation to further proposals of Prison Service improvements (see: Twinning Covenant between Polish and French Ministries of Justice).

Component 3

The problems connected with international co-operation were touched upon within PHARE 1998 project “Improving the efficiency of the court system and public prosecutor’s office” as a one of its components. Present project constitutes in high degree a continuation of the preceding one. Formally separated group of judges-consultants will be recruited mainly from judges trained within the PHARE 1998 project. As far as the aspect of computerisation is concerned, this project goes essentially ahead in comparison with the PHARE 1998. International legal assistance is governed in Europe by a set of bilateral and multilateral instruments. Poland is no exception in this regard. The volume comprising all binding texts with regard to MLA exceeds 800 pages. The procedures (centralised or decentralised) differ from one
partner country to another. The same conclusion applies to language of correspondence, as well as to form of letters rogatory. A data base – constantly updated – comprising the relevant legal regulations in official languages as well as necessary forms would not only speed up the treatment of request, but also spare unnecessary mistakes and time-consuming research for specific rule or form. When the PHARE 1998 project was drafted, there was no framework of the European Judicial Network and issue of computerising the international legal transactions was connected with access to the European databases. Development of adequate computer software was proposed within the framework of preceding project and the resources devoted for the project are part of the co-financing. Therefore the PHARE 1998 project, in the framework of French-Polish twinning covenant of 1999, provides only for very limited resources for preparation of the preliminary analysis on the possibilities to create computer software and doesn’t cover further activities necessary to produce such a software. The Dutch partner, responsible under twinning for this task, is also expected to take action in this sphere. Although PHARE 1998 project also provided for training on international legal co-operation, further progress and specialisation in the area in question are required now. It is a result of intensification of the pillar III activities and changes related to transfer of international co-operation in civil matters to the I pillar.

3.3. Results/Outputs

Component 1
Improved professional knowledge of prosecutors involved in combating of organised crime and other individuals concerned, depending on subject (judges, representatives of the Border Guard, Customs Service, Revenue Service, Bank Supervision, and other relevant agencies); further units of the Prosecution Service connected to the IT system to be created and partially implemented under PHARE 1998 and 1999 projects: Provincial Offices of Prosecution Service that are missing of established investigation departments for combating organised crime but (apart of other tasks) are conducting investigations concerning individuals or entire groups of offenders, who constitute organised groups of criminals, and the first District Offices of Prosecution Service located in the cities where the investigation departments for combating organised crime in the Provincial Offices of Prosecution Service exist.

Component 2
Improved professional knowledge of the Prison Service officers involved in combating of organised crime; the IT system facilitating collecting, analysing, and exchange of data about criminals confined in the penitentiary establishments implemented in the Prison Service Central Administration, the District Inspectorates of Prison Service, pre-trial detention centres and closed prisons covered by the project, i.e. in ca. 140 units altogether.

Component 3
Establishing the group of some 60 judges and prosecutors based in district courts and prosecutors offices, who will serve as consultants in international co-operation matters, including: about 20 judges - experts in civil matters; about 20 judges - experts in criminal cases, located mainly in the border adjoining regions; about 20 prosecutors - located mainly in the border adjoining regions. The judges- and prosecutors-consultants will: inform, on demand, other judges and prosecutors from their venue; facilitate communication with foreign partners; analyse relevant cases from their jurisdiction in order to determine ways of improvement of the execution of the requests and elimination of errors; conduct systematic training courses for judges and prosecutors (taking into account findings of the above-mentioned analyses) and for judge’s trainees on problems of international co-operation; cultivate mutual contacts, participate in common training courses and seminars aimed at improvement of professional qualification; establish and keep links with foreign judges and prosecutors involved in issues of international legal co-operation, including members of the European Judicial Network. The judges- and prosecutors-consultants should be recruited from individuals having practical experience in international legal co-operation, especially from among the participants of training activities in the framework of PHARE 1998 project (this requirement doesn’t concern judges - experts in civil matters). They should also command foreign language on level that allows them to communicate with foreign partners or giving reasons to quick further improvement and undergo advanced training conducted by Polish and foreign experts.

Selecting a group of court secretaries and personnel of prosecutors’ offices secretariats, educated in area of international legal co-operation and having command of at least one foreign language to immediate co-operation with the judges- and prosecutors-consultants.

