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United Nations Development Programme

Country: Bahrain

Project Document



**Project Title** Capacity Building of the Special Investigation Unit of the Public Prosecution

**Expected CP Outcome(s):** Improved Governance: strengthened capacity to formulate plans and policies more efficiently, fairly and transparently

**Expected Output(s):** Enhanced capacity of the Special Investigation Unit

**Implementing Partner:** NIM - Public Prosecution

**Brief Description**

Following February 2011 events in Bahrain and the report of the Bahrain Independent Commission of Inquiry (BICI); the jurisdiction of all investigations into death, torture, abuse and mistreatment were transferred from the Ministry of Interior to the Public Prosecution and a Special Investigation Unit was established within the General Prosecution to handle the investigations.

This project was formulated with the aim to enhance capacity of the Special Investigation Unit to perform its role and assume its responsibilities in an efficient manner and according to international standards.

Country Programme Period: 2012-2016

Key Result Area (Strategic Plan): Inclusive and Effective Democratic Governance

Atlas Award ID: 00080256

Start date: August 2014  
End Date: July 2015

PAC (BPAC) Meeting Date: 26 Feb 2014  
Management Arrangements: NIM

Total resources required: \$ 250,000.00

Total allocated resources:

- UNDP BCPR: \$ 100,000.00
- Public Prosecution: \$ 150,000.00

Agreed by Public Prosecution:

H.E. Dr. Ali Bin Fadhel Al Buainain, Attorney-General

Date:

19.6.2014

Agreed by UNDP:

Mr. Peter Grohmann, UNDP Resident Representative

Date:

18-6-2014

## Situation Analysis

### *General Background*

Following the events of February 2011, the King of Bahrain issued a decree establishing the Bahrain Independent Commission of Inquiry (BICI), tasked with investigating and reporting on the events and its related allegations. In November 2011, the BICI submitted its findings and recommendations in a report that was published at the same time of its submission to the King.

The Government has immediately and fully accepted the BICI report and pledged to realize the recommendations included within the report. The report puts strong emphasis on the capacity and structure of State institutions to address and prosecute the human rights allegations following the national and international standards, including:

- a) Transfer jurisdiction of all investigations into death, torture, abuse and mistreatment from the Ministry of Interior to the Public Prosecution.
- b) Establish a new Special Investigative Unit (from now on, SIU) to hold people responsible, with a senior Public Prosecutor, independent criminal investigators and newly established senior independent investigation counsellors.
- c) Create a special investigatory unit at Ministry of Interior to determine the accountability of Government personnel who committed unlawful and negligent acts.

Following these recommendations of the BICI report, the Government has transferred the jurisdiction for investigating human rights allegations from the MOI to the Public Prosecution office and has established a Special Investigation Unit within the Public Prosecution office to look into all cases of human rights allegations.

As part of the Government's efforts to address these challenges, it has approached a number of UN agencies to support with the implementation of the BICI recommendations. In particular, the Public Prosecution has approached UNDP and requested support in providing relevant capacity-building and technical assistance.

### *UNDP Support*

Following the Government's first request, UNDP deployed an expert to support the capacity building of the newly established Special Investigation Unit (SIU). The UNDP consultant organized workshops for 25 Public Officers including all the members of the SIU, as well as other Prosecutors and Judges from the Ministry of Justice. These workshops consisted of fundamental concepts of International Criminal Law, the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights. Moreover, discussions at the workshops covered the Geneva Conventions and Additional Protocols and the Rome Statute of the International Criminal Court. Additional trainings were organized covering analysis of the Istanbul Protocol for the application of the 1984 UN Convention Against Torture and the guaranties of the due process using the international standards of fair trial. Upon the success of these workshops and the positive feedback from the Public Prosecution office, the UNDP expert was deployed for a second time to continue with the training and to engage in technical consultations on a broader strategy aiming at strengthening the institutional and individual capacities of the Special Investigation Unit in the Public Prosecution office. Following the consultations with the Expert, the Government expressed the need for a continued collaboration with UNDP in the areas identified during the first two expert missions, and to provide technical expertise and training in a more comprehensive manner to further strengthen the capacities of the Special Investigation Unit.



## I. Programme Strategy and Principles

### Strategy:

The Project aims at increasing the access to and delivery of justice in the particular case of human rights violations. The main focus is on strengthening the capacities of the newly established SIU in compliance with international standards and the recommendations of the Bahrain Independent Commission of Inquiry, as well as enhancing the information to the Bahraini public based on reliable data, thus increasing the trust in the SIU's work. In order to reach these objectives, the project will provide technical expert advice at the policy level and for capacity building.

The objective of the first component is to support the Public Prosecution office in enhancing the SIUs capacities to fulfil its mandate, including the creation of an enabling environment, the development of institutional and individual capacities and the introduction of additional instruments according to international standards and national needs. At the policy level, in close consultations with the Public Prosecution office, the areas of cooperation will include utilization of forensic evidences and investigation of crime scenes. Furthermore, the policy support includes the provision of information throughout the trainings on the ICC's mandate and procedures. The component also provides expertise to further enhance the structure of the SIU in order to optimise its resources and increase efficiency, mainly through a functional analysis that leads to the separation of the investigation, analysis and the prosecution functions. Assistance will be provided for elaborating policies and internal protocols that ensure effective coordination among all actors and consistency in the processing of cases during all three phases of preliminary investigation, investigation and pre-trial. Training workshops will focus on investigation and prosecution methodologies, including data analysis, for prosecutors and judges, as well as for the Judicial Police in their supporting functions. Finally, witness reliability and witness protection capacities will be reviewed and proposals to enhance interview methodologies with special focus on gender differentiation and witness protection processes will be developed, including through the exchange of experience with similar special investigation units. Specialized trainings for staff providing victim's support in a gender sensitive manner will be provided, including trainings in assessing Posttraumatic Stress Disorder and other physical and psychological examinations.

