

TWINNING PROJECT FICHE

1. BASIC INFORMATION

- 1.1 Programme: TACIS - National Action Programme 2006
1.2 Twinning Number: AZ08/PCA/JH/04
1.3 Title: Support for the Anti-Corruption Department with the Prosecutor General of the Republic of Azerbaijan
1.4 Sector: Justice/Rule of Law
1.5 Beneficiary country: Republic of Azerbaijan

2. OBJECTIVES

2.1 Overall Objective(s)

The project will contribute to the overall objective set out in the ENPI Azerbaijan National Indicative Programme 2007-2010 to improve the quality and efficiency of service delivery by the public administration by fighting corruption.

2.2 Project Purpose

The Purpose of this project is to contribute to the on-going capacity building of the Anti-Corruption Department with the Prosecutor General of the Republic of Azerbaijan (ACD) as well as in fulfilling its role in the delivery of the *2007 National Strategy on Increasing Transparency and Combating Corruption* and the associated *National Anti-Corruption Action Plan*

2.3 Contribution to the Partnership and Co-operation Agreement and the European Neighbourhood Policy Action Plan

The Partnership and Co-operation Agreement (PCA) between the European Communities and their members on the one side and the Republic of Azerbaijan establishes as objectives in article 1:

- to support efforts of the Republic of Azerbaijan *to consolidate its democracy* and to develop its economy and to complete the transition into a market economy.
- to provide a basis for *legislative*, economic, social, financial, civil scientific, technological and cultural cooperation;

Article 72 of the PCA further defines the scope and modalities of the EU-Azerbaijan cooperation on prevention of illegal activities:

The Parties shall establish cooperation aimed at preventing illegal activities such as:

- *illegal activities in the sphere of economics, including corruption;*
- *illegal transactions of various goods, including industrial waste;*
- *counterfeiting.*

Cooperation in the abovementioned areas will be based on mutual consultation and close interaction.

Technical and administrative assistance may be provided, including in the following areas:

- *drafting of national legislation in the sphere of preventing illegal activities;*
- *creation of information centres;*
- *increasing the efficiency of institutions engaged in preventing illegal activities;*
- *training of personnel and development of research infrastructures;*
- *elaboration of mutually acceptable measures impeding illegal activities.*

The European Neighbourhood Policy Action Plan (ENPAP) lays down the strategic objectives of cooperation, helps to fulfil the obligations of the PCA and establishes a set of priorities. The twinning project is to address Priority area 4 of the ENPAP *Improve the business climate, particularly by strengthening the fight against corruption*, and the following specific actions:

Strengthen enforcement and assess the impact and progress of the Anti-corruption law in force since January 2005;

Improve the normative-legislative framework for the fight against corruption, in conformity with the UN Convention against Corruption, the CoE Criminal Law Convention on Corruption and the CoE Civil Law Convention on Corruption.

The ENPI Azerbaijan Country Strategy Paper for 2007-2013 identifies the *effective fight against corruption* as a key policy objective and notes that the Azerbaijani government has declared it a top priority (2.2). Assistance in the fight against corruption is included under *political dialogue and reform* as part of the focus on strengthening democracy, good governance and the rule of law (5.2).

The ENPI Azerbaijan National Indicative Programme for 2007-2010 deals with corruption under Priority Area 1: Support for Democratic Development and Good Governance Sub-priority 1: Public administration reform and public finance and tax management, including Public Internal Control and External Audit (4.2.1) This includes a specific objective to *improve the quality and efficiency of service delivery by the public administration, including by fighting corruption* and the expected result includes *the implementation of anti-corruption measures*.

The objectives and outcomes in the ENPI NIP are reflected in the 2007 National Strategy on Increasing Transparency and Combating Corruption and the associated National Anti-Corruption Action Plan also in part dealing with improving the activity of the Anti-Corruption Department of the General Prosecutor's Office, envisaging such measures as engaging personnel of the Anti-Corruption Department to the specialized trainings in the area of combating corruption and ensuring the Department has strengthened logistics.