Developing computer software to support international legal co-operation remains part of the previous Phare Programme. The software should comprise of the following components: database of original
versions of the relevant legal acts together with its translated Polish versions; set of standard forms of bilingual requests for assistance in relevant languages; database comprising of both papers and analyses of international legal acts concerning the international legal transactions, and practical procedures; available useful information such as addresses of competent foreign officers in charge of international co-operation in other states. The software should enable the migration of data to future European Judicial Network. In works on the preparation of the software results of the relevant activities under PHARE 1998 project will be taken into account and utilised. Furnishing the judges- and prosecutors-consultants as well as their secretariats with computer hardware that facilitate use of the above-mentioned software and electronic mail. Such solution will also ensure communication via electronic channels with the foreign partners. Existence of experts in judicial district, having excellent knowledge in the area of performing international legal co-operation, who can be contacted for assistance, will decrease quantity of ineffective activities in the course of international legal assistance. Accessibility of necessary information and also unified forms of requests due to support of modern information technology will accelerate replies for requests on legal assistance. Completion of the project will prepare Poland to incorporation to the European Judicial Network and to valuable co-operation in its framework.

3.4. Activities
Component 1

• Further training of the prosecutors involved in combating of organised crime including:
  ➢ subject-training courses;
  ➢ study visits in relevant units of the Prosecution Service in Member States may be part of the project.

• Continuation of introducing IT System into Offices of Prosecution Service involved in combating of organised crime including:
  ➢ connecting to the IT system of ca. 28 Provincial Offices of Prosecution Service that are missing of established investigation departments for organised crime but (apart of other tasks) are conducting investigations concerning individuals or offenders groups, who constitute organised groups of criminals;
  ➢ connecting to the IT system of the first 10+ District Offices of Prosecution Service located in the cities where the investigation departments for combating organised crime in the Provincial Offices of Prosecution Service exist.

This action is in fact a third stage of the entire process - first stage (developing of the system assumptions and pilot implementation) is carried out within PHARE 1998 project, second stage (establishing of the network covering the Bureau for Combating Organised Crime at the National Prosecutor’s Office and 17 investigation departments for organised crime in the Provincial Offices of Prosecution Service) will be carried out within PHARE 1999 project (see point 3.2).

In order to complete these activities the following input will be required:

Institution building

• Within the context of the standard twinning covenant
  ➢ organising of seminars:
    a) 2 two-three-day central seminars (3-4 in previous version), each for 60 participants in the Ministerial facilities of the Ministry of Justice, for example in Popowo and Jastrzebia Gora;
    b) 10 two-day local seminars, each for 30-40 participants based on organisational structure of the Appellate Offices of Prosecution Service.

The seminar will continue and complement training cycle that is carried out and scheduled within PHARE 1998-1999 projects. They also will be co-ordinated with the similar training activity addressed to the Police Services within the parallel PHARE 2001 project Fight against crime – II, to be implemented by the Ministry of Interior. For this purpose the details concerning the subject matter and timetable of the seminars will be agreed with the respective institutions in charge of the latter project and the interested representative of the Police and other services concerned will have opportunity to participate in the training.

It is preliminary proposed that seminars focus on the following topics:
- modern investigation techniques used in criminal proceedings concerning organised crime in wide sense;
- new legal-criminal regulations penalising and facilitating more effective prosecution of various forms of organised crime and rules of conduct in such cases;
- legal-administrative regulations aimed at elimination of criminogenic mechanisms and prevention of corruption in political life, governmental and municipal administration, and economic life, and using mechanism of public life in money laundering;
- legal foundations and practical rules of operation of internal and European institutions focused on preventing and combating of economic abuses against EU budget;
- international legal regulations concerning combating of organised crime and determining rules of international co-operation;
- legal foundations and practical methods of prevention of so-called insurance crime related to securities market, infringing copyright and trade marks;
- legal foundations and practical methods of combating crime related to illicit trade of weapons and nuclear materials.

According to assumptions made, apart of Polish experts (1-2 in each course) foreign experts (2-3 in each training course) originating from States that have the widest experience in combating of organised crime will be involved in preparing and conducting the seminars.