The second component aims at strengthening the information systems and the external communication of the SIU based on dependable information regarding the status and statistics of cases. In order to be able to monitor progress of cases and to have aggregated statistical information, the project will support the establishment of a Case Management System. This system will also serve as the basis for providing reliable information to the public and to other constituencies. The project will also provide advice on the elaboration of a comprehensive communication and outreach strategy that aims at increasing the confidence in the functioning and effectiveness of the SIU. Finally, a key element of the project is the provision of international expert advice and feedback on the progression and gaps of the SIU towards the fulfillment of its mandate and of international standards, be it at the strategic policy level, or at the level of use of methodologies and instruments. This feedback loop may lead to a systematization of the Bahrain experience, being the first of its kind in the Gulf Region.

Throughout the project, international and national experts will work with the Public Prosecution's Special Investigation Unit to provide expert support and guidance on good practices in specific areas of work. The senior project advisor will support the project and provide substantive input through missions throughout the year.

The results of this project will support the identification of current policy and capacity gaps and other challenges. The results of this project will enable the Government to reflect on the strategic positioning and

functioning of the Public Prosecution office to increase the overall access to justice in Bahrain. The results may also inform future collaboration between the Public Prosecution office and UNDP.

The results of this project will contribute toward the UNDP Country Programme (CP) 2012-2016 outcomes for supporting the Government to improve governance through strengthened capacity to formulate plans and policies more efficiently, fairly and transparently. Furthermore the lessons learned and best practices resulting from this project may feed into the Global UNDP lessons learned. UNDP will draw from its global network and its experience working on similar issues in other countries; without overlooking the specificity of Bahrain's experience and its culture.

#### *Timeline*

This project will be with a total duration of 12 months.

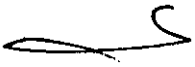
#### *National Partners and Beneficiaries*

National ownership is a key factor in the success of the project and the Public Prosecution as the national Implementing Partner (IP) has provided strong leadership throughout the UNDP consultancy assignments and has been strongly involved in the design of the new initiative. The SIU is the primary beneficiary of the overall project and stakeholders such as the Ministry of Justice, the Judicial Police and the wider Public Prosecution Office will benefit from the training of judges, prosecutors and police investigators during the implementation of the project. Communication and outreach stakeholders will be the media, the National Human Rights Institute (NHRI) and other constituencies. Indirectly, the victims and claimants will benefit from a strengthened SIU.

#### **Principles**

The activities of this project will contribute to UNDP's engagement principles, particularly regarding national ownership, human rights based approach, gender equality, south-south cooperation, and assisting countries to play an active role as global partners. UNDP has dedicated advisory capacity at the HQ, regional and country office levels supporting senior management and the project team to assure a consistent approach and adherence to these principles.

- a. **National ownership:** the Public Prosecution (PP) has directly requested UNDP's support to strengthen the capacities of the SIU in order to implement the respective BICI recommendation. HM the King has given instructions to prioritise the BICI implementation and to introduce international standards. The Project corresponds to a national priority and is linked to the country's national policies. The project will support the development of national institutional capacities and will use to the extent possible national expertise, while international experts will play an important role to introduce international standards, procedures and best practices in accordance with national goals.
- b. **Human rights based approach:** The project is a direct consequence of the BICI report and its recommendation to establish the SIU. Providing the access to justice for victims of human rights violations is the main objective of the project's support to the SIU. International human rights conventions and instruments will be utilized during the training and policy reviews. The defence of human rights and the human rights based approach are therefore an intrinsic part of the project.
- c. **Gender Equality and Women's Empowerment:** The project will introduce best practices and tools that have been used for gender sensitive approaches in special investigations contexts including gender sensitive interview settings and techniques, gender differentiated data analysis, and specific outreach to and protection of female victims.



- d. **South-South Cooperation:** The project will strongly build on experiences, lessons and instruments that were developed in countries from the global South, including from the SISIG and similar experiences. In addition, the SIU is a first time experience in the Gulf countries and become a potential partner for similar institutions especially in Arab Countries.
- e. **Assisting Countries to play an active role as global partners:** The project aims at supporting the national institution to connect to and reach international standards, as well as to implement the international legal framework ratified by Bahrain.

## II. Outputs and activities:

The project is divided between two outputs with corresponding activities for a period of one year. It allows for flexibility according to the priorities of the Public Prosecution office and the Special Investigation Unit that have been identified and that will be identified throughout the implementation period. Hence the project will adapt to specific needs of expertise that are identified jointly during the project implementation. Each of the outputs includes indicative activities to reach the expected results. The two outputs will contribute to the overall goal of increased confidence in and access to the justice system, with particular emphasis on the effective implementation of the BICI report recommendations. The project will be implemented through National Implementation with the Public Prosecution office as implementing partner.

### ***Output I: Structure of the Public Prosecution strengthened and capacity in place to comply with the BICI recommendations.***

Under this output technical assistance will be provided to ensure an enabling environment and legal framework that provides all necessary instruments for the SIU to perform its duties and to provide quality services according to international standards. The support at the policy level is envisioned to contribute to the sustainability of the capacity building and development efforts. Activities are detailed in the work plan along with the anticipated timeline. Training will be provided in current criminal investigation legal instruments based on international standards and will include information on the ICC's mandate and procedures.

The optimization of the Special Investigation Unit Resources will cover the establishment of an analysis function and separate the investigation, analysis and prosecution functions. Internal Protocols for the three phases of investigation (preliminary investigation, investigation and pre-trial) will be developed and put in place to optimize processes. Trainings for SIU staff on data analysis, investigation and prosecution as well as for the Judicial Police will be provided.

The witness protection procedures and witness reliability will be assessed against the information provided by SIU and the Public Prosecution Office for the purpose of a general review while ensuring the principle of confidentiality and ensuring the integrity of the investigations. Training in assessment techniques will be conducted for SIU staff as well as specialized trainings for psychiatrists on examination and report writing according to international standards. To benefit from global best practices, field visits and exchange programmes will be organized.

### ***Output II: Strengthened Case Management systems and Communication Plans.***

Under this output technical assistance will be provided to establish a Case Management System that monitors the status of cases and provides reports on case statistics. The technical advice will focus on



developing the specifications of the system according to best practices and international standards, and to introduce simple ad-hoc tools to monitor the case load and status and to train SIU staff.