3. DESCRIPTION OF THE TWINNING PROJECT

3.1 Background and justification

Over the past years, the Azerbaijani administration has taken substantial efforts to build normative-legislative framework for fight against corruption, as well as developed and adopted main anti-corruption policies. As a key element, the Anti-corruption Act 2005 came into force in January 2005. It formulates the definition of corruption, delineates the definition of the subject of corruption, scope of the corruption violations, outlines the Commission on Combating Corruption (CCC), as a specialized anticorruption body, obliges the public officials to disclose information of financial nature (the form and rules of disclosure are set out in a separate instrument), sets forth liability for breaking financial disclosure rules, sets the prohibition of working of kin together in public office, formulates corruption offences, etc.

Most importantly, the Act states that all State bodies and officials shall, within their powers, carry out the fight against corruption. The Anticorruption Act was followed by a series of statutes and statutory instruments, elaborated within the framework of the National Anti-Corruption Programme and Action Plan on its implementation for years 2004-2006, which brought the legislation in conformity with the international standards. In particular, the definition of bribery (active and passive) were introduced in full compliance with the definitions in the UN Convention against Corruption and Criminal Law Convention against Corruption, offence of trading in

influence was introduced, money laundering was criminalised, etc to the satisfaction of the GRECO and Istanbul Action Plan of the Anticorruption Network of the OECD.

In addition to the Act, the National Strategy on Increasing Transparency and Combating Corruption, which is the second in national anticorruption strategy of the Republic of Azerbaijan, and the associated National Anticorruption Action Plan, were adopted by a Presidential Decree on the 28 July, 2007. The documents foresee specific measures and actions to be taken by relevant institutions of the Azerbaijani by building on the legislative and institutional framework. The new National Strategy is more specific while defining the areas of new legislation (whistleblowers protection, prevention of conflict of interest), enhancing cooperation and coordination between law enforcement agencies, introduction of common standards for submitting reports on anticorruption measures by all public institutions, drafting of institutional policies and anticorruption plans by public institutions, improving auditing, licensing, registering of businesses, etc. The distinction of the new national strategy from the previous one is that the former accentuates more on the prevention and specifically requires the public institutions to cooperate actively and involve NGOs in the implementation of the anticorruption measures.

Within the meaning of the UNCAC, according to its relevant provisions, there are two specialized anticorruption agencies in Azerbaijan. The Commission on Combating Corruption of the Republic of Azerbaijan (hereinafter "Anti-Corruption Commission") was established by the Anticorruption Act 2005, as mentioned above. Its statute was endorsed in the special act by the parliament. The Anti-Corruption Commission represents the first entity, which is a strategic body charged with the prevention, as well as elaboration and monitoring of the implementation of the anticorruption strategies. The Anti-Corruption Commission comprises 15 senior ranking political-level government officials (5 from the executive, 5 from the legislature, and 5 from the judiciary. By law, the Commission co-ordinates overall anti-corruption policy across Azerbaijani government institutions and has in particular the responsibility for monitoring asset declarations which any extensive range of government officials are required by law to submit annually.

The Anti-Corruption Department with the Prosecutor General's Office of the Republic of Azerbaijan (ACD) represents the second organisation. The ACD is the national anti-corruption agency in charge of detection and investigation of corruption-related offences. Separate location of the Department also mirrors in its powers and competences. Set up in the course of implementation of the recommendations by ACN OECD, the department is best placed in the Prosecutor's Office. Thereby the ACD enjoys all the law enforcement and prosecutorial powers of the Prosecutor's Office. At the same time, in accordance to its charter the ACD maintains a sufficient level of autonomy allowing it to launch and investigate cases and submit them to court.

Headed by the director, the ACD consists of three units: an investigation division, an analytical information division (with jurisdiction over complaints dealing with non-law enforcement agencies) and an internal security division (covering complaints about law enforcement agencies). Subject to the statute of the Department, the ACD has a staff of 40 prosecutor and investigators. The Department investigated and submitted to courts 39 criminal cases in respect of 79 persons in 2006, 41 criminal cases in respect of 69 persons in 2007. The cases investigated by the department were the high-profile cases on corruption offences, including bribery, embezzlement, trading in influence, abuse of office, etc.

