

Needs-based curricula and programme development for the International Institute for Justice and the Rule of Law



EUROPEAN COMMISSION
INSTRUMENT FOR STABILITY
COUNTERING TERRORISM

REQUEST FOR SERVICES N° 2013/318193

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by CIVI.POL Conseil



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C O N S E I L

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Acronyms

CEPOL	European Police College
EJTN	European Judicial Training Network
EU	European Union
GCTF	Global Counterterrorism Forum
SIT	Special Investigation Technique
TI	Transparency International
UN	United Nations

I Introduction and Summary ● of Core Findings

A properly functioning civilian criminal justice system is essential for any country's efforts to uphold the law and prevent as well as respond to complex security threats such as terrorism and transnational organised crime. To be effective, professionals across the entire system, from lawmakers to law enforcement officials, prosecutors, judges, and prison administrators, require specialised training and related capacity building. Delivering and sustaining that training is difficult for even the most developed high-income nations. It is particularly challenging and urgent in countries that are transitioning to democracy in the Middle East and North Africa, East Africa and the Horn, and West Africa and the Sahel. In these regions, criminal justice system-wide capacity building is essential for helping them to get on the path to sustained good governance underpinned by institutions that can uphold the rule of law, including human rights. Yet, the circumstances that make the need for capacity building so urgent in countries with low capacity, including countries that are transitioning to democracy, can hamper or impede the delivery of safe and effective training within their own borders.

To help overcome these challenges, the International Institute for Justice and the Rule of Law will open in Malta in 2014. With an initial focus of serving the needs of countries in the Middle East and North Africa, East Africa and the Horn, and West Africa and the Sahel, the institute will train parliamentarians, police, prosecutors, judges, corrections officers, and related officials to develop and implement measures to counter terrorism and other transnational threats while respecting human rights in accordance with the rule of law.

This report outlines a series of recommendations for the institute's initial curriculum and programming agenda. The report is based on a more lengthy needs assessment report entitled the "EU Mapping and Needs Assessment Study" that was developed as an internal document for the European Union. Utilising funding under its Instrument for Stability, the EU supported an expert team (assembled and administered by Civi.Pol, a consulting and service company of the French Ministry of Interior) to undertake an in-depth, six-month study in the second half of 2013. The team assessed criminal justice-related training needs and mapped the provision of related international assistance across 18 countries from across East Africa, the Middle East, North Africa, and West Africa.

This report provides clear recommendations for the institute and its partners, including donors, trainers, and others with an interest in supporting and sustaining the institute. After some background information on the institute, this report describes the research undertaken to provide evidentiary guidance for the institute's initial curriculum and elaborates on the findings. The expert team offers specific learning objectives to inform course development for a range of criminal justice professionals and concludes with a series of recommendations for consideration by stakeholders in standing up the institute. Some of those recommendations are summarised below as core findings that emerged from desk study and field research.

Core Findings

Beyond identifying a strong demand for the International Institute, we found that:

- »»» Developing the capacity of criminal justice systems requires more than traditional training courses alone, and the institute is well placed to offer more-diverse types of assistance. The expert team therefore recommend a number of concrete learning activities and partnerships beyond training that will allow the institute to serve as a stronger platform for criminal justice and rule of law capacity development.
- »»» In terms of mapping existing assistance provisions, some countries have received more attention than others from prevailing bilateral and multilateral programmes, while some topics tend to attract more donor attention than others. Capacity-building assistance delivery to corrections systems is least developed, and there is a need for more counterterrorism-specific course material for judges and for thematic courses on issues such as kidnapping for ransom and the problem of foreign fighters.
- »»» Levels of cooperation among states in the region and between regional states and others remain underdeveloped. The expert team recommends that the institute actively take up the aim in its charter to seek partnerships with relevant national and international training centres and facilitate network building among regional criminal justice professionals. In this manner, all courses offered or supported by the institute will contribute to strengthening the investigation, prosecution, and oversight of terrorism cases through national court systems in accordance with the rule of law and international human rights standards.
- »»» Although capacity development needs in each context are unique, focus-country criminal justice systems fall into three general groups according to relative capacity: relatively proficient, moderate, and remedial. The institute should offer thematic courses tailored to provide instruction at introductory, intermediate, and advanced levels. The expert team offers a typology to cluster countries into the appropriate levels and offers recommendations aimed at addressing the priority needs tailored to each level.
- »»» Intelligence agencies often manage the lion's share of the responsibility for collecting and analysing intelligence, but the use of intelligence by law enforcement, prosecutors, and judges is frequently an essential element in the development and adjudication of counterterrorism-related legal cases. The expert team recommends that training courses for law enforcement, prosecution, defence counsel, and judges be offered that provide instruction on the handling and use of intelligence to ensure the protection of sensitive information, intelligence, techniques, and informant and witness testimony while ensuring due process for the accused.

Course Priorities

To address the most urgent training needs identified in the mapping and gap analysis on which this report is based, as a matter of priority, the institute should offer the following initial courses on applying the rule of law when countering terrorism.

- »»» Legislating a well-functioning human rights–and rule of law–compliant criminal justice system and establishing oversight and accountability mechanisms in the justice and security sector.
- »»» Standard operating procedures and codes of conduct for criminal justice actors.
- »»» Effective human rights–compliant arrest and detention practices for successful prosecution.
- »»» The criminal intelligence cycle and the use of intelligence in criminal investigations.
- »»» Basic, intermediate, and advanced investigation, forensics, and evidence handling techniques.
- »»» Intermediate and advanced cooperation between police and prosecution in serious criminal cases.
- »»» Basic and intermediate corrections management and administration for mid–and senior–level corrections officers.

2. Background

Criminal justice sector : Rabat memorandum and main actors


The development of the International Institute has been supported by a core group of partners. Many of them are active members within the Global Counterterrorism Forum (GCTF)¹, of which the European Union is a member. The Charter of the International Institute stresses that its mission “should be broad enough to allow it to take the global, comprehensive, and integrated approach necessary to address 21st century terrorism and other transnational criminal activities over the long-term, while including an initial focus on strengthening the capacity of national criminal justice systems to prevent and respond to terrorism, in particular for interested countries in North, West, and East Africa.”² To be effective, capacity-building initiatives must be developed in partnership with the recipients, in particular the national training institutes. Training opportunities must be tailored to the specific organisational and individual practitioner needs of recipients. The institute's charter also acknowledges “the importance the [i]nstitute should attach to building and leveraging partnerships with,” and the need to “develop a network of, existing international, regional, and national training centres and academies, the United Nations and other multilateral organisations, as well as relevant non-governmental organisations.”³ Once operational, the institute will fill a gap regarding assistance provision across the region.

1 The Global Counterterrorism Forum (GCTF) is a multilateral counterterrorism platform with 30 founding members (29 countries plus the EU). It was launched on September 22, 2011, with the aim of providing a forum for senior counterterrorism policy-makers and experts from around the world to work together to identify urgent civilian-led counterterrorism capacity needs and to mobilise resources for addressing key counterterrorism challenges. The GCTF has five working groups which focus on two thematic issues (the Rule of Law and Countering Violent Extremism) and three regional areas (West Africa and the Sahel, the Greater Horn of Africa, and Southeast Asia). More information on the GCTF is available online at: theGCTF.org.