Training on effective communication with national and international constituencies will allow for increased public information about the SIU's work. A more comprehensive communication and outreach strategy will be elaborated to increase the knowledge and the confidence in its work. In order to develop the strategy, stakeholders like media or the National Human Rights Institution will be consulted.

Senior Expert advice will be provided throughout the project and in particular to monitor progress of the SIUs institutional capacities and to assess gaps that may be addressed through additional measures. This technical feedback mechanism will also inform the project's steering board and may contribute to systemizing the Bahrain experience which is unique in the Gulf region.

### **Sustainability of Project Results**

This project aims at strengthening the newly established SIU as part of the Public Prosecution office which is widely independent in its financial administration. The Unit is part of the national institutional setup and corresponds to a national priority that has support from the highest level. The project therefore accompanies the start-up phase of the unit and focuses on instruments and procedures that support the sustainability of the unit. The training includes prosecutors and experts in physical evidence, who will remain in their positions for the foreseeable future and who are already key personnel in the capacity development of the institution. The beneficiaries of the project are therefore in the forefront of implementing the proposed activities under the project, which again guarantees a high level of institutional ownership.

The Project has also established several mechanisms to ensure sustainability of the project following the completion of the project. The Project Board will ensure that the policy and technical decisions under the project are mainstreamed in the Public Prosecution's SIU work and institutional set-up. Furthermore the institutional sustainability is further increased through the policy related outputs, in particular the strengthening of the enabling environment and legal framework that provides for legal instruments and assurances for the SIU in the public prosecution office.

During the regular project meetings, sustainability criteria will be amongst the bench-marks for the progress reviews that will be conducted each quarter and at the annual project review meeting. Feedback from PB members and other stakeholders will also promote ownership and commitment which are important factors for sustainability for long-term results. By the end of the project, an assessment of results focusing on new capacities will be carried-out to determine results and gaps for future cooperation. In case of future cooperation, UNDP may agree with the Government of Bahrain to provide further assistance under the NCC status and procedures.



III. Results and Resources Framework:

Intended Outcome as stated in the Country Programme Results and Resources Framework”			
Outcome 1: Enhanced Governance			
Outcome Indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:			
Applicable Key Result Area (from 2014 – 2017 Strategic Plan):			
Partnership Strategy: Public Prosecution Office			
Project Title and ID (Atlas Award ID):			
Intended Outputs	Output Targets for (Years)	Indicative Activities	Responsible Parties
<p><b>Output 1:</b></p> <p><b>Structure of the Public Prosecution strengthened and capacity in place to comply with the BICI recommendations.</b></p> <p><u>Baseline</u> SIU established with basic structure and capacities</p> <p><u>Indicators</u> Improved roles and responsibilities at SIU.</p> <p><u>Target:</u> Enhanced structure of SIU in place and capacities built.</p>	<p>As this is a one year project; this column will not be used.</p> <p>Timeframe of implementation is given in the Annual Work Plan in the following section</p>	<p><b>1.1. Legal Framework</b></p> <p>a) Develop proposal for the harmonization of the Legal framework with international standards;</p> <p>b) Elaborate a proposal for the distribution of functions and the establishment of a protocol for Crime Scene management for SIU cases;</p> <p>c) Train SIU and Public Prosecutor office in existing criminal investigation legal instruments;</p> <p>d) Inform about the ICC’s mandate and procedures throughout the training</p> <p><b>1.2. Optimization of the Special Investigation Unit Resources</b></p> <p>a) Elaborate an analysis of current SIU functions</p> <p>b) Elaborate proposal to separate Investigation, Analysis and Prosecution functions</p> <p>c) Analyze and propose Witness Protection Capacities and processes.</p> <p>d) Enhance internal processes by developing Internal Protocols for the three phases of investigation (preliminary investigation, investigation and pre-trial).</p> <p><b>1.3. Capacity Building of SIU staff</b></p> <p>a) Provide training on data analysis for prosecutors;</p> <p>b) Provide training on investigation and prosecution methodologies;</p>	<p>Public Prosecution</p> <p>Senior Project Advisor</p> <p>International Experts: Forensic Expert</p> <p>Training in-house and abroad</p>

		<p>c) Provide training for Judicial Police in line with their supporting function to the SIU;</p> <p>d) Provide training in other areas of expertise as identified during the process by the SIU and the Senior Advisor</p> <p><b>1.4. Witness Protection &amp; Reliability</b></p> <p>a) Interviews with examiners.</p> <p>b) Review of documents, reports and information provided by SIU and the Public Prosecution Office for the purpose of a general review while ensuring the principle of confidentiality and ensuring the integrity of the investigations.</p> <p>c) Provide training in assessment techniques. Also, provide training for psychiatrists on examination and report writing according to international standards. Organize specialized training for Forensic Services staff of PPO.</p> <p>d) Explore exchange programmes and field visits.</p>		
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<p><b>Output 2:</b>  <b>Strengthened information systems and external communication.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>• No database for SIU case management</li> <li>• No technical expertise available</li> <li>• No communication strategy</li> </ul> <p><u>Indicators:</u></p> <ol style="list-style-type: none"> <li>1. Case management System in place that provides real time information on case status and statistics</li> <li>2. Internal and external communication and coordination enhanced</li> </ol> <p><u>Target:</u>  Reliable information on cases available and communication strategy in place.</p>	<p><b>2.1. Support the design of a Case Management System</b></p> <ol style="list-style-type: none"> <li>Provide specifications for the development of a case management system based on international standards and best practices.</li> <li>Produce table matrix with data for managing case management applications.</li> <li>Train SIU staff in the management of the system.</li> </ol> <p><b>2.2. Improve Communication Plans and Outreach Programmes</b></p> <ol style="list-style-type: none"> <li>Provide training on effective and transparent communication with national and international constituencies.</li> <li>Elaborate a communication strategy and design outreach programmes as part of the general strategy of the Public Prosecution to inform the general public.</li> </ol> <p><b>2.3. Provide expert technical advice</b></p> <ol style="list-style-type: none"> <li>Provide senior expert feedback and advice to the SIU on the implementation of activities and on the adequacy and scope of the measures taken, and assess continuously the SIU capacity progress and gaps.</li> <li>Provide expert advice to the project Steering Committee with regard to the overall strategy and direction of the project.</li> <li>Support the systematization of the SIU experience in Bahrain.</li> </ol>	<p>Public Prosecution</p> <p>Senior Project Advisor</p>	<p>Senior Project Advisor</p> <p>International Experts: Communication</p> <p>Training in-house and abroad</p>
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**IV. Annual Work Plan**