**Costs of training will be shared between PHARE and Beneficiary according to principles described below:**

PHARE will pay costs of foreign experts' participation, preparing and distribution of materials developed by them as well as the costs of translations of materials and lectures.

Polish contribution will cover remaining costs of the training (for example: costs associated with Polish experts' participation, providing training facilities as training rooms, audio equipment, and equipment for translators etc).

- training for the IT system users: 210 prosecutors, 35 IT specialists, 105 administrative staff.

**Cost of the IT training will be covered by the Beneficiary.**

**Investment**

- purchase and installation of relevant computer hardware (1 contract financed by PHARE);
- interconnecting the relevant Prosecution Service units in a wide area network (Polish contribution);
- adapting premises in the relevant Prosecution Service units (Polish contribution);
- installation of the local area networks in the relevant Prosecution Service units (Polish contribution).

It is to stress that the computer system, which is to be extended on the next units of Prosecution Service due to the activities described above, will not compete and double other computer systems, especially created within the area of competence of the Ministry of Interior. The latter is designed exclusively for the purpose to transfer information of operational character (which can not be used in criminal proceedings) between services subordinated to the Ministry of Interior. Thus its function and range of data stored and processed in the system differ from network which is to be set up for Prosecution Service. However in order to make it possible to exchange data between the systems, it was agreed that the structure of information should be standardised and compatible.

**Component 2**

- Delivering training to the Prison Service staff involved in combating organised crime
  To improve the professional skills of the Prison Service staff involved in combating of organised crime it is necessary to prepare and implement an intensive training activity addressed to this group. Such training activity should provide them with deep knowledge on techniques, methods and legal instruments applied in Poland and EU to fight against organised crime.

- Providing the units of Prison Service covered by the project with the up-to-date IT system to facilitate collecting, processing and transferring data between Prison Service and other relevant agencies (Prosecution Service, Police, Border Guard, etc.) involved in combating of organised crime.
  The access to information, fast data exchange and analysis, as well as fast data collecting, are possible only within a modern IT system. However, implementation of such system is very expensive and needs time. The first stage in this process should be introducing IT to the Prison Service Central Administration and District Inspectorates of the Prison Service, and pre-trial detention centres and closed prisons (ca. 140 units altogether). Implementation of adequate IT system in this area is most needed and the related works most advanced.

At present neither the Prison Service Central Administration, the District Inspectorates of the Prison Service, nor other penitentiary establishments have computer register of pre-trial detained and imprisoned persons facilitating quick collecting, processing, and distributing of data concerning
individuals involved in organised crime staying in the penitentiary establishments, their behaviour and other facts occurred in plenipotentiary establishments relevant for the state safety and order. Existing Central Register of Convicted and Register of Convicted and Pre-trial Detained does not collect data about relations between imprisoned persons and organised crime structures. Therefore, developing of a such computer system for the Prison Service, compatible with other existing or planned IT systems, facilitating of collecting, processing, and distributing of data concerning individuals involved in organised crime staying in the penitentiary establishments, is needed. According to its assumptions, the system will:
- facilitate collecting and distributing of data concerning individuals staying in the penitentiary establishments (as well as other facts occurred in plenipotentiary establishments relevant for the state safety and order) to Offices of Prosecution Service and other competent external agencies;
- facilitate electronic processing of these data;
- operate as a register for penitentiary establishments;
- improve office works and statistics preparation.

The Prison Service Central Administration will be a system's central unit and will be connected to other units. Each basic unit within the Prison Service should be furnished with relevant computer terminal facilitating data exchange. The system should enable access to other databases via the central unit.

In order to complete these activities the following input will be required:

**Institution building**

In the twinning:
- short-term EU experts' missions aimed at developing assumptions for IT system in the Prison Service and monitoring successive phases of its development (IT specialists that operate similar systems in Member States and system users – officers that use such systems in the everyday course of their work);

*Costs of foreign experts will be covered by PHARE, within the framework of the standard twinning rules.*

- organising cycle of 1-2-day seminars in Poland (in Prison Service facilities, first of all in the Main Training Centre of Prison Service in Kalisz) for staff of Prison Service who work in direct contact with the prisoners belonging to the structures of organised crime. Ca. 60 persons will take part in every seminar. They should focus on:
  - forms of government agencies' co-operation in area of combating of and counteracting the organised crime;
  - issue of organised crime in penitentiary establishments in EU Member States;
  - procedures associated with dangerous prisoners in EU Member States;
  - legal and administrative regulations preventing corruption of State officers.