2 Draft Charter of the International institute for Justice and the Rule of Law (2014). Copy on file with authors.

3 Ibid.

Box 1. Criminal justice practices in counterterrorism: the Rabat memorandum

Prerequisite and integrated throughout	Maintenance of an effective rule of law-based criminal justice system
	Review and revision of counterterrorism legislation, policies, and standard operating procedures
	Human rights safeguards and accountability mechanisms
	CRIMINALISATION
	Good practice 12: Criminalise terrorist offences
	Good practice 13: Criminalise conspiracy and preparatory offences
	Good practice 14: Criminalise attempts assistance
	Good practice 15: Criminalise financing
	Good practice 16: Criminalise nonfinancial support
	INVESTIGATIONS
	Good practice 3: Legal undercover investigation
	Good practice 4: Legal electronic surveillance
	Good practice 6: Protect classified information
	Good practice 10: Forensics
	COOPERATION
	Good practice 9: International cooperation
	Good practice 2: Interagency cooperation
	DETENTION
	Good practice 7: Lawful pretrial detention
TRIALS	
Good practice 1: Protect parties to trial	
Good practice 5: Incentives to help investigations/prosecution	
CORRECTIONS	
Good practice 11: Prisons and rehabilitation ^a	
Reinforcing throughout	Institutional capacity development
	Professionalisation, skills development, specialisation (Good practice 8)

^a For more detail on this practice, see GCTF, *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders*, n.d., <http://www.thegctf.org/documents/10162/19594/Rome+Memorandum+on+Good+Practices+for+Rehabilitation+and+Reintegration+of+Violent+Extremist+Offenders>. Source: GCTF Criminal Justice Sector/Rule of Law Working Group, *Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector*, 24 May 2012, <http://www.thegctf.org/documents/10162/19594/Rabat+Memorandum+on+Good+Practices+for+Effective+Counterterrorism+Practice+in+the+Criminal+Justice+Sector> (adopted June 2012).

The GCTF's Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector⁴ translates the widely acknowledged importance of rule of law–based criminal justice measures in effective counterterrorism methods into a series of 15 actionable good practices. This nonbinding series includes guidance for multiple criminal justice actors regarding investigations, trials, detention, internal and external cooperation, and criminalisation in the context of preventing and countering terrorism.

The Rabat memorandum covers measures across the numerous stages of the criminal justice process and a range of specific actors, including lawmakers, prosecutors, police, and corrections officers. The GCTF encourages all countries to consider the Rabat memorandum as a source of guidance for developing a more effective, rule of law–based criminal justice sector response to terrorism, and GCTF members and partners have been working bilaterally and regionally to promote the implementation of the good practices contained in the memorandum at the national and regional levels (box 1, p. 12).

Importantly, the Rabat memorandum emphasises that these good practices “must be built on a functional criminal justice system that is capable of handling ordinary criminal offences while protecting the human rights of the accused.”⁵ It also encourages institutional development, capacity building, and training to assist states in developing and reinforcing a more robust basis for implementing these practices at the national level.⁶

The institute will conduct trainings that aim to strengthen international capacities to implement the Rabat memorandum. According to its charter, the institute's aims and objectives are to “provide parliamentarians (and other lawmakers), police, prosecutors, judges, prison officials, and other relevant criminal justice officials with rule of law and human rights-based training on the development and use of legal frameworks, policies, good practices, and procedures so countries are more capable of safeguarding the security of their citizens from transnational threats such as terrorism and other transnational criminal activities” (box 2, p. 14).⁷

To be effective, training and capacity development assistance for these criminal justice actors should be responsive to the needs of the individual practitioners and provided in accordance with their specific institutional and operational context. Some of the most effective regional training centres now operate with the active involvement of national training institutes. The EU, for instance, has established two useful training platforms, the European Judicial Training Network (EJTN) and the European Police College (CEPOL), that have structural mechanisms for engaging national partners, for example, by using exchange programmes. This enables national institutes to participate in EJTN's and CEPOL's work to foster stronger justice and security cooperation among EU member states through training and collaborative learning (box 3, p. 15).

4 GCTF, *Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector*, adopted in June 2012. <http://www.thegctf.org/documents/10162/19594/Rabat+Memorandum+on+Good+Practices+for+Effective+Counterterrorism+Practice+in+the+Criminal+Justice+Sector>.

5 Ibid., p. 1. The memorandum places an emphasis on prerequisite criminal justice capacities, noting that “a comprehensive criminal justice response to terrorism requires a strong criminal justice system that functions in practice” and that “states should in the first instance have a modern, fair and efficient criminal justice system that forms the basis for a robust criminal justice response to terrorism.” Ibid., pp. 3, 14.

6 Ibid., pp. 14-16.

7 Draft Charter of the International Institute for Justice and the Rule of Law (2014). Copy on file with authors.

Box 2: Criminal Justice Actors and Functions

ACTOR	GENERAL FUNCTIONS
Lawmakers	<ul style="list-style-type: none"> › Developing laws and policies that serve as the foundation of rule of law–based criminal justice systems, including legal frameworks to ensure coordination among criminal justice actors and international cooperation in matters of criminal justice. › Independent oversight over criminal justice actors and presiding over the allocation of funding and resources to justice and security organisations. › Adopting comprehensive criminal legislation with built-in human rights protections that empowers criminal justice actors to prevent, counter, and respond to criminal and terrorist activity in accordance with national and international law.
Police	<ul style="list-style-type: none"> › Providing for and maintaining public safety, law, and order by ensuring equal protection of legal and human rights for all. › Preventing and responding to criminal activity, including through intelligence collection, analysis, and evaluation; criminal investigations and evidence collection, including the lawful use of special investigation techniques; and the interviewing and protection of suspects, witnesses, and victims. › Undertaking the lawful arrest and overseeing the lawful pretrial detention of suspects and cooperating with prosecutors and investigating judges in conducting criminal investigations.
Prosecutors and investigating judges	<ul style="list-style-type: none"> › Undertaking or overseeing the criminal investigation processes in cooperation with law enforcement investigators and ensuring the lawful and human rights–compliant collection of evidence in pursuit of a criminal prosecution in a court of law. › Working with judges, law enforcement, defence counsel, and sitting judges to ensure the protection of sensitive information, intelligence, techniques, and informant and witness testimony while ensuring due process for the accused. › Developing specialised expertise to pursue cases on international crime and terrorism, particularly on matters of mutual legal assistance and extradition.
Judges	<ul style="list-style-type: none"> › Exercising oversight authority and judicial review on investigator use of special investigations techniques and lawful pretrial detention and overseeing the protection of human and legal rights of suspects, victims, and witnesses for the duration of the criminal process. › Ensuring evidence produced by the prosecution was obtained in accordance with national and international law and human rights standards. › Adjudicating criminal cases and applying appropriate punishments to guilty parties in accordance with the law.
Corrections officers	<ul style="list-style-type: none"> › Ensuring convicted offenders remain incarcerated for the duration of their sentence while ensuring the overall safety of the prison population and staff and the humane treatment of inmates. › Implementing programmes for inmate rehabilitation and reintegration. › Monitoring interactions and communications of inmate population as appropriate to feed into intelligence cycle and inform crime prevention efforts.