For its activities the ACD is responsible for reporting to the Prosecutor General only. The ACD works closely with other executive agencies responsible implementation of anti-corruption policy: internal security departments in various law enforcement agencies and other prosecutors in the Prosecutor General's Office. The ACD has no competence to conduct operative-detective measures aimed at detection of corruption instances and special investigation means in the course

criminal investigations, such as wire-taping, surveillance, etc. In such cases, the ACD requests the police and other law enforcement agencies to conduct measures. Thus, in terms of detection and investigation, the potential of the ACD may be considerably strengthened if it has detectives within it, who will be entitled to do operative detective work.

So far, the ACD's activities prove to be promising to ensure enforcement and implementation of the recently adopted legislation for combating corruption and anti-corruption policies. However, the ACD is still in need of further strengthening to be a cutting-edge anti-corruption agency. First, the ACD, as a relatively new organisation, necessitates continuing its efforts in detailing its operational procedures and rules. Second, the ACD staff members consecutively require developing specific competences through training in modern investigation and prosecution techniques, and practical application of the knowledge gained, and most importantly installation of the state of the art information technology technologies in order to increase the analytical capacities.

By the National Anti-corruption Action Plan, the ACD has been also charged as a coordinating body providing advising services to other law enforcement and executive agencies (specifically, internal security units at those agencies). To be capable to provide quality services, the ACD should first develop its competences in-house, as well as upgrade its training and advice delivery capacities.

3.2 Linked activities (other international and national initiatives)

There are other initiatives to address sectors of justice and home affairs, and rule of law. Only few other donor projects directly target anti-corruption policy. While this project has some complementarities with these projects, this Twinning Project would have no direct links with them. Following is an overview of the key activities of the international donor organisations in relation to the project:

In October 2006, the World Bank and the Azerbaijani Government has concluded a credit agreement on Judicial Modernisation Programme. Overall cost of the initiative is 35 million USD, one third of which is coming as government's contribution. With planned end date of December 2011, the project will assist the Azerbaijani authorities in developing, and implementing the initial phases of a long-term judicial system modernisation programme.

The Programme consists of 4 main components:

1. Strengthening the management capacity of judicial institutions (mainly targeting the Ministry of Justice and support for the Judicial Modernisation Team);
2. Upgrading court facilities (build/renovate court buildings and install computer networks);
3. Human capital – strengthening professionalism of judges and staff (improving professional training and development opportunities, as well as training through organisation of the judicial academy);
4. Improvement of communication with the public (citizen information pilot projects and upgrading functioning of registries and notaries).

In December 2007, the Council of Europe launched a project on “Support to the Anti-corruption Strategy in Azerbaijan” (AZPAC), financed by USAID. The 24-month project (end date 30 September, 2009) of USD 800.000 has been concentrating mostly on specific project-based activities (23 project activities in total).

These activities include support to the Anti-Corruption Commission (financing of training about how to do citizens' surveys, reviews of proposed legislation inline with GRECO recommendations

and other activities).¹ Activities aimed at reducing money laundering include (among other things) specialised training of financial intelligence officers to identify transactions with a high risk of being involved in money laundering and other areas. The project will also provide funds for consultants to make guidelines, instruction manuals and other educational materials for Azerbaijani officials.

In the framework of ENPI 2007 Annual Programme for Azerbaijan, the European Commission considers of allocation sector budget support (approximately 15 million EUR) in the field of justice/rule of law. Following components has been preliminary identified and are under scrutiny:

- strengthening the judiciary system in the regions;
- strengthening the Academy of Justice;
- penitentiary and probation reform and possible amendments of the Criminal Code of the Republic of Azerbaijan.

The twinning partners shall take necessary steps to ensure coordination with the mentioned and other related activities in order to avoid any overlap or achieve possible synergies.