According to assumptions made, apart of Polish experts, foreign experts originating from EU Member States will be involved in preparing and conducting the seminars.

*Costs of training will be shared between PHARE and Beneficiary according to principles described below:*

**Within the framework of the standard twinning rules, PHARE will pay costs of foreign experts' participation, preparing and distribution of materials developed by them as well as the costs of translations of materials and lectures.**

**Polish contribution will cover remaining costs of the training (for example: costs associated with Polish experts' participation, providing training facilities as training rooms, audio equipment, and equipment for translators etc).**

- delivery of training to future IT system users: officers and IT specialists;

*Cost of the IT training will be covered by the Beneficiary.*

**Investment**

- development and purchase of specialist software (1 contract financed by PHARE);
- purchase of relevant computer hardware for units covered by the project (incl. 5 new sections for dangerous prisoners to be open in the near future – see point 4.), i.e.: servers, workstations and printers (1 contract financed by PHARE);
- adapting premises in the relevant Prison Service units (Polish contribution);
- installation of the local area networks in the relevant Prison Service units (Polish contribution).
Component 3

- Training of judges- and prosecutors-consultants' of international co-operation including:
  - Subject-training courses;
- Training of personnel of secretariats of the courts and prosecutors offices that will directly co-operate with judges- and prosecutors-consultants, including:
  - Subject training.
- Providing judges- and prosecutors-consultants as well as the personnel of secretariats that will co-operate with them with computer hardware and software that facilitate and accelerate international legal co-operation.

In order to complete these activities the following input will be required:

Institution building

Twinning is the approach chosen to cover all the accompanying measures

- Active involvement in the implementation of subject training, first of all with regard to provide necessary expertise (external consultants).
- Preparing technical assumptions of the software to be developed, including contents of databases and standard forms.
  The works will be carried out by the Team for Computer Software Development to be established in the Ministry of Justice. The Team will include specialists on IT as well as judges and prosecutors dealing with international legal co-operation.
  In order to ensure that the software is compatible with the European Judicial Network, comprehensive knowledge of structure and technical aspects of the EJN Web site and other computer software used by EJN will be required. It should be delivered by:
  - 1 long-term PAA (12 months) - expert from EU Member-State, being - if possible - member of EJN, experience in development of EJN, working knowledge of English,
  - 2-3 short-term experts, being specialists on IT systems designed for supporting of international legal co-operation, who will pay two one-week visits in Poland, a first one at the beginning and the second one at the end of the works aimed at preparing assumptions of the software.
  
In order to ensure that the software is compatible with the European Judicial Network, comprehensive knowledge of structure and technical aspects of the EJN Web site and other computer software used by EJN will be required. It should be delivered by:

- Establishing positions of judges- and prosecutors-consultants’ of international co-operation and selection of judges and prosecutors to take those positions
  Position of judge-consultant of international co-operation and prosecutor-consultant of international co-operation will be established in courts of justice and prosecutors offices structure, and appointed judges and prosecutors will receive monthly bonus.

The costs mentioned above will be covered by the Beneficiary

- Delivering subject training
  - Members of the group of consultants shall receive intensive specialised training courses conducted with the assistance of experts from the EU Membership States. The group as mentioned above will comprise of three subgroups. Judges-consultants - specialist of civil matters will attend a separated training cycle. Judges - specialists of criminal matters and prosecutors will attend a training course in part common and in part separated:
    - The following training courses are envisaged:
      - 6 four-day seminars for 20 judges-consultants specialised in civil matters.
      - 4 four-day seminars common for judges-consultants specialised in criminal matters and prosecutors (40 persons)
      - 2 separate seminars for 20 judges specialised in criminal matters
      - 2 separate seminars for 20 prosecutors.
    Participation of 2-3 experts from EU Membership States involved in the international co-operation and, if possible, serving as contact points within the European Judicial Network and 2 Polish experts in each training course is assumed.