Box 3. Spotlight on European Judicial and Law Enforcement Training Institutions: The European Judicial Training Network and the European Police College

The European Judicial Training Network (EJTN)	The European Police College (CEPOL)
<p>The EJTN was founded in 2000 to support the development of trust, understanding, cooperation, and a common European judicial culture.^a The EJTN is structured as a non-profit association of national, judicial, and prosecutorial training bodies dedicated to promoting joint learning in all fields of law.^b To this end, the EJTN harnesses the combined knowledge, resources, and expertise of its members and partners as a platform for a range of learning activities.</p>	<p>CEPOL was established under its current mandate in 2005 by the Council of the European Union as an EU agency that works to strengthen capacity and cooperation and foster a common European culture of policing.^d Organised as a network of personnel and national police colleges responsible for coordinating engagement within each respective EU member state, CEPOL serves as a platform for a range of educational activities.</p>
<ul style="list-style-type: none"> ➤ The judicial “Exchange Programme.” The EJTN manages an exchange programme for judges and prosecutors in the European judiciary. The programme allows jurists to partake in short- and long-term exchanges and study visits with counterparts in different national jurisdictions and EU-level institutions such as the European Court of Human Rights and Eurojust. ➤ Training curricula guidelines and “Trainers’ Forum” activities. The EJTN supervises working groups that develop and annually update thematic training guidelines to inform planning and design of judicial training activities of members’ institutions.^c The EJTN also facilitates activities to promote the development and sharing of training and teaching techniques, methodologies, and experiences among European judicial trainings. ➤ “Catalogue” and “Catalogue+” Programmes. The EJTN manages an annual catalogue of training activities hosted by member institutions that are open to all judges and prosecutors of EJTN members and observers. Aside from the development of thematic curriculum guidelines, EJTN working groups provide support to member institutions in enhancing, upgrading, and translating existing training courses in EU law-related fields. 	<ul style="list-style-type: none"> ➤ “Policing in Europe,” a modular training for senior police officers. CEPOL organises an intensive, multisession training programme designed for senior police officers focusing on legal, institutional, organisational, and operational aspects of police leadership. Over the course of a calendar year, qualified officers engage in three sessions each with precourse readings, residential study, and a practical assignment.^e ➤ Police research and the European Police Science and Research Bulletin. To bridge the gap between operational policing and academic study, CEPOL collaborates with national policing experts in maintaining an online police-knowledge platform and works with national police institutions in convening annual conferences on police science. CEPOL also produces and disseminates the European Police Science and Research Bulletin, focusing on cutting-edge developments in policing. ➤ Field-based learning experiences. CEPOL works with EU members in organising practical learning experiences through observation in the field. For example, in cooperation with national authorities, CEPOL brought together police officers from across Europe for a four-day airport security training at a major European airport.

a Council of the European Union, “Initiative of the French Republic With a View to Adopting a Council Decision Setting Up a European Judicial Training Network,” *Official Journal of the European Communities*, 2001/C 18/03 (19 January 2001), pp. C18/9-18/12.

b EJTN, “EJTN 2012 Annual Report,” May 2013.

c EJTN, “EJTN Recommended Training Curricula,” n.d., <http://www.ejtn.eu/en/Resources/EJTN-recommended-training-curricula/>.

d Governing Board of the European Police College, “Adopting the Work Programme 2013 and Repealing Decision 32/2012/GB of the Governing Board of the European Police College,” 01/2013/GB (1 April 2013).

e CEPOL, “Policing in Europe: A Modular Training Activity for Senior Police Officers,” 2013, <http://bookshop.europa.eu/en/policing-in-europe-pbQR0313329/>.

Stocktaking of national capacity-building and training needs

In order to provide an evidentiary basis to inform the development of the initial curriculum at the institute, the European Commission requested that the expert team undertake an in-depth study of criminal justice capacity-development and training needs in 18 focus countries: Algeria, Burkina Faso, Djibouti, Egypt, Ethiopia, Jordan, Kenya, Lebanon, Libya, Mali, Mauritania, Morocco, Niger, Senegal, Somalia, Tunisia, Uganda, and Yemen (fig. 1, p. 17).

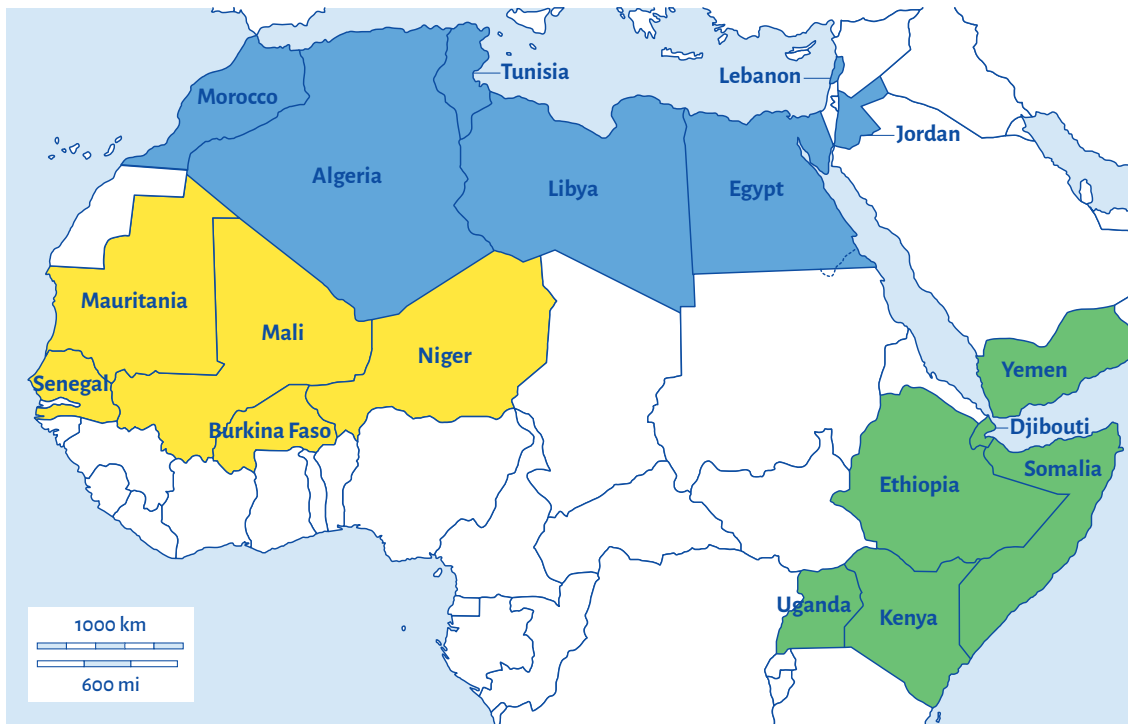
The effort commenced with desk research and an extensive literature review. The expert team studied methodologies for criminal justice system assessments, gathered materials on the criminal justice systems of the focus countries, and surveyed good practices in the provision of assistance through regional or multilateral training institutions. Through desk research and fieldwork, the expert team gathered data on international assistance initiatives in the focus countries to take stock of trends in international donor assistance to criminal justice actors in national and regional contexts.