3.3 Results

At the completion of this Twinning Project, the following results shall be achieved:

Result 1. Amendments to the regulatory base and procedural rules governing the ACD are introduced to facilitate the efficient operation of the ACD

These administrative regulations and operational procedures will be written according to legal best practice, available to other government entities and the public, as appropriate. Draft proposals of normative instruments will be prepared, presented and explained to all staff of the ACD, to other stakeholders, e.g. other departments at the Prosecutor General's Office, as well as other law enforcement agencies.

Key indicator of achievement is the following:

A set of regulations and procedures either adopted or endorsed by the Director of ACD and further forwarded to adoption by the Prosecutor General.

Result 2. Improvement of ACD capacity to interact with various stakeholders in fighting corruption (media, NGOs, other local and international partners), as a tool of general prevention of corruption

The ACD will establish communication channels and develop presentation methods on how to show its work to broad public. It will also take steps to improve public confidence in fight against corruption through pro-active work with the press and other media. In the end, these measures should constitute a tool for general prevention of corruption.

Key indicator of achievement is the following:

Positive media reports about the ACD activities published within a time period ending a year after Twinning project completion;

Positive training assessment of relevant ACD staff capacities (both by trainers and trainees).

¹ GRECO refers to the Council of Europe's (working) Group of States Against Corruption. The group assembles representatives from Council of Europe member countries to assess progress on the implementation of Council of Europe Conventions and recommendations which are focused on anti-corruption.

Result 3. Skills and basic knowledge of ACD investigators and prosecutors are enhanced and necessary knowledge and expertise is provided

With the extensive training, on-the-job support and mentoring from Member State partners, the ACD institutionally and its staff members individually will enhance the skills to contribute to successful prosecution of corruption cases. Based on needs analysis, both basic knowledge (especially in the field of financial analysis, accounting and banking) and particular skills (focusing on risk-analysis approach and investigation techniques, asset recovery methods, prosecutorial skills for work with courts) will be addressed and improved. It is also expected to establish a legal support centre within the ACD – a legal consulting point – which would aim at supporting investigators with specialised legal advice during investigations.

Key indicators of achievement:

Positive training assessment of relevant ACD staff capacities (including by trainers, trainees and third parties)

A separate ad hoc entity is set up within the Department with the access to necessary tools for legal research, such as databases of legislation and researches in relevant areas

Result 4. Training capacity of the ACD designated staff is developed for delivering training to other Azerbaijani law enforcement agencies on questions related to fight against corruption

With support from the Member State partners, the ACD will build up tools necessary for delivery of training to other law enforcement and executive agencies. This will include a comprehensive training programme and training toolkit (methodology, materials for education and distribution). Trainers from the ACD and Training Centre at the Prosecutor General's Office will be prepared to deliver pilot training seminars.

Key indicators of achievement are the following:

The training toolkit is developed and accepted by the ACD management

A group of trainers from the ACD and Training Centre at the Prosecutor General's Office is trained and tested through delivery of pilot trainings to staff of local prosecutorial offices and internal security units at other law enforcement agencies

Result 5. Improved the ACD staff capacities to participate in running international cases of corruption

By the end of the twinning project, relevant ACD staff members will get familiar with concrete procedures how to handle international cases in a qualitative way: to respond to requests for assistance from international partners, and to prepare requests for information or assistance from ACD international partners.

Key indicator of achievement is the following:

Positive assessment of ACD staff capacities by their international partners and other third parties.

3.4 Activities

To achieve the **Result 1** - Amendments to the regulatory base and procedural rules governing the ACD are introduced to facilitate the efficient operation of the ACD - the following indicative activities are foreseen:

Activity 1.1 Conducting a study of administrative law and operational practices in ACD as compared with EU countries

Methods:

Experts from the Member State will review the regulations, operating instructions, decrees and orders which comprise the ACD normative acts in the light of best practice in EU member states. In parallel, the experts are also to make review of ACD operational capacities in terms of detection, investigation and prosecution of corruption cases. The experts from the Member State will suggest revisions to these normative acts, with a focus on *inter alia* procedures and rules, and responsibilities.