**Year: 2014 (12 month)**

<b>AWP</b>									
<b>EXPECTED OUTPUTS</b> <i>And baseline, associated indicators and annual targets</i>	<b>PLANNED ACTIVITIES</b> <i>List activity results and associated actions</i>				<b>RESPONSIBLE PARTY</b>	Funding Source	<b>PLANNED BUDGET</b>		Amount US \$
	Timeframe						Budget Description		
	Q1	Q2	Q3	Q4					
<b>Output 1:</b> <b>Structure of the Public Prosecution strengthened and capacity in place to comply with the BICI recommendations.</b>  <u>Baseline:</u> SIU established with basic structure and capacities  <u>Indicators</u> improved roles and responsibilities at SIU  <u>Target</u> Restructuring of SIU and capacities built	<b>1.1 Legal Framework</b> a) Develop proposal for the harmonization of the Legal framework with international standards; b) Elaborate a proposal for the distribution of functions and the establishment of a protocol for Crime Scene management for SIU cases; c) Train SIU and Public Prosecutor office in existing criminal investigation legal instruments; d) Inform about the ICC's mandate and procedures throughout the training.				Public Prosecution Office Senior Project Advisor	UNDP	Senior Project Advisor 0.5 m/m	21,000	
	X	X	X	X					

	<p><b>1.2 Optimization of the Special Investigation Unit Resources</b></p> <ul style="list-style-type: none"> <li>a) Elaborate an analysis of current SIU functions</li> <li>b) Elaborate proposal to separate Investigation, Analysis and Prosecution functions</li> <li>c) Analyze and propose Witness Protection Capacities and processes.</li> <li>d) Enhance internal processes by developing Internal Protocols for the three phases of investigation (preliminary investigation, investigation and pre-trial).</li> </ul>	X	X	X		Public Prosecution Office Senior Project Advisor	PP/UNDP	Senior Project Advisor 0.5 m/m Forensic Intl Expert 1 m/m	21,000 27,600
	<p><b>1.3 Capacity Building of SIU staff</b></p> <ul style="list-style-type: none"> <li>a) Provide training on data analysis for prosecutors;</li> <li>b) Provide training on investigation and prosecution methodologies;</li> <li>c) Provide training for Judicial Police in line with their supporting function to the SIU;</li> <li>d) Provide training in other areas of expertise as identified during the process by the SIU and the Senior Advisor</li> </ul>	X	X	X		Public Prosecution Office Senior Project Advisor	PP	Senior Project Advisor 0.5 m/m Subject-field trainings	21,000 5,000




	<p><b>1.4 Witness Protection &amp; Reliability</b></p> <p>a) Interviews with examiners  b) Review of documents; especially reports sent to court to check adequacy to establish witness reliability as well as ensuring the quality of evidence presented in front of the court  c) Provide training in assessment techniques. Also, provide training for psychiatrists on examination and report writing according to international standards. Organize specialized training for Forensic Services staff of PPO.  d) Explore exchange programmes and field visits.</p>	X	X	X	X	Public Prosecution Office Senior Project Advisor	PP	Senior Project Advisor 0.5 m/m Trainings in house and abroad	21,000 17,300
<p><b>Output 2: Strengthened Case Management systems &amp; Communication Plans.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>No database for better case management</li> <li>No technical expertise available</li> <li>No communication</li> </ul>	<p><b>2.1. Support the design of a Case Management System</b></p> <p>a) Provide specifications for the development of a case management system based on international standards and best practices.  b) Produce table matrix with data for managing case management applications.  c) Train SIU staff in the management of the system.</p>	X	X	X	X	Public Prosecution Office Senior Project Advisor	PP	Senior Project Advisor 0.5m/m	21,000



<p>strategy</p> <p><u>Indicators:</u></p> <p>1. Automated processes in place</p> <p>2. Internal and external communication and coordination enhanced</p> <p><u>Target:</u></p> <p>Case management system in place</p>	<p><b>2.2. Improve Communication Plans and Outreach Programmes</b></p> <p>a) Provide training on effective and transparent communication with national and international constituencies.</p> <p>b) Elaborate a communication strategy and design outreach programmes as part of the general strategy of the Public Prosecution to inform the general public.</p>		X	X	X	X	Public Prosecution Office	UNDP	Senior Project Advisor 0.5m/m	21,000		
	<p><b>2.3. Provide expert technical advice</b></p> <p>a) Provide senior expert feedback and advice to the SIU on the implementation of activities and on the adequacy and scope of the measures taken, and assess continuously the SIU capacity progress and gaps.</p> <p>b) Provide expert advice to the project Steering Committee with regard to the overall strategy and direction of the project.</p> <p>c) Support the systematization of the SIU experience in Bahrain.</p>		X	X	X	X	Public Prosecution Office	PP	Senior Project Advisor 1m/m	42,000		
<b>Budget</b>							Govt (Public Prosecution)	\$ 145,500			\$ 245,500	
							UNDP BCPR	\$ 100,000			\$ 4,500	
<b>GMS 3% for Govt Cost-Sharing</b>												\$ 250,00.00
<b>Total Budget</b>												




## V. Monitoring Framework And Evaluation

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

### a) Quarterly

- Quarterly quality assessment that records progress towards the completion of expected outcomes, using the quality criteria and data collection methods defined in the Quality Management table below.
- To keep continuous monitoring of project activities, the Project Coordinator will be responsible to organize at least quarterly monitoring meetings to present to the Executive Board the progress towards the completion of expected outcomes, and focused in the risks and lessons learned. For this purpose, he will use the standard format of UNDP (available in ATLAS). Nevertheless, the Executive Board may request anticipated or additional information to the Project Coordinator. The project Coordinator will be the person responsible to make the update of the information regarding the project in ATLAS.
- A Monitoring Schedule shall be activated in Atlas and regularly updated to track key management actions/events Annually

### b) Annually

- Annual Report. An annual report shall be prepared by the Project Coordinator and shared with the Project Board. As a minimum requirement, the annual report shall consist of the Atlas standard QPR format, covering the whole year with updated information for each above element of the QPR, as well as a summary of outcomes achieved against pre-defined annual targets at the output level.
- Annual Project Review. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to the expected outcomes.