Beyond desk research, the expert team undertook considerable field research, including original interview and documentary research in seven countries. In total, the expert team held more than 70 meetings and spoke with more than 200 stakeholders. Among the interviewees were national government officials from a range of relevant ministries; line agency officials, including the police and gendarmerie; national training institutions serving a wide range of criminal justice professionals; national interagency mechanisms in the fields of counterterrorism and transnational crime; international government officials with knowledge of capacity-building programming; civil society organisations; and regional and multilateral organisations.

A flexible and intuitive thematic assessment framework capable of reflecting a wide range of rule of law-related indicators was used to provide analytical coherence and consistency to the stocktaking exercise and account for variances in the data available for each focus country. The expert team's framework was developed to capture a broad range of indicators of fundamental importance to the maintenance of a "modern, fair and efficient criminal justice system," as referenced in the Rabat memorandum, and in accordance with the current literature on effective rule of law-based criminal justice efforts.⁸ On this basis, the expert team's framework reviews indicators across five thematic areas: (1) legislation and legal rights; (2) institutional framework; (3) oversight, accountability, and human rights; (4) public access and service delivery; and (5) professional training and development. Together, performance indicators across these five assessment areas constitute core criminal justice capacity prerequisites to the implementation of the good practices identified in the Rabat memorandum.

⁸ See European Commission, "Support to Justice and the Rule of Law," *Tools and Methods Series*, no. 15 (2012); UN Office on Drugs and Crime, "Criminal Justice Assessment Toolkit," 2006, http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/CJAT_Toolkit_full_version23Mar10all.pdf; Geneva Centre for the Democratic Control of Armed Forces International Security Sector Advisory Team, "Operational Guidance Notes," n.d., <http://issat.dcaf.ch/mkd/Home/Community-of-Practice/Resource-Library/Operational-Guidance-Notes>.

Fig1. Focus countries covered in the study



The figure above illustrates the geographical distribution of focus countries across three general subregions:

- East African countries
- North African countries
- West African countries

3 Getting the Content Right: Tailoring Courses to Meet Capacity

In applying the analytical framework to the data gathered, focus countries tended to aggregate into three tiers, comprising countries with relatively proficient capacity (Tier A), those with moderate capacity (Tier B), and those with remedial capacity (Tier C). To avoid political sensitivities, we characterize the capacity levels within each tier below without specifically assigning any country by name to those tiers.

The following typology is offered as a guide for helping the institute to tailor courses that meet the needs level of each country. Although most countries do not fit neatly into a single tier across all thematic areas, the typology provides a framework to illustrate variations in criminal justice capacity and broadly identifies entry points to address shared and divergent training and capacity development needs. After summarising the main characteristics of each tier, we present a number of thematic discussions that highlight a selection of key issues bearing special relevance to criminal justice capacity development.

3.1. Tier A: Proficient

Criminal justice actors in Tier A generally maintain foundational and some advanced capacities to implement rule of law–based practices to counter terrorism. A small minority of the countries assessed for the “EU Mapping and Needs Assessment Study” could be considered Tier A countries. Although deficiencies remain in certain areas, if political momentum for criminal justice reforms and enhancing the professionalism of the officials working across most components of the criminal justice system are translated and instilled as standard operational practice, they will be much better equipped to fully implement the Rabat memorandum.

More-advanced courses that train officials to deal with complex cases should be tailored to countries that have a framework of legal and constitutionally guaranteed rights and comprehensive criminal legislation reinforced by international law. Countries suitable for more-advanced training should have legislation that provides basic legal tools to combat international terrorism and that is reinforced by the ratification of relevant international legal instruments against terrorism, including the UN conventions against the seizure of aircraft, hostage taking, and the financing of terrorism. These countries generally maintain appropriate legislation criminalising terrorism and related offences, such as money laundering and terrorism financing, and are party to most of the key international instruments on terrorism and transnational organised crime. As with many countries reviewed in the EU study, the maintenance of relatively strong normative and legislative frameworks can diverge significantly from the reality of implementation.

Most criminal justice actors in Tier A countries benefit from generally sound ministerial management and strategic vision. Combined with appropriate internal oversight and coordination mechanisms, sufficiently instilled codes of conduct and organisational policies, and access to basic human, financial, and technical resources, criminal justice actors in these countries demonstrate comparatively higher professionalism and operational fluency. Challenges tend to be most acute in the area of criminal procedure. Outdated evidentiary standards and heavy reliance on confession-based testimony in adjudication are acknowledged as an ongoing challenge in need of reform. In addition, prosecutorial services in Tier A countries, although competent, are sometimes weaker in terms of resources, functional independence, and power within the criminal justice system. Corrections and penal services are also insufficiently resourced. The use of “special courts,” courts-martial, or otherwise opaque legal proceedings involving civilian defendants in certain Tier A countries under the pretence of national security, as well as the heavy reliance on confession-based evidence, create a number of human rights, due process, and fair trial concerns. Experts and senior officials in several Tier A countries acknowledged that these issues are serious concerns in the expert team's interviews and that efforts to address them are ongoing but difficult to implement.⁹ Nevertheless, so long as these practices are ongoing, they remain a considerable obstacle to the implementation of a rule of law-based criminal justice response to terrorism.

Although efforts are being taken to root out corruption among criminal justice actors with the establishment of anticorruption commissions, awareness-raising initiatives, and an increase in public sector salaries, it remains a significant challenge to organisational change in Tier A countries. There is a lack of transparency in relation to the implementation of justice and security sector reform, particularly in the area of corrections, in some Tier A countries. Efforts to institutionalise and strengthen the oversight role of parliaments over executive agencies in the criminal justice system are being undertaken in many Tier A countries, but challenges in this area remain particularly acute. Most Tier A countries have powerful executive branches that may sometimes disregard legal process with impunity or infringe on the operational independence of justice and security organisations, judicial independence in particular. In some Tier A countries, terrorism legislation and other national security laws have been used as the justification for arbitrary arrest, incommunicado detention, and prosecution of political opposition. Prison conditions across all Tier A countries range from substandard to life-threatening. Absent strong internal and external accountability standards, human rights violations may be committed with impunity throughout the criminal justice process.

Access to legal aid and an attorney is guaranteed by law in all Tier A countries. Where this right is not fully observed, it is commonly due to a lack of resources and the availability of legal counsel in a

9 Various national officials, interviews with authors, 2013 (country visit reports on file with authors).

particular jurisdiction. Most Tier A countries are home to a mixture of bar associations and nongovernmental and civil society legal and human rights groups that may assist in filling gaps in statutory justice service delivery. Police and local justice services are perceived as fairly corrupt. The lack of observable organisational transformation to match the national will for reform serves in undermining public confidence in a number of Tier A countries.