The preferred method of working is activity based learning plus a process of collation and review. Mentors from the Member State - sitting next to their ACD counterparts and working day to day with them - will discuss the reasons for the comments they make on the operating procedures and the ACD regulations. For example, in reviewing the procedures used to request special investigative methods on a particular case, the mentor from the Member State may describe the procedure in his or her home country, the reasons for such a procedure, and provide the internal regulation for translation into Azerbaijani for the local counterparts. In this way both the Member State and the ACD will work on revisions to the ACD normative base developing best practice in a live operational environment.

To summarise the proceedings, a joint workshop should be organised. Involving all ACD organisational divisions, the wrap-up event should present the best practices in EU Member States; discuss identified gaps and findings, proposed amendments, as well as the reasons for those changes.

Indicative benchmarks

A coherent body of effective regulations, procedures and decisions covering all identified areas collected in one place;

Number of EU Member State-ACD experts' working meetings held;

Preliminary findings report released;

Wrap-up workshop organised;

List of areas where operating procedures and rules need to be upgraded established.

Activity 1.2. Drafting of a set of consistent regulations and procedures covering all ACD activities

Methods

Similar to the analysis phase, the preferred methods of working is activity based learning. The scope of the regulations and procedures should at least include the identification and collection of financial documents during the course of the investigation, asset recovery procedures, and the establishment of a database of corruptions offences.

Indicative benchmarks

Number of workshops held;

Draft amendments prepared for consultations.

Activity 1.3 Study visits to other jurisdictions

These study visits should enable best practice from other jurisdictions to be built into the law, regulations and practice of the ACD in Azerbaijan. The learning will affect achievement of other identified results, too. (It is anticipated that three or four study visits will take place during the project to member states with an established track record in successfully fighting corruption.)

Methods

Relevant experts from the ACD will travel to other jurisdictions for on one week study visits to see first-hand how each of the themes covered in this Twinning project, including:

- a) How the normative base functions, how new regulations are created and how they are implemented;
- b) How the central anti-corruption department supports the work of other executive agencies in reducing corruption;
- c) How hotlines and other feedback mechanisms for receiving complaints, as well as databases related to corruption offences operate;
- d) How police and prosecutors *and judges* operate in corruption cases;
- e) How the authorities handle civil cases of corruption and deal with requests for international assistance;
- f) How the central anti-corruption unit measures its results, reports to the public and the National Parliament.

Indicative benchmarks

Number of study visits organised.

Activity 1.4 Presenting the proposed amendments to other stakeholders

Methods

For improvement of the ACD normative base might require amendments not only to internal ACD rules and regulations, the proposals should be also consulted with other relevant stakeholders, such as the Prosecutor General's Office (other departments), the Anti-corruption Commission and other law enforcement agencies. As a key tool for it, a roundtable with the stakeholders is foreseen. It can also be extended to involve other EU/International experts (international organisations, universities, etc.) and to assess implementation of the revised administrative basis.

The entire consultation process should be summed up in a impact assessment report. Its scope is to examine the extent the revised administrative basis should affect the institutional set-up of the ACD as well as its requirements for material resources. In the end, it should form an explanatory reference to the proposals for the revised administrative basis.

Indicative benchmarks

Consultation meetings with other institutions held;
Round-table event organised;
Report on consultation activities.

To achieve the **Result 2 - Improvement of ACD capacity to interact with various stakeholders in fighting corruption (media, NGOs, other local and international partners) as a tool of general prevention of corruption** - the following indicative activities are foreseen:

Activity 2.1 Improving ACD methods for building public confidence in the fight against corruption

Methods

Member State and ACD staff will work together on how to build public confidence in the fight against corruption through the use of the press and other media. A series of training events are anticipated. Such training principally must include training and mentoring in informing the Azerbaijani population about their rights and the procedures for complaining about specific cases of corruption.

Moreover, the training should focus on the following include:

- a) How to run press conferences about specific corruption allegations;
- b) Dealing with journalists' questions;
- c) Speaking at public events about the ACD work;
- d) Designing posters and other publicity about the ACD;
- e) Using focus-groups and before-and-after surveys to collect public perceptions about the ACD work (and work on anti-corruption policy in general);
- f) Overview of Citizen's Charters and public-private partnerships.