The expected activities may be modified and updated in the Annual Work Plan (AWP) to better reflect the needs of the project. The indicators in the AWP shall measure financial and substantive progress. A joint meeting will be held to prepare and review the final report.

## VI. Management Arrangements (see fig 1)

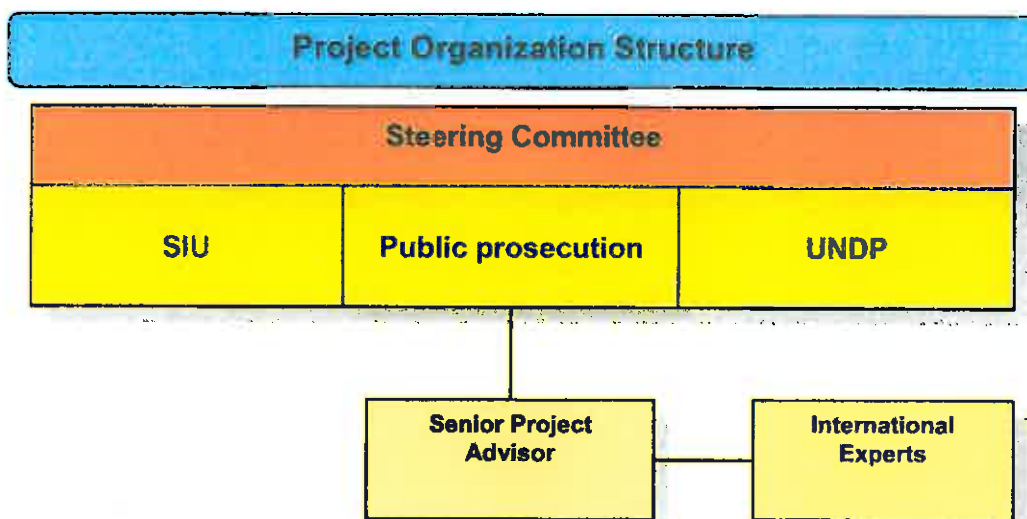


Figure 1

The Project will be implemented by the Public Prosecution with support from UNDP. The project will establish a Steering Committee mainly comprising of representatives from the Public Prosecution and UNDP. The Steering Committee will be responsible for providing strategic guidance for the project and making management decisions whenever required. The Steering Committee would meet once a quarter to review the progress of the project.

The senior project advisor will contribute towards the implementation of project activities as well as assist the Steering Committee through providing policy advice and recommendations on project strategy.

UNDP will assign the Project Assurance role to a Program Analyst. The Project Assurance supports the Steering Committee by carrying out objective and independent project oversight and monitoring functions. The role also supports in reporting contributions of the project outputs to the relevant UNDP country office outcomes including the lessons learned and best practices.

### Legal Context

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement (SBAA) between the Government of Bahrain and UNDP, signed on 3 August 1978.

Consistent with the Article III of the SBAA, the responsibility for the safety and security of the Implementing Partner (Public Prosecution) and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner's obligations under this Project Document.

The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/ag\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/ag_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under/further to this Project Document.



## Risk Analysis

While a complete risk log will be elaborated prior to the finalization of the project document, some of the expected risks that might challenge the project's implementation include:

- Deterioration of security situation
- Reduced support to SIU and its mandate
- Insufficient coordination
- Shortage of funds

No.	Description	Type	Impact	Probability	Risk Mngt	Updated by	Status	Comments
1	Deterioration of security situation	Political	Delays in implementation of project actives	Low	Increase coordination with national stakeholders and consider prioritizing and rescheduling activities	CO	Normal	
1	Reduced support to SIU and its mandate	Political	Delays in implementation or cancellation	Low	Monitoring of situation on close coordination with SIU	CO	Normal	
2	Insufficient coordination	Organizational	Delays and difficulty project activities	Medium	Create coordination and follow up mechanisms	CO	Normal	
3	Shortage of funds	Financial	Delays and difficulty project activities	Medium	Approach donors and central government for cost sharing.	CO	Normal	



## VII. ANNEXES

- a. Cost-Sharing Agreement
- b. Standard Letter for Provision of Services
- ToR for the Senior Project Advisor
- Quality Management for Project Activity Results *(will be completed at the inception of project implementation in agreement with the IP).*





### I. Position Information

Job Code Title: International Senior Project Advisor (on Prosecution of Torture Cases)  
Duty Station: Manama, Bahrain  
Organizational Unit: UNDP Bahrain, Governance  
Duration: 4 months (one month in each quarter of the year )

### II. Organizational Context

Following the events of February 2011, the King of Bahrain issued a decree establishing the Bahrain Independent Commission of Inquiry (BICI), tasked with investigating and reporting on the events and its related allegations. In November 2011, the BICI submitted its findings and recommendations in a report that has made published at the same time of its submission to the King.

The Government has immediately and fully accepted the BICI report and pledged to realize the recommendations included within the report. The report has mainly focused on the capacity and structure of the State institutions to address and prosecute the human rights allegations following the national and international standards, including:

- d) Transferred jurisdiction of all investigations into death, torture, abuse and mistreatment from the Ministry of Interior to the Public Prosecution.
- e) Established a new Special Investigative Unit (from now on, SIU) to hold people responsible, with a senior Public Prosecutor, independent criminal investigators and newly established senior independent investigation counsellors.
- f) Created a special investigatory unit at Ministry of Interior to determine the accountability of Government personnel who committed unlawful and negligent acts.