Countries in Tier A generally possess an effective criminal justice training infrastructure that offers comprehensive basic, in-service and some specialised thematic training at the national level. Curricula in some instances may be somewhat outdated. Training centres in Tier A countries are staffed by experienced practitioners and professional educators. Experienced mid- and senior-level criminal justice practitioners, however, may be well positioned to absorb and translate isolated practitioner trainings into operational practices. In turn, practitioners may be better prepared to operationalise some good practices related to countering terrorism as contained in the Rabat memorandum. They also have the capacity to begin developing curricula that can focus on more-advanced training for handling cases involving terrorism and other complex threats such as transnational organised crime. Interlocutors from a number of national criminal justice training institutes expressed interest in sharing their experience with international colleagues by supporting training delivery at the institute.¹⁰

3.2. Tier B: Intermediate

A plurality of countries covered in the needs assessment and mapping assignment are classified under Tier B. Criminal justice actors in this tier demonstrate some foundational capacity to implement rule of law–based practices to counter terrorism, but deficiencies in a number of fundamental assessment areas pose significant obstacles to the full implementation of rule of law–based criminal justice generally and in matters of counterterrorism.

All Tier B countries generally maintain a framework of basic legal or constitutionally guaranteed human and legal rights and a progressively comprehensive body of criminal law, including legislation criminalising terrorism and related offences. These countries are party to most if not all of the key international instruments on countering terrorism and transnational organised crime. In many country contexts, however, legislation related to matters of national security generally and counterterrorism in particular, provide insufficient built-in legal and human rights protections and can be interpreted for purposes beyond stated intent. These and other deficiencies in a number of fundamental assessment areas pose significant obstacles to the full implementation of rule of law–based criminal justice generally and in matters of counterterrorism.

The inadequate translation of national law into concrete operational practice across core justice and security actors is one of the most common challenges faced by Tier B criminal justice systems. These challenges are symptomatic of a range of underlying problems, such as the uneven distribution of human, financial, and material resources; weak organisational management, professionalism, and interagency coordination; and insufficiently developed and internalised regulations and standard practices within individual organisations. Executive ministries overseeing criminal justice actors exercise weak managerial control and strategic vision, resulting in poor professionalism and operational coordination. The result is a criminal justice system comprised of actors with insufficiently clear mandates, capabilities, and operational fluency.

¹⁰ Ibid.

Furthermore, a number of statutory security agencies in addition to regular police and gendarmerie commonly perform a domestic law enforcement role in Tier B countries, including regular military and military intelligence services, specialised paramilitary units, and other national security agencies. These actors may not necessarily operate according to a criminal justice mandate, often placing terrorism prevention and response outside the criminal justice system. When terrorism-related cases are brought before the courts, the lack of institutional coherence and misapplication of antiterrorism laws pose serious questions regarding national capabilities to counter terrorism in accordance with rule of law–based criminal procedure and modern evidentiary standards. Discussions with local officials in different national criminal justice organisations highlighted frustrations with partner agencies as a major bottleneck in the implementation of standard practices, a divide that is most apparent in the police-prosecution relationship in many Tier B countries.¹¹

Internal and external mechanisms of oversight and accountability in matters of criminal justice, although well managed and multilayered in some country contexts, generally lack the authority to exercise mandates effectively. Tier B countries commonly feature stronger executive control and limited parliamentary oversight authority in matters of justice and security. The prevalence of nonstatutory sources of oversight and accountability vary widely across Tier B countries, but are nevertheless insufficient. Efforts to strengthen statutory oversight authorities are often hampered by high-level political corruption and widespread corruption in the criminal justice system itself.¹² Expert team interviews with local interlocutors repeatedly confirmed that the lack of political will for rule of law–based capacity development and reform was a serious and ongoing challenge in many Tier B countries. Criminal justice and other security actors in all Tier B countries, in particular the police and corrections services, have a problematic history of human rights abuse and impunity, ranging from arbitrary arrest and illegal detention to the use of torture and extrajudicial killings. This not only weakens public perceptions of the criminal justice system, but also decreases the likelihood of incentivising the cooperation of suspects and convincing witnesses and victims that they may safely testify in court.

As might be presumed from the above, most criminal justice systems in Tier B countries struggle to provide fair access and deliver basic services to large segments of the public, in particular women, youth, and geographically, ethnolinguistically, culturally, and socioeconomically marginalised communities. Although serious deficiencies in equitable service provision can be observed across nearly all Tier B countries, the prevalence of complementary nonstatutory security and justice services among these countries varies greatly. A number of Tier B countries are home to a wider mixture of legal associations, law schools, and civil society–based legal advocacy and civil rights organisations. Some Tier B countries have larger communities of private legal professionals than others, but all are severely deficient per capita. In some country contexts, traditional leaders and community groups at the grassroots level provide alternative sources of dispute resolution and public safety for communities that lack access to public services or where government service providers are not perceived as reliable.

A number of local and provincial-level partnerships between statutory and nonstatutory providers of justice and security services are being implemented with promising results within a number of Tier B countries. Such partnerships can serve in expanding public access to justice and security services, enhancing public trust and willingness to cooperate with local criminal justice officials, promoting

¹¹ Ibid.

¹² In a number of Tier B countries, the judiciary and police services are perceived by the public as the most or among the most corrupt and bribery-prone national institutions. See Transparency International (TI), “Corruption by Country/Territory,” n.d., <http://www.transparency.org/country>.

greater oversight and accountability, and enhancing a common culture of civic participation based on the rule of law. Although each country in this group has varied criminal justice training capacities, training is generally less specialised and more uneven in quality and effectiveness than the training infrastructure of countries in Tier A.

3.3. Tier C: Remedial

Criminal justice systems in Tier C countries are severely constrained by inadequate human, financial, and technical resources; weak governance and limited institutional resilience; and underlying conditions of insecurity. Core deficiencies in justice and security capacity pose significant obstacles to the implementation of basic rule of law-based governance.

Criminal justice systems in Tier C countries suffer core deficiencies in most thematic areas of assessment. Basic legal and human rights are not sufficiently grounded in publically promulgated law, and criminal legislation and criminal procedure codes are frequently outdated and insufficiently comprehensive. Tier C countries are not party to a number of key international instruments on countering terrorism and transnational crime. In Tier C countries, legislative deficiencies are a symptom of underlying weaknesses in governance.

Regardless of the legislative deficiencies, Tier C countries face a number of underlying constraints in operationalising the rule of law in matters of criminal justice. While a sufficient legal framework is both necessary and desirable for developing capacity, implementing the law in practice still depends on a range of institutional capacities. Tier C countries generally feature fragmented, competing, and often highly politicised justice and security sectors. Extremely weak ministerial management capacity and insufficiently detailed and poorly disseminated organisational regulations, standard operating procedures, and codes of conduct across justice and security agencies in many Tier C countries often preclude the implementation of national law.

Although some Tier C countries may maintain strong regime-security agencies, most if not all justice and security actors are subject to extremely limited human, financial, and technical resources. Severe limitations to justice and security actors are amplified by conditions of protracted insecurity, the maintenance of appropriate facilities, serviceable vehicles, fuel, and access to basic products such as notepads and pens. In some Tier C countries, poor reading and writing skills, particularly among lower-ranking police officers, are other examples of serious impediments to the everyday work of justice and security practitioners.