Indicative benchmarks

Training events organised

Activity 2.2 Support for presentation and publication of results

Methods

The Member State should assist the ACD to provide a brief user-friendly and easily understandable publication about the ACD results each year. Such advice will include:

- a) Content to include in the publication;
- b) Formatting, colour and other lay-out issues (corporate design);
- c) Distribution issues (points where made available, sharing with the Milli Majlis, etc).

Indicative benchmarks

Annual publication on ACD activities and results finalised for printing.

To achieve the **Result 3 - Skills and basic knowledge of ACD investigators and prosecutors are enhanced and necessary knowledge and expertise is provided** - the following indicative activities are foreseen:

Activity 3.1 Conducting training needs analysis and developing a comprehensive training programme for ACD staff

Methods

The Member State will work together with the ACD staff to conduct training needs analysis of ACD staff members – investigators and prosecutors. The needs analysis should define the details of training to be delivered (class training sessions, on-the-job training, or coaching and mentoring); and should later serve as a basis for setting up a detailed programme for continuous training. Particular attention should be paid to the following topics: investigation techniques; mechanisms for review of corruption reports and other tools of detecting corruption; procedures with a focus to avoid ‘due process’ appeals; prosecutorial skills; methods for asset recovery. The experts will also have to take into account of needs arising the revised administrative base.

Indicative benchmarks

Training needs analysis report
Detailed training programme

Activity 3.2 Training in investigation techniques

Methods:

The Member State will help the ACD become a national centre-of-excellence in training on investigation techniques (especially dealing with corruption cases). Such training will include:

- a) working with local prosecutor's office and other law enforcement agencies handling investigations in order to elaborate evidence collection strategies,
- b) community policing techniques and soliciting information from key informants
- c) surveillance techniques
- d) putting together evidence in a case file
- e) ensuring proper procedures followed.

The method of training will be proposed by the Member State. It is also intended that experts should advise -- alongside with the ACD experts -- on specific investigations. The parameters within which this should take place, including the limitations on information sharing and confidentiality, will be defined in the Twinning Contract.

Indicative benchmarks

Training sessions organised
Relevant guidelines elaborated
Number of working days for help-desk support allocated

Activity 3.3 Establishing a legal consulting point within the ACD

Methods

Through training, support, organisational and methodological advice, the Twinning partner will assist the ACD to establish internal legal consulting point. Having access to necessary tools for legal research, e.g. relevant databases of legislation and legal research, the ad hoc entity should ensure the investigators and prosecutors get up-to-date specialised advice in areas relevant to cases under investigation and prosecution.

Indicative benchmarks

Training sessions organised
Relevant guidelines and/or procedures elaborated
Number of working days for help-desk support allocated

Activity 3.4 Improving prosecutorial skills

Methods

Through training and help-desk advice, the Member State experts will assist in improving prosecutorial skills of relevant ACD staff. Such training will focus on developing and improving skills to enable the prosecutors successfully represent the ACD in courts proceedings, including pre-trial and trial proceedings.

Indicative benchmarks

Training sessions organised
Relevant guidelines elaborated
Number of working days for help-desk support allocated

Activity 3.5 Training and mentoring on practical issues in instituting an intelligence-based as well as risk-based approach to law enforcement

Methods:

The Member State will conduct lectures and provide sufficient academic and professional materials about the following topics for relevant ACD staff:

- a) Methods of collecting intelligence in law enforcement;
- b) Specially designated bodies for detection of corruption with the anticorruption bodies;
- c) Working with the police, internal security departments, and concerned citizens groups on collecting intelligence related to corruption;
- d) Focusing resources on groups which are most likely to be engaged in corruption;
- e) Methods which have been incorporated as ACD operating procedure.

In addition, the Member State experts, working side-by-side with ACD counterparts, will improve mechanisms for effective reviewing of corruption reports and communications to discover cases of corruption.