Thus, the Government and following the recommendations of the BICI report has transferred the jurisdiction of investigating and trying the human rights allegations from the MOI to the Public Prosecution office and has established a Special Investigation Unit with in the Public Prosecution office to look into cases of major human rights allegations.

As part of the Government's efforts to address these challenges, it has approached a number of UN agencies to support with the implementation of the BICI recommendations. In particular, the Government has approached UNDP as the primary resident agency with relevant comparative advantage to provide relevant capacity-building technical assistance.

Following the Government's request for UNDP support, an expert was deployed by UNDP to support the capacity building of the newly established Special Investigation Unit. The UNDP consultant organized workshops for 25 Public Officers including all the members of the SIU, and some Judges from the Ministry of Justice. These workshops consisted of fundamental concepts of International Criminal Law, the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights. Moreover, discussions at the workshops covered the Geneva Conventions and Additional Protocols and the Rome Statute of the International Criminal Court. Additional trainings were organized covering analysis of the Istanbul Protocol for the application of the 1984 UN Convention Against Torture and the guaranties of the due process using the international standards of the fair trial. Upon the success of these workshops demonstrated by the positive feedback from the Public Prosecution office, UNDP expert was deployed for a second time for capacity building purposes and also to engage in technical consultations with the Government on broader capacity building strategy aiming to develop the capacity of the Public Prosecution office.

The capacity building trainings and consultations with the Expert were regarded as preliminary steps undertaken to build the capacity of the Special Investigation Unit in specific. Following the consultations with the Expert, the Government has expressed the need for a continued collaboration with UNDP in order to undertake technical support and other capacity building activities in an integrated manner.

Therefore, UNDP is seeking a senior Project Advisor on Prosecution of Torture Cases for 4 m/m during the one-year implementation of the project expert to ensure effective implementation of the project and support in enhancing the technical and institutional capacities of the SIU at the Public Prosecution Office.

The current UNDP project was formulated with the aim to enhance capacity of the Special Investigation Unit to perform its role and assume its responsibilities in an efficient manner and according to international standards. The technical trainings and development of knowledge product tools are to increase the capacity of the staff of the Special Investigation Unit and in order to ensure better quality service delivery based on international standards.

### **III. Functions / Key Results Expected**

Under the overall guidance of the UNDP Resident Representative and the direct supervision of the UNDP Deputy Resident Representative, the Senior Project Advisor is expected to support the overall implementation of the project to achieve its objectives and outputs. Along with other International and national experts that will be recruited, the Project Advisor is to:

- Provide substantive feedback required for the implementation of the project activities,
- Perform continuous assessment of the institutional and technical capacity development



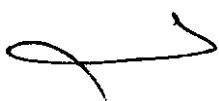
and provide advice to the project Steering Committee with regard to the overall strategy and direction of the project.

- Report rate of progress and suggest obstacles to UNDP and the Public Prosecution Office.
- Identify lessons learned and best practices resulting from this project which could feed into the Global UNDP lessons learned.
- Develop progress reports for the Project Board meetings and hold discussions with senior staff of Public Prosecution's Office on strengths and weaknesses of project implementation.
- Support identifying qualified consultants through UNDP rules and procedures.
- Review reports produced by the project consultants and experts and provide comments when necessary.
- Support creating an enabling environment, mainly review legal instruments governing plea bargaining and law governance forensic evidences and investigating crime scenes.
- Organize advocacy
- Provide overall support and supervision to develop the Special Investigation Unit structure in order to optimise its resources and increase efficiency
- Support in establishment of an analysis function and the separation of the investigation, analysis and the prosecution functions.
- Ensure effective coordination and consistency of case processing and improve case management system.
- Review protocols for all three phases of preliminary investigation, investigation and pre-trial.
- Support building a capacity for witness protection processes
- Support developing a data management system that will improve the work flow, data analysis, archiving and the overall case management system.
- Support in developing communication strategy with a focus on increasing confidence in the transparency, functioning and effectiveness of the Public Prosecution Office.

The senior Project Advisor (along with other international experts) would focus on technical assistance such as methodologies, concepts, legal frameworks, internal structures and capacities, etc. All the technical assistance will be developed according to successful and best practices, offering to the Bahraini authorities the experience and example of similar cases addressed in other countries, using the international standards and guarantees of fair trial and due process according to the relevant UN International Instruments.

#### **IV. Deliverables**

- Quarterly report on the progress of the project covering all aspects of the project.
- Participation and engagement at workshops.
- Progress Reports to the Project Board and participating at meetings prior and after the Project Board meetings.
- Final comprehensive report of the project following its completion.



## V. Specialized Tasks

- Review work done by the Prosecutor General Office/Special Unit in regards to investigating and processing torture, deaths and mistreatment cases.
- Support in house training to the Public Prosecutors on handling torture and mistreatment cases.
- Provide advice on identified gaps in cases and evidence handling and management.
- Provide advice on global best practices and international norms and standards on prosecution.
- Develop a long term capacity development plan for Prosecutor General Office.

## VI. Recruitment Qualifications

Education:	Advanced university degree (Master's Degree) in Law.
Experience:	<ul style="list-style-type: none"><li>• At least 10 years of experience in prosecution.</li><li>• International experience in advising high level government officials</li><li>• Experience in prosecuting torture and mistreatment cases.</li><li>• Knowledge of relevant human rights and international norms and standards</li><li>• Experience working within the Arab Region would be a major asset.</li></ul>
Language Requirements:	Fluent written and spoken English. Knowledge of Arabic is an asset.