Security and justice actors in Tier C countries are characterised by the absence of effective internal and external mechanisms of oversight and accountability. This can be due to a combination of a lack of basic resources, the absence of political will, protracted conflict and lingering insecurity, and the general inability to effectively monitor the activities of justice and security organisations at the strategic level. For example, expert team interviews with ministerial-level officials in one Tier C country suggested confusion and lack of awareness of the different international assistance programmes taking place in organisations under their own remit.¹³ Where executive authority is intact, it often exerts undue political influence over matters of criminal justice. Corruption and human rights abuses with impunity are commonplace. Due to the general lack of physical presence and low public con-

13 Various national officials, interviews with authors, 2013 (country visit reports on file with authors).

confidence in statutory justice and security providers, a majority of the population relies on local non-statutory providers at the grassroots level, which varies according to local custom.

Training institutions and professional development opportunities are generally not effective or standardised. Some Tier C criminal justice actors receive a majority of their training through international assistance programming. A number of Tier C training assistance programmes are offered by international partners, including the UN, and they offer intensive basic practitioner training regimens where candidates are vetted prior to their participation and monitored for performance. Yet, our interviews with local interlocutors revealed numerous incidents where officials in several Tier C countries have attended training programmes and collected per diems without having the requisite professional experience or qualifications to effectively participate in the activity.

3.4. Cross-cutting thematic challenges

Countries in transition

Several countries reviewed during the study are countries transitioning to democracy. The transition process has sharpened the focus on the need to address structural weaknesses in governance and support transformation of criminal justice institutions from instruments of the executive to civilian-controlled public services. Each country in transition is affected by its own unique circumstances, but there are a number of broadly applicable considerations in providing criminal justice support to countries amid a process of political transition toward democratic governance.

Establishing the rule of law, rather than rule by those in power, as the basis of accountable national justice and security services is extremely relevant to the scope of this assignment. Independent and clear institutional frameworks, operational mandates, and multiple reinforcing levels of oversight and accountability are essential for the full implementation of rule of law–based criminal justice, including criminal justice responses to terrorism. Successful transition from authoritarian rule to democratic governance thus has tremendous implications for a national criminal justice system. In many of these countries, repression in the name of “countering terrorism” was justified in the past with vague and overly broad definitions of terrorism and the prolonged use of “emergency” or “special” counterterrorism laws enforced without sufficient oversight or attention to human rights. As constitutional reforms take hold in countries transitioning to democracy, the institute can play an important role by properly training a cadre of officials across the criminal justice system, which will help to ensure that reforms and new legislation for addressing terrorism translates into a sustainable rule of law that protects and serves all of their citizens.

The need for institutional resilience and the rule of law in times of severe political upheaval and uncertainty is especially acute and extremely relevant to the scope of this assignment. Some states in the Middle East and North Africa, for example, have struggled in fits and starts to reform their security services and develop the capacities of the police and gendarmerie to counter terrorist threats. According to the U.S. Department of State’s “Country Reports on Terrorism 2012,” however, al-Qaida “was not a part of the popular uprisings that led to democratic transitions across the Middle East and North Africa, but violent extremists looked for opportunities to exploit the political transitions underway.”¹⁴ The region has become a location for and source of transnational al-Qaida–affiliated terrorism. The

¹⁴ Office of the Coordinator for Counterterrorism, U.S. Department of State, “Country Reports on Terrorism 2012,” May 30, 2013, ch. 2, <http://www.state.gov/j/ct/rls/crt/2012/209982.htm>.

uncertainty and unstable governance in some North African states, for example, has created an enabling environment for criminal activity and plays into the hands of violent extremists. Moreover, although stronger evidence is needed regarding their intent and motivations, increasing numbers of North Africans are thought to be involved as foreign fighters in conflicts in the Middle East, most notably Syria, with a growing amount of youth of North African and European residence apparently willing to travel to join the ranks of Al-Qaida in the Islamic Maghreb and other terrorist groups.

Several legal systems are notably evident in the Middle East and North Africa. Some focus countries maintain a hybrid legal system combining Western legal traditions alongside Islamic jurisprudence. These different systems need to be taken into account when designing curricula for training so that is sufficiently tailored to fit local contexts and ensure buy-in and sustainability of training delivered under the auspices of the institute.

Human rights and due process

The protection of individual human and legal rights is a precondition and an ultimate objective of all rule of law–based criminal justice actors. The Universal Declaration of Human rights adopted by the UN General Assembly in 1948, although not a legally binding treaty, spurred the development of a vast regime of global norms, standards, and mechanisms, including the International Covenant on Civil and Political Rights (with the UN Human Rights Committee) and the UN Convention against Torture (with the UN Committee against Torture) for the promotion and protection of individual rights in international and national law.¹⁵ Criminal legislation and crime prevention policy must reflect the standards enshrined in the core body of international human rights law.¹⁶ These laws must be reflected in the internal policies, standard operating procedures, and codes of conduct governing the conduct of criminal justice practitioners; instilled in practitioners following entry into service through orientation and training; and constantly reinforced through ongoing practice and education. Operational guidelines, handbooks, and manuals tailored to illustrate the human rights implications of specific criminal justice activities and demonstrate the benefits of human rights–compliant operating procedures can help translate abstract principles into operational realities.¹⁷ The Council of Europe's good practices on special investigation techniques (SITs) provides a useful tool that is relevant to niche courses on SITs in compliance with human rights standards.¹⁸

15 UN General Assembly, "Universal Declaration of Human Rights," 10 December 1948, preamble ("Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, [w]hereas it is essential to promote the development of friendly relations between nations...").

16 For example, UN General Assembly, "International Covenant on Civil and Political Rights," 2200(XXI), 16 December 1966; UN General Assembly, "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," A/RES/39/46, 10 December 1984.

17 For example, see Office of the UN High Commissioner for Human Rights, "Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors, and Lawyers," Professional Training Series, no. 9 (2003); Organization for Security and Co-operation in Europe (OSCE), Human Rights in Counter-Terrorism Investigations: A Practical Manual for Law Enforcement Officers (Warsaw: OSCE, 2013); Ida Sjøholm and Peter Vedel Kessing, "Practical Guidance Paper on Counter-Terrorism and Human Rights," Danish Institute for Human Rights, 2012, http://eu2012.dk/en/Meetings/Conferences/Mar~/media/Files/Conferences/Jan_Mar/countering%20terrorism/Draft%20Practical%20Guidance%20Paper%20on%20Counter-Terrorism%20and%20Human%20Rights.pdf; Pierre Aepli, ed., Toolkit on Police Integrity (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2012), http://www.dcaf.ch/content/download/64662/983271/file/Toolkit_ENG_screen.pdf.