Indicative benchmarks

Training sessions organised

Relevant guidelines elaborated

Number of working days for help-desk support allocated

Activity 3.6 Training and mentoring on methods of asset recovery and ways the ACD can help with the collection of damages

Methods

The Member State will provide training about methods of assisting with asset recovering and the collection of financial damages in cases where the GoA seeks compensation. Such training may include:

- a) Working with other law enforcement agencies on evidence collection strategies;
- b) Prosecutorial techniques;
- c) Methods of arranging of the search, seizure, confiscation of assets arising from predicate crimes involving corruption;
- d) Estimating the value of damages to be sued for.

Indicative benchmarks

Training events held.

To achieve the **Result 4** - Training capacity of the ACD designated staff is developed for delivering training to other Azerbaijani law enforcement agencies on questions related to fight against corruption - the following indicative activities are foreseen:

Activity 4.1 Conducting training needs analysis for relevant staff at the ACD, Prosecutor General's Office and other law enforcement agencies

Methods

The ACD has been charged of providing training to staff members of other law enforcement agencies (specifically, other departments of the Prosecutor General's Office and internal security units at law enforcement agencies) responsible for investigating and prosecuting corruption cases. The basic aims of the training is to foster a common understanding of corruption offences (how to recognise and investigate a corruption case, etc) and to increase coordination among law enforcement agencies while dealing with corruption cases.

In the light of this, the twinning partners will conduct a training needs analysis for the target group in order to define the details of the training programme.

Indicative benchmarks

Training needs analysis report prepared

Activity 4.2 Developing a training toolkit

Methods

Based on the needs analysis, the Twinning partners will develop a training toolkit. It can be later by ACD trainers while delivering training to other law enforcement agencies. The training toolkit will consist of modules for trainers and target groups of trainees. It will also include training material (presentations, videos, etc) and material for distribution. Training toolkit should be developed in a way it will be possible to convert it into electronic module.

Indicative benchmarks

Training toolkit, including training material, prepared

Activity 4.3 Training of trainers

Methods

The Member State experts will prepare trainers from the ACD and Training Centre at the Prosecutor General's Office to apply the training toolkit in practice. To facilitate the needs analysis, development of the training toolkit and training of trainers, the twinning partners might consider option of engaging specialised local trainers (private sector input), if the need arises.

Indicative benchmarks

Training of trainers sessions organised

Activity 4.4 Pilot training sessions to target audience (staff of other law enforcement agencies)

Methods

With support of the Member State experts, the designated ACD trainers will carry out pilot training sessions to the target groups – staff members of local prosecutorial offices and internal security units of other law enforcements agencies. The aim of these training sessions will be to test the training toolkit developed and assess preparedness of the trainers.

Indicative benchmarks

Pilot training sessions held;

Training report.

To achieve the **Result 5 - Increased ACD's staff capacities to participate in running international cases of corruption** - the following indicative activities are foreseen:

Activity 5.1 Training in handling international cases

Methods

The Member State will train in the concrete procedures the ACD may use to request:

- a) Information or assistance from international law enforcement agencies such as Europol or Interpol;
- b) Assistance in turning over a case to another country or in seeking extradition (particularly as corruption will always involve dual criminality as defined under the UN Convention Against Corruption);

- c) A seizure or confiscation order under ETS 198 (Council of Europe Convention on the Seizure, Confiscation and Proceeds of Crime and Money Laundering);
- d) and/or other areas which the Member State deems relevant.

The Member State will bring international experts or trainers from Europol, Interpol and possibly from regional law enforcement initiatives such as Eurojust and/or SECI where appropriate.

Indicative benchmarks

Training session organised
Number of ACD staff trained

Activity 5.2 Practical support and mentoring to ACD staff for handling international cases

Methods

The Member State is requested to provide help-desk support and specific mentoring on practical cases in the house, as well as arrange internships for ACD staff to get hands-on experience in a Member State institution.

The Member State will provide opportunity to the Beneficiary staff for getting familiar with the practices of cooperation in international investigations by arranging internships for selected ACD staff. Internships are expected of approximately 2-3 weeks study visits in a MS institution.