## Annual Work Plan

Bahrain - Manama

**Project:** 00080256

**Report Date:** 19/6/2014

**Project Title:** Strengthening Capacity of Special Investigation Unit

**Year:** 2014

Output	Key Activities	Timeframe		Responsible Party	Planned Budget				
		Start	End		Fund	Donor	Budget Descr	Amount US\$	
00090029 Strengthening Capacity of SIU	Info. System & Communicati			BAH-National Execution	26920	NET	71200	International Consultants	42,000.00
	Struc.&Capacity SIU Strengt			BAH-National Execution	30071	BAH	71200	International Consultants	14,600.00
				BAH-National Execution	30071	BAH	75100	Facilities & Administration	2,284.00
				BAH-National Execution	30071	BAH	75700	Training, Workshops and Confer	10,000.00
				BAH-National Execution	26920	NET	71200	International Consultants	58,000.00
<b>TOTAL</b>									<b>126,884.00</b>
<b>GRAND TOTAL</b>									<b>126,884.00</b>



## Annual Work Plan

Bahrain - Manama

**Project:** 00080256

**Report Date:** 19/6/2014

**Project Title:** Strengthening Capacity of Special Investigation Unit

**Year:** 2015

Output	Key Activities	Timeframe		Responsible Party	Planned Budget				
		Start	End		Fund	Donor	Budget Descr	Amount US\$	
00090029 Strengthening Capacity of SIU	Info. System & Communicati			BAH-National Execution	30071	BAH	75100	Facilities & Administration	2,216.00
				BAH-National Execution	30071	BAH	71200	International Consultants	69,600.00
				BAH-National Execution	30071	BAH	75700	Training, Workshops and Confer	7,300.00
				BAH-National Execution	30071	BAH	74100	Professional Services	2,000.00
	Struc.&Capacity SIU Strengt			BAH-National Execution	30071	BAH	71200	International Consultants	42,000.00
<b>TOTAL</b>								<b>123,116.00</b>	
<b>GRAND TOTAL</b>								<b>123,116.00</b>	

**AGREEMENT BETWEEN THE UNITED NATIONS DEVELOPMENT  
PROGRAMME (UNDP) – PUBLIC PROSECUTION OF THE KINGDOM OF  
BAHRAIN**

WHEREAS the United Nations Development Programme (hereinafter referred to as "UNDP") and the Public Prosecution have agreed to co-operate in the implementation of a project in the Kingdom of Bahrain (hereinafter referred to as "the Project") which titled "Capacity Building of the Special Investigation Unit of the Public Prosecution"

WHEREAS the Public Prosecution has informed UNDP of its willingness to contribute funds (hereinafter referred to as "the contribution") to the UNDP on a cost-sharing basis to increase the resources available for the Project;

WHEREAS the UNDP shall designate an executing entity or implementing partner for the implementation of each project financed from the contribution (hereinafter referred to as Implementing Partner)

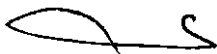
NOW THEREFORE, UNDP and hereby the Public Prosecution agree as follows:

**Article I**

1. The Public Prosecution shall, in the manner referred to in paragraph 2 of this Article, place at the disposal of UNDP the contribution of US\$ 150,000.00 (one hundred fifty thousand dollars).
2. The Public Prosecution shall, in accordance with the schedule of payments set out below, deposit the contribution in UNDP Representative in Bahrain (US Dollar Account), Account Number 375 218 4077 at the Bank of America, Swift Code BOFAUS3N, Bank of America, N.A. New York, USA.

<b><u>Date payment due</u></b>	<b><u>Amount (US\$)</u></b>
Two-months following the signing of Project	150,000.00

3. All financial accounts and statements shall be expressed in United States dollars.
4. UNDP may agree to accept contribution-payments in a currency other than United States dollars provided such currency is fully convertible or readily usable by UNDP and subject to the provisions of paragraph 5, below. Any change in the currency of contribution--payments shall be made only in agreement with UNDP.





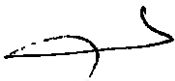
5. The value of a contribution-payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by UNDP of the contribution-payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform the Public Prosecution with a view to determining whether any further financing could be provided by the Public Prosecution. Should such further financing not be available, the assistance to be provided to the Project under this Agreement may be reduced, suspended or terminated by UNDP.
6. Any interest income attributable to the contribution shall be credited to the UNDP Account and shall be utilized in accordance with established UNDP procedures.

## Article II

1. In accordance with the decisions and directives of UNDP's Executive Board reflected in its Policy on Cost Recovery from Other Resources, the Contribution shall be subject to cost recovery for indirect costs incurred by UNDP headquarters and country office structures in providing General Management Support (GMS) services. To cover these GMS costs, the contribution shall be charged a fee equal to 3%. Furthermore, as long as they are unequivocally linked to the specific project(s), all direct costs of implementation, including the costs of executing entity or implementing partner, will be identified in the project budget against a relevant budget line and borne by the project accordingly.
2. The aggregate of the amounts budgeted for the project, together with the estimated costs of reimbursement of related support services, shall not exceed the total resources available to the project under this Agreement as well as funds which may be available to the project for project costs and for support costs under other sources of financing.

## Article III

1. The contribution shall be administered by the UNDP in accordance with UNDP regulations, rules and directives, applying its normal procedures for the execution of its projects.
2. Project management and expenditures shall be governed by the regulations, rules and directives of UNDP and, where applicable, the regulations, rules and directives of the Executing Entity/Implementing Partner.



#### **Article IV**

1. The implementation of the responsibilities of the UNDP and of the Implementing Partner pursuant to this Agreement and the relevant project document shall be dependent on receipt by the UNDP of the contribution in accordance with the schedule of payments set out in Article I, paragraph 2, above.
2. If unforeseen increases in expenditures or commitments are expected or realized (whether due to inflationary factors, fluctuation in exchange rates or unforeseen contingencies) UNDP shall submit to the Public Prosecution on a timely basis a supplementary estimate showing the further financing that will be necessary. The Public Prosecution shall use its best endeavors to obtain the additional funds required.
3. If the contribution-payments referred to in Article I, paragraph 2, above, are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraph 2, above, is not forthcoming from the Public Prosecution or other sources, the assistance to be provided to the Project under this Agreement may be reduced, suspended or terminated by UNDP.