Costs of training will be shared between PHARE and Beneficiary according to principles described below:

PHARE will pay costs of foreign experts’ participation, preparing and distribution of materials developed by them as well as the costs of translations of materials and lectures.
Polish contribution will cover remaining costs of the training (for example: costs associated with Polish experts’ participation, providing training facilities as training rooms, audio equipment, and equipment for translators etc).

- Personnel of secretariats of the courts and prosecutors offices that will directly co-operate with judges- and prosecutors-consultants will receive training on international legal co-operation.
  - To ensure efficient training, the 60-person group of personnel of secretariats will be divided into two subgroups and each subgroup will receive 3 three-day courses. Polish experts – 3 experts per each course, will conduct the courses.

Costs of training for personnel will be financed by the Beneficiary.

Investment
- Ordering and purchase of computer software (1 contract)
  (PHARE contribution)
- Ordering and purchase of computer hardware (1 contract)
  Each judge- and prosecutor-consultant will be provided with one computer equipped with modem and printer (60 sets altogether). Each secretary should be provided with one computer equipped with modem (60 items altogether). The hardware must meet requirements of the developed software. Keeping the pace with program of IT introducing into courts, the hardware will be integrated with information network covering courts and prosecutors offices.
  (PHARE contribution);
- Adapting premises in the relevant units of the courts and public prosecutor’s offices
  (Polish contribution)

4. Institutional framework:
The Bureau for Combating Organised Crime of National Prosecutor's Office in Warsaw plays a key role in area of combating of organised crime within Polish Justice System. This Office co-ordinates works of 17 investigation departments for organised crime at 17 Provincial Offices of Prosecution Service and of other Offices of Prosecution Service if their operations cover combating of organised crime. Division of tasks in area of combating of organised crime among the Police Service (and other services within Ministry of Interior and Administration) and the Prosecution Service is clear and readable: Police Service conducts operational activities and the Prosecution Service conducts or supervises preparatory proceedings and performs indictment function before the Court.

Penitentiary units (Prison Service) participate in combating of organised crime by applying a prevention means in form of pre-trial detention and execution of imprisonment sentences in relation to members of criminal groups. Persons associated with organised crime, when detained, stay mainly in pre-trial detention centres and closed prisons, often qualified in category of dangerous prisoners. Special procedures aimed at control of their behaviour are applied against these persons. At present there are within the Prison Service three sections for incarcerated prisoners qualified as dangerous. This number is too scarce and in result, majority of incarcerated dangerous individuals stay in general sections (in adapted cells), what procures additional difficulties with control of their behaviour (it should be noted that this population is expanding). Opening of the further two such sections is planned by the end of 2002. Next three should be open by the end of 2005. Unfortunately, establishing these sections requires the Prison Service to bear significant outlays (technical-securing facilities, means of personal security, premises monitoring, permanent enforcement of security service personnel, etc.).

The courts of law and public prosecutors offices, together with the Ministry of Justice, are responsible for the international legal co-operation. In theory, courts and prosecutors offices of all levels could be engaged in international legal co-operation, however in practice, the provincial (middle) level is the most involved (thus consultants will be located on this level). Ministry of Justice is playing the role of the “central authority” and until now - in fact – the point of consultation. It could be assumed that as the effect of the project, the last function would be diminished. Instead, the expertise will be available locally – closer to end-users.

5. Budget (in million EURO):

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6. Implementation arrangements:

6.1. Implementing Agency:
Programme Authorising Officer (PAO): Mr Pawel Samecki, The Under-secretary of State in the Office of the Committee for European Integration, Ujazdowskie 9 ave, 00-918 Warsaw, phone +48 22 455 52 41; fax: +48 22 455 52 43

Orders will be completed by: Central Financing and Contracting Unit, Mr Wojciech Paciorkiewicz, Director, Nowy Swiat 6/12 Street, 00-400 Warsaw, Phone: +48 22 661 76 33; fax: +48 22 661 76 13

The National Prosecutor’s Office (for Component 1), the Prison Service Central Administration (for Component 2) and the Ministry of Justice (for Component 3) will be implementing agencies.