18 Council of Europe, "Terrorism: special investigation techniques" (2005).

Human rights and due process concerns vary in form, prevalence, and severity across all tiers. Yet, a number of challenges can be observed across the board. Nearly all countries across all tiers were noted for harsh prison conditions and substandard prison administration and accountability. Large portions of the inmate population in a number of countries are being held in indefinite pretrial detention. This practice is particularly prevalent in Tier B countries, especially where there are high levels of police and judicial corruption and where security forces can arbitrarily arrest and detain with impunity.¹⁹ These underlying conditions are problematic in the implementation of the practices outlined in the Rabat memorandum, particularly with regard to the lawful exercise of pretrial detention of terrorism suspects (Good Practice 7) and ensuring that convicted terrorists are appropriately punished and that policies for their incarceration and reintegration are developed (Good Practice 11). Further, complications may be encountered in developing practices and procedures to encourage international cooperation in counterterrorism matters (Good Practice 9), particularly as it relates to mutual legal assistance and extradition. The prevalence of human rights and due process deficiencies in Tier A, B, and C countries, particularly in the context of counterterrorism, pose significant non-refoulement and antitorture implications.

¹⁹ See Bureau of Democracy, Human Rights and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2012," n.d., <http://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm>.

4 Recommendations

4.1. Core learning objectives by criminal justice actor

This section translates the needs assessment outlined above into more-operational core course objectives that can be met by developing specific counterterrorism relevant courses to be offered at the institute. The courses would be further tailored to the tier level of the countries receiving training. The objectives below are aimed at each specific actor within the criminal justice sector. As noted in the subsequent recommendations, however, system-wide counterterrorism-relevant courses should also be offered to practically demonstrate the interactions of multiple actors throughout the criminal justice process.

Core objectives aimed at parliamentarians

- ››› Understand and apply good practices, share experiences, discuss challenges, and explore solutions for developing fair and functional human rights–compliant legislation to underpin the application of law across the criminal justice system.
- ››› Understand and apply good practices in ensuring transparency and accountability of criminal justice actors in accordance with their mandate and in compliance with national and international human rights law.

Core objectives aimed at police and gendarmerie

- ››› Understand and apply good practices in information gathering, sharing, and analysis, intelligence-led policing, and undertaking rule of law and human rights compliant criminal investigations and evidence gathering.
- ››› Understand and apply good practices in the collection and handling of evidence and crime scene management, including securing the scene and locating, preserving, and documenting evidence.
- ››› Understand and apply good practices in the development and implementation of internal guidelines and standard operating procedures regulating the ethical and professional conduct of personnel, the maintenance of evidentiary standards, interagency cooperation, and adherence to human rights and due process standards.
- ››› Understand and apply good practices on the use of electronics and electronic data as evidence.

Core objectives for prosecutors and investigating judges

- ››› Understand and apply good practices in conducting preliminary enquiries into precursor crimes, and the oversight of and cooperation with law enforcement agencies in undertaking investigations and criminal proceedings (applicable to their established legal framework).
- ››› Understand and apply special investigation techniques, including handling complex legal, forensic, technological, and financial information as evidence in pursuit of a criminal prosecution, including in the context of terrorism-related offences.
- ››› Understand and apply effective formal and informal methods for legally cooperating in criminal processes within and across jurisdictions, including through mutual legal assistance and extradition.

Core objectives for judges and magistrates

- ››› Understand and apply good practices in the review of investigatory, arrest, and detention practices to ensure compliance with national and international legal and human rights and apply human rights law to counterterrorism cases and legislation.
- ››› Understand and apply the national and international legal framework against terrorism and transnational crime cases, including the development and use of tools such as bench books as a reference to guide the adjudication of such cases.
- ››› Understand measures that can be taken to protect judges and witnesses, including protection of court rooms and transportation to and from court proceedings.
- ››› Encourage the judicial administration to play an active role in ensuring that there is sufficient training for incoming judges and ongoing refresher course training at the national level on issues that are most relevant to complex cases on terrorism and transnational crimes.

Core objectives for corrections officials

- ››› Understand and apply good practices in the management, maintenance, and administration of the prison system to ensure adherence to the UN Minimum Standard Rules for the Treatment of Prisoners.
- ››› Understand and apply good practices on incarcerating convicted terrorists, including the prevention of radicalisation of other prisoners and methods for reducing recidivism.
- ››› Understand and apply good practices in contributing to the criminal intelligence cycle through observing inmate behaviours.

4.2. Course curricula recommendations

As noted in the typology detailed above, the focus countries assessed in the study tend to cluster into three groups: Tier A (proficient), Tier B (intermediate), and Tier C (remedial). The expert team recommends that thematic courses be tailored to provide instruction at appropriate levels in accordance with the capabilities and absorption capacities of national beneficiaries. A number of recommendations include potential organisational partners for the institute that can offer expertise in developing respective training curricula.

- 1 | **Trainings on basic- and intermediate-level criminal legislative development and reform for parliamentarians.** Required for Tier B and C countries. These courses would focus on technical and practical considerations in legislating a well-functioning criminal justice system and establishing clear and robust institutional frameworks, organisational mandates, chains of command, and lawful mechanisms of interagency coordination. Training should be offered on parliamentary oversight and other legislative measures for justice and security sector accountability and the criminalisation of serious crime and terrorism. Training must cover built-in human rights and due process protections and the limitations and risks associated with expanded justice and security powers in the context of counterterrorism.
- 2 | **Training for senior officials on implementing multilayered oversight and accountability mechanisms.** The institute should develop practical and relevant training curricula for officials in Tier A and B countries and, once they reach a level higher than basic capacity, Tier C countries, covering technical and operational considerations in the development, dissemination, operationalisation, and enforcement of internal regulatory, accountability, and professional standards. Training should cover a range of organisational frameworks to facilitate implementation and practical ways to build support across low-, mid-, and senior-level staff for the implementation of standards, including emphasising the importance of bringing terrorists to justice. Programme development would benefit from partnerships with organisations such as the Organization for Security and Co-operation in Europe, Geneva Centre for the Democratic Control of Armed Forces, and Transparency International Defence and Security Programme.
- 3 | **Basic skills and practices trainings on case development and management.** Required for Tier B and C countries. These courses should include subjects such as intelligence gathering, basic investigation skills, evidence management, and lawful criminal procedure, as well as meas-

ures to protect all parties to counterterrorism proceedings and basic interview techniques to gain the trust and cooperation of suspects, witnesses, and potential informants. All country tiers may benefit from specialised courses covering practices in strengthening community-police relations and cooperating with nonstatutory justice and security actors at the local level.