Indicative benchmarks

Number of working days spent on the activity
Internships organised and completed

3.5 Means/input from MS Partner Administration

3.5.1 Profile and Tasks of the Project Leader (PL)

The Member State Project Leader (MS PL) will be expected to devote a minimum of three days per month to the project in his home country. He/she will participate as representative of the MS partner in the quarterly Steering Committee meetings and bear – together with the Beneficiary Country Project Leader – the final responsibility for an efficient and effective implementation of the Twinning project.

The main responsibilities of the MS PL are to ensure:

- the overall coordination of the project;
- the timely achievement of project results;
- the timely input of resources on the MS side.

The MS PL shall:

- be a senior staff member from a MS a MS institution in charge of detecting, investigating or prosecuting corruption cases;
- have a good command of English in word and in writing;
- an active and passive command of Azeri and / or Russian would be an asset; experience in Phare / Tacis countries or with similar projects would be an advantage.

3.5.2 Profile and Tasks of the RTA

The Resident Twinning Advisor (RTA) will be based in Azerbaijan to provide full-time input to the project for the entire duration of the project. His/her main tasks are:

- to manage the day-to-day coordination and progress of activities of the project in Azerbaijan;
- to Liaise with the BC Project Leader and RTA counterpart;
- to report to the MS Project Leader;

The RTA shall:

- be a civil servant / staff member of a MS institution in charge of detecting, investigating or prosecuting corruption cases;
- with a university degree in law, public administration, political sciences, or equivalent, and ten years relevant experience;
- be familiar with technical assistance/twinning projects in area of fight against corruption;
- be familiar with the legal issues and have a solid knowledge of the principles of EU law and best practices in the field;
- have education and /or experience in project management;
- have an excellent command of written and spoken English. An active and passive command of Azeri and / or Russian would be an asset; experience in Phare / Tacis countries or with similar projects would be an advantage.

In his daily work in Azerbaijan, the RTA will be supported by an RTA Assistant, to be recruited and funded by the project.

3.5.3 Profile and tasks of the RTA Assistant

Role and tasks

The Assistant of the RTA will be responsible for providing logistical/administrative support, technical translation and interpretation services to the RTA to facilitate the implementation of the activities of the work plan. She/he will in particular assist in the preparation of working documents, organise and participate in work sessions held with the staff of the ACD, participate in field visits, prepare and assist in the conduct/reporting on PSC meetings and handle all logistic arrangements for seminars and training activities in consultation with RTA counterpart.

The Assistant to the RTA will be of Azerbaijani nationality and work full time, for a duration of 21 months in Azerbaijan and will be based at the ACD office in Baku. The Assistant to the RTA will be remunerated through the Twinning budget.

Profile

Qualification and skills

- University level education
- Fluency in Azerbaijani and working knowledge of English
- PC Computer literacy with significant knowledge of common software applications such as MS word, excel and power-point
- Good inter-personal skills

General professional experience

- At least 3 years of professional experience
- Experience in the functioning of international cooperation project
- Prior experience/background in projects related to anti-corruption would be an asset

Specific professional experience

- Prior work experience as project coordinator or as project assistant is required.

A full time interpreter-translator may also be recruited and funded by the project. This interpreter-translator will perform most of the services necessary for the project (e. g. interpretation for missions of short-term experts, translation of documents to and from the Azeri language). For the seminars and the workshops, simultaneous interpreters will be procured and funded by the project.

3.5.4. Profile and Tasks of the short-term experts

Successful implementation of the twinning project activities will to a larger extent depend on the input from STE. Total estimated STE input is 365 working days. Indicative allocation of the days available to the activities in relation to:

- Result 1 85 w/d
- Result 2 20 w/d
- Result 3 155 w/d
- Result 4 85 w/d
- Result 5 20 w/d.

The STE's shall have:

- a university degree in a relevant subject;
- a minimum of three years experience in their respective field;
- an excellent command of written and spoken English; an active and passive command of Azeri and / or Russian would be an asset; experience in Phare / Tacis countries as well as in other parliamentary reform