Competent departments (offices) of implementing agencies will be responsible for preparing scope of works, specifications of the hardware for tenders and monitoring, for example:

Component 1
The Department of Human Resources and Training in Ministry of Justice in co-operation with Bureau for Organised Crime of the National Prosecutor’s Office (Component 1) will organise training; The Team for Computer Program Development in the IT Department of Ministry of Justice in co-operation with the Bureau for Organised Crime of the National Prosecutor’s Office will prepare specification of hardware.

Component 2
The Department of Human Resources and Training in Ministry of Justice in co-operation with the Prison Service Central Administration will organise training; The Prison Service Central Administration will prepare assumptions to the computer software and specification of hardware.

Component 3
The Team for Computer Software Development in the IT Department of Ministry of Justice will prepare assumptions to the computer software; The Department of Human Resources and Training in co-operation with the Department of International Co-operation and European Law will organise training, incl. study visits.

6.2. Twinning
The CFCU will be in charge of the financial management. Contact person: Mr Wojciech Paciorkiewicz, Director, Nowy Swiat 6/12 Street, 00-400 Warsaw, Phone: +48 22 661 76 33; fax: +48 22 661 76 13.

6.3. Non standard aspects
All components of the project will be implemented in compliance with the DIS manual.

6.4. Contracts
1 twinning contract 1.5 million EURO
1 joint contract for hardware – 2.35 million EURO
1 contract for software 0.15 million EURO;
1 contract for software 0.90 million EURO.

PL co-financing: hardware – 0.75 million EURO, software - 0.2 million EURO, Twinning co-financing – 0.1 million EURO, TA co-financing – 0.85 million EURO

The Beneficiary plans to finance its part of the project from State budget. Twinning and TA co-financing shall comprise Polish experts participation, lease of audio and translation equipment, international tickets, etc.). The hardware shall comprise both workstations and network elements.

7. Implementation schedule:
- start of tendering: January 2002
- start of project activity: February 2002
- project completion: September 2003.

8. Equal opportunities:
Women constitute the majority of the employees in the Prosecution Service and Prison Service. The benefits from implementation of this project will effect all employees of the bodies involved, regardless of their sex. The same concerns citizens. Also participation in the project is tied with individual professional qualifications and experience only.
9. Environment Not applicable.
10. Rate of return Not applicable.
11. Investment criteria Not applicable.

12. **Conditionality and sequencing:**
   - providing necessary funds in the national budget necessary to co-finance the project;
   - implementing works concerning strengthening the Prosecution Service provided for in PHARE 1998 and PHARE 1999 projects according to schedule and achieving defined objectives;
   - co-ordination of works with the other activities aimed at combating organised crime carried out by other competent institutions, especially by the Police;
   - opening first two of new sections for dangerous prisoners;
   - making the organised crime software prepared by the Polish side as a co-financing to the PL9904.04 project operational and used in all the Prosecutor’s offices equipped with the previous Phare programmes;
   - establishing the position of judge- and prosecutor-consultant in international legal co-operation and selecting appropriate persons;
   - simultaneous implementation of all three components.
### Wider objective

Improving the professional skills of staff of the Prosecution Service and Prison Service involved in combating organised crime

Improving the international co-operation in criminal and civil matters, especially concerning actions taken by courts and prosecutors offices involved

Preparation of the Polish justice system for participation in the European Judicial Network that operates on the basis of the Joint Action of 29 July 1998 on the creation of a European Judicial Network (EJN)

#### Indicators of achievement

1. Increase of detection rate of organised crime cases.
2. Speed up of investigation proceeding in organised crime cases.
4. Shortening of average time of processing foreign requests for co-operation.
5. Growth of a number of cases, in which only effective and necessary actions were taken.
6. Decrease of a number of questions for clarification addressed by judges and prosecutors to the Department of International Co-operation and European Law in Ministry of Justice and to the Division of International Co-operation in National Prosecutor’s Office.
7. Possibility of an effective direct contact in handling cases between judges and prosecutors from the EU and Polish judges and prosecutors.