#### **Article V**

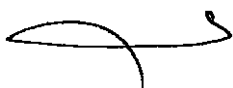
Ownership of equipment, supplies and other property financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.

#### **Article VI**

The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP.

#### **Article VII**

UNDP shall provide the Public Prosecution on request with financial and other reports prepared in accordance with UNDP reporting procedures.

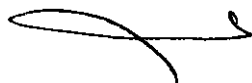


### Article VIII

1. UNDP shall notify when all activities relating to the contribution have been completed.
2. Notwithstanding the completion of all activities relating to the contribution, UNDP shall continue to hold unutilized contribution-payments until all commitments and liabilities incurred in implementation of the activities finance by the contribution have been satisfied and these activities brought to an orderly conclusion.
3. If the unutilized contribution-payments prove insufficient to meet such commitments and liabilities, UNDP shall notify the Public Prosecution and consult with the Public Prosecution on the manner in which such commitments and liabilities may be satisfied.
4. Any contribution-payments that remain unexpended after such commitments and liabilities have been satisfied shall be disposed of by UNDP in consultation with the Public Prosecution.

### Article IX

1. After consultations have taken place between the two Parties to this Agreement and provided that the contribution-payments already received are, together with other funds available to the Project, sufficient to meet all commitments and liabilities incurred in the implementation of the Project, this Agreement may be terminated by UNDP or by the Public Prosecution. The Agreement shall cease to be in force thirty days after either of the Parties may have given notice in writing to the other Party of its decision to terminate the Agreement.
2. If the unutilized contribution-payments, together with other funds available to the Project, are insufficient to meet such commitments and liabilities, UNDP shall notify the Public Prosecution and consult with the Public Prosecution on the manner in which such commitments and liabilities may be satisfied.
3. Notwithstanding termination of this Agreement, UNDP shall continue to hold unutilized contribution-payments until all commitments and liabilities incurred in implementation of the activities financed by the contribution have been satisfied and these activities brought to an orderly conclusion.
4. Any contribution-payments that remain unexpended after such commitments and liabilities have been satisfied shall be disposed of by UNDP in consultation with the Public Prosecution.

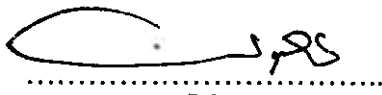


**Article X**

This Agreement shall enter into force upon signature.

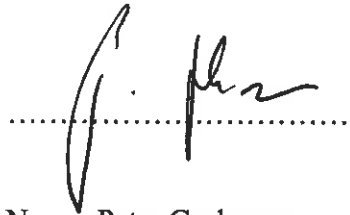
IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the present Agreement in the English and language in two copies.

For the Public Prosecution:  
Programme



Name: Dr. Ali Bin Fadhel Albuainain  
Attorney General  
Public Prosecutor  
(Date) 19.6.2014  
Manama – Bahrain

For the United Nations Development



Name: Peter Grohmann  
UN Resident Coordinator  
UNDP Resident Representative  
(Date) 19-6-2014  
Manama – Bahrain

**STANDARD LETTER OF AGREEMENT BETWEEN UNDP AND THE PUBLIC PROSECUTION FOR**  
**THE PROVISION OF SUPPORT SERVICES**

Dear Dr. Ali Bin Fadhel Albuainain,

1. Reference is made to consultations between officials of the Public Prosecution and officials of UNDP with respect to the provision of support services by the UNDP country office for nationally managed programmes and projects. UNDP and the Public Prosecution hereby agree that the UNDP country office may provide such support services at the request of the Public Prosecution in accordance with the programme support document, as described below.
2. The UNDP country office may provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the Public Prosecution is strengthened to enable it to carry out such activities directly. The costs incurred by the UNDP country office in providing such support services shall be recovered from the administrative budget of the office.
3. The UNDP country office may provide, at the request of the designated institution, the following support services for the activities of the programme/project:
  - (a) Identification and/or recruitment of project and programme personnel, and as for the experts and advisors, it shall be in consultation with the Public Prosecution's Office;
  - (b) Identification and facilitation of training activities;
  - (c) Procurement of goods and services;
4. The procurement of goods and services and the recruitment of project and programme personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures. Support services described in paragraph 3 above shall be detailed in an annex to the programme support document or project document, in the form provided in the Attachment hereto. If the requirements for support services by the country office change during the life of a programme or project, the annex to the programme support document or project document is revised with the mutual agreement of the UNDP resident representative and the designated institution.
5. The relevant provisions of the UNDP Standard Basic Assistance Agreement (SBAA) with the Government of Bahrain, signed on 3 August 1978, including the provisions on liability and privileges and immunities, shall apply to the provision of such support services. The Public Prosecution shall retain overall responsibility for the nationally managed programme or project through its designated institution. The responsibility of the UNDP country office for the provision of the support services described herein shall be limited to the provision of such support services detailed in the annex to the programme support document or project document.
6. Any claim or dispute arising under or in connection with the provision of support services by the UNDP country office in accordance with this letter shall be handled pursuant to the relevant provisions of the SBAA.
7. The manner and method of cost-recovery by the UNDP country office in providing the support services described in paragraph 3 above shall be specified in the annex to the programme support document or project document.

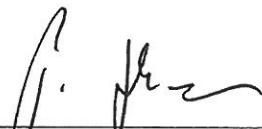


8. The UNDP country office shall submit progress reports on the support services provided and shall report on the costs reimbursed in providing such services, as may be required.

9. Any modification of the present arrangements shall be effected by mutual written agreement of the parties hereto.

10. If you are in agreement with the provisions set forth above, please sign and return to this office two signed copies of this letter. Upon your signature, this letter shall constitute an agreement between the Public Prosecution and UNDP on the terms and conditions for the provision of support services by the UNDP country office for nationally managed programmes and projects.

Yours sincerely,



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Signed on behalf of UNDP  
Peter Grohmann  
Resident Representative



For the Public Prosecution:  
Dr. Ali Fadhel Albuainain  
Attorney General  
Public Prosecution  
Kingdom of Bahrain  
(Date)