- 4 | Effective arrest and detention practices for successful prosecution.** This course would focus on strengthening law enforcement knowledge and application of human rights–compliant practices that must be observed at the point of arrest and in the first minutes of suspect custody. Issues covered would include the declaration of reason for arrest and suspects’ rights, suspects’ right to legal counsel from the time of arrest, the notification of concerned parties of suspects’ place of detention, and the overall treatment of suspects while in custody. This course is particularly relevant for law enforcement officers from Tier B countries but could be tailored for delivery for Tier A and C practitioners. Curricula development would benefit from partnerships with a number of relevant organisations, including the Office of the UN High Commissioner for Human Rights.
- 5 | Trainings on the legislation, oversight, and reform of national corrections administration.** These courses should focus on serving as collaborative learning opportunities for lawmakers and mid- to senior-level agency officials from national criminal justice systems of Tier A, B, and C countries to assess major deficiencies in national corrections systems, identify underlying sources of weak prison capacity, and develop strategies to address them. Topics could include alternative sentencing, reform of judicial case management systems to hasten adjudication times, and strengthened systems for adhering to pretrial detention standards.
- 6 | Training on tools and practices for conducting assessments, monitoring, and evaluation of criminal justice organisations.** Identifying specific needs and performance gaps is a complex and time-consuming process that requires a great deal of local knowledge and access. The institute should offer innovative training activities for national criminal justice officials and civil society partners on developing and implementing their own system of training and capacity needs assessments, public satisfaction and local needs surveys, activity and reforms monitoring, and performance evaluation. The establishment and use of these systems is essential in the strategic oversight and capacity development of any organisation.

4.3. Niche course offerings

- 7 | Offer practical niche courses on specialised criminal justice measures to counter terrorism.** Practical training on thematic courses should be offered to supplement core course offerings and ensure that skill sets are developed to help trainees improve their ability within the criminal justice system to address an array of important niche issues in compliance with human rights. These niche courses would focus on subjects such as
 - › the use of intelligence as evidence,
 - › kidnapping for ransom,²⁰
 - › foreign terrorist fighters, and
 - › SITs, including the analysis of computer hard drives, mobile telephone and online records.

²⁰ UN Security Council, S/RES/2133, 27 January 2014; GCTF, “Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists,” n.d., <http://www.thegctf.org/documents/10162/36031/Algiers+Memorandum+on+Good+Practices+on+Preventing+and+Denying+the+Benefits+of+KFR+by+Terrorists-English>.

4.4. Cross-cutting and programmatic recommendations

- 8 | **Integrate international human rights standards into all curricula and programme design processes.** The institute should maintain a standing panel of credible criminal justice and human rights expert practitioners from governmental and nongovernmental organisations to assist in the integration of human rights–compliant criminal justice practices in all practitioner training courses. The expert panel would collaborate with the institute in the development of dedicated training modules on respecting human rights in practice and in the provision of expert guidance and technical assistance designing practical, cross-cutting human rights training modules into the institute's initial course offerings and related programming.
- 9 | **Develop a comprehensive suite of learning activities on transitional justice and security arrangements for relevant national leaderships.** Including traditional classroom-style lectures and collaborative and experiential learning, this suite of programming would focus on supporting national leaderships in developing effective transitional justice and security mechanisms to better facilitate the transfer toward civilian management and democratic governance over the criminal justice system.
- 10 | **Promote measures to safeguard judicial independence in practice.** In most of the states assessed, there is a reference to the importance of an independent judiciary in law, but they very often lack independence in practice, particularly in relation to overbearing executive branches that put pressure on judges to serve the executive's interest rather than uphold the law. The institute should include examples of best practices regarding how national leaders can support a more independent judiciary.
- 11 | **Provide practical system-wide learning activities.** Although each of the elements of the criminal justice system have their own specific roles to play (box 2), the institute should offer system-wide learning opportunities, such as in-depth case studies and table-top exercises that involve lawmakers, police, prosecutors, judges, and corrections officials, so that each element knows how the quality of their work impacts others within the system. This should focus on the laws that are needed and their application from pretrial to post-trial proceedings so that tasks such as evidence collection are viewed as part of a longer chain of tasks that can support the prosecution and adjudication of cases.

4.5. Institutional development and partnerships

- 12 | **Partner with other training institutions in developing relevant activities that go beyond training, including exchanges and study visits.** Designing comprehensive criminal justice training curricula and ensuring its practical relevance to targeted beneficiaries requires an ongoing process of assessment, planning, implementation, and evaluation and a constant attention to improving the method of delivery and the scope of content.²¹ To do this effectively, the experience of peer institutions is a useful touchstone. Relevant initiatives undertaken by the EJTN and CEPOL (box 3) may inform the development of similar activities at the institute.

21 For example, see Center on Global Counterterrorism Cooperation, International Centre for Counter-Terrorism – The Hague, and the Institute for Security Studies, “Supporting Curriculum Development for the International Institute of Justice and the Rule of Law,” October 2013, <http://www.globalct.org/publications/supporting-curriculum-development-for-the-international-institute-for-justice-and-the-rule-of-law/>.

- 13 | Host multinational training working groups to ensure ongoing input, collaboration, support, and feedback from national criminal justice training centres and directorates.** The institute should maintain standing working groups for each criminal justice actor or cross-cutting theme, comprising international and regional training experts and representatives from beneficiary-country training institutes and agency directorates. The working groups will serve as the platform for the ongoing development of actor- and theme-specific training curricula, the development of common training standards, and cross-border knowledge sharing on state-of-the-art training methods and course content. These working groups will enhance the buy-in and relevance of and local ownership over the services delivered by the institute. The EJTN provides a useful model and potential resource for the implementation of this recommendation.
- 14 | Support national training capacities by developing courses specifically for national training institutions and instructors.** National training infrastructure and local training capacity are among the essential tools in promoting sustainable capacity development. The institute should develop a robust and comprehensive programme agenda to support and partner with national training institutions for the development of national training curricula and provide training activities to strengthen the skills and expertise of local instructors.
- 15 | Work with Tier A countries to develop terrorism case-specific guidance materials, such as bench books for judges and tailored interpretive notes corresponding to the Rabat memorandum.** This would make the good practices more practical in relation to Tier A country contexts and allow local practitioners to provide examples from their own national or regional experiences that can be shared with their counterparts.
- 16 | Partner with Tier A country governments in identifying criminal justice system professionals who can participate in train-the-trainer courses delivered at the institute related to evidence collection and crime scene and case management.** Once trained, these officials could help to train their counterparts from lower-capacity countries from their region. On some visits, the expert team was told that countries would be willing to participate in trainings and use their knowledge to help build the professional capacity of their neighbours. Particular focus should be placed on convening partner trainers and trainees from the same subregion so that they can share common experiences and better understand local culture and the context of their work environment than trainers and trainees from more-distinct regions.

4.6. Partnerships for strengthening regional cooperation

- 17 | Strengthening cross-border cooperation – North Africa.** Several North African countries are home to relatively strong national judicial training institutes. The institute can strengthen its delivery of training on regional cooperation in North Africa by working in partnership with these North African institutes, the EJTN, and the justice and police platform of the European Mediterranean partnership. The institute should also develop activities to strengthen cooperation on counterterrorism issues between countries in North Africa and West Africa.

- 18 | **Strengthening cross-border cooperation – West Africa.** The institute can strengthen its delivery of training on regional cooperation and building trust and confidence among countries in West Africa by working in partnership with the Sahel Security College, the Ghana-based Kofi Annan International Peacekeeping Training Centre, and the GCTF working group on the Sahel.
- 19 | **Strengthening cross-border cooperation – East Africa.** The institute can strengthen its delivery of training on regional cooperation and building trust and confidence among countries in East Africa by working in partnership with the Intergovernmental Authority on Development Security Sector Programme and the GCTF working group on the Horn of Africa.

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