#### Sources of information

1. Government policy papers
2. Governmental bodies’ reports;
3. Statistics reports, incl. public prosecutor’s office’s and Prison Service’s report and courts statistic
4. Public opinion polls
5. Reports prepared in the framework of Joint Action of 29 June 1998 establishing a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the acquis of the European Union in the field of Justice and Home Affairs

#### Assumptions and risks

1. Continuation of governmental policy regarding EU accession
2. Implementing PHARE 1998 project Improving the efficiency of the court system and the public prosecutor’s office and PHARE 1999 project Support for the Third pillar obligation
3. Continuation of the reform judicial system
4. Securing sufficient funds in national budget

### Immediate objectives

1. Improving the professional skills of staff of the Prosecution Service and Prison Service involved in combating organised crime.
2. Securing the access to information and modern techniques of data processing and distributing to the units within the Prosecution Service and the Prison Service responsible for combating organised crime covered by the project.
3. Establishing the network of judges and prosecutors – consultants in international co-operation.
4. Establishing the electronic database that facilitates access to information necessary to carry out the international co-operation and that contains bodies of legal acts, other documents and analyses, forms of requests for assistance, and practical information such as addresses of competent foreign institutions.

#### Indicators of achievement

1. Extended knowledge and experience of public prosecutors and personnel of Prison Service dealing with organised crime.
2. Better management of cases regarding organised crime.
3. Improved access to and exchange of relevant information between institutions involved in combating organised crime.
4. Existence of the network of judges and prosecutors consultants in international co-operation and qualified in the field secretariat staff.
5. Operation of the computer system facilitating international co-operation in the courts of law and prosecutors offices.

#### Sources of information

1. Government policy papers
2. Governmental bodies’ reports;
3. Statistics reports, incl. public prosecutor’s office’s and Prison Service’s report and courts statistic
4. Public opinion polls
5. Reports prepared in the framework of Joint Action of 29 June 1998 establishing a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the acquis of the European Union in the field of Justice and Home Affairs

#### Assumptions and risks

1. High qualified experts (legal and on IT) available
2. Necessary funds available
3. Stabilisation of staff of Prosecution Service involved in combating organised crime Prison Service officers
4. Stabilisation of judicial staff

### Results of project

#### Indicators of achievement

1. Improved access to and exchange of relevant information between institutions involved in combating organised crime.
2. Operation of the computer system facilitating international co-operation in the courts of law and prosecutors offices.
4. Securing sufficient funds in national budget.
5. Increase of detection rate of organised crime cases.

#### Sources of information

1. Government policy papers
2. Governmental bodies’ reports;
3. Statistics reports, incl. public prosecutor’s office’s and Prison Service’s report and courts statistic
4. Public opinion polls
5. Reports prepared in the framework of Joint Action of 29 June 1998 establishing a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the acquis of the European Union in the field of Justice and Home Affairs

#### Assumptions and risks

1. Continuation of governmental policy regarding EU accession
2. Implementing PHARE 1998 project Improving the efficiency of the court system and the public prosecutor’s office and PHARE 1999 project Support for the Third pillar obligation
3. Continuation of the reform judicial system
4. Securing sufficient funds in national budget
1. Improved professional knowledge of prosecutors and the Prison Service officers involved in combating of organised crime. 2. Improved command of foreign languages of prosecutors and the Prison Service officers involved in combating of organised crime. 3. Further units of the Prosecution Service connected to the IT system to be created implemented under PHARE 1998 and 1999 projects. 4. The IT system facilitating collecting, analysing, and exchange of data about criminals confined in the penitentiary establishments implemented in the Prison Service units covered by the project. 5. Functioning of the experts in judicial co-operation, supported by educated secretariat staff in judicial districts and equipped with proper computer hardware. 6. Accessibility of necessary information via computer program.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Inputs</th>
<th>Sources of information</th>
<th>Assumptions and risks</th>
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# Annex 2 Detailed implementation chart

<table>
<thead>
<tr>
<th>Date of drafting</th>
<th>Planning period</th>
<th>Program title</th>
<th>Budget allocation</th>
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<tbody>
<tr>
<td>01.2001</td>
<td>January 2002 – September 2003</td>
<td>Strengthening the capacity of the Services of the Administration of Justice in Poland to combat organised crime and carry out international legal co-operation</td>
<td>Cost estimate</td>
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## Implementation schedule (semesters)

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**Total Program**: 4,90 million EURO

Legend: D= design of sub-projects / C= tendering and contracting / I= contract implementation and payment

# Annex 3 Contracting and disbursement schedule

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<th>Planning period</th>
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**Total Program**: 4,90 million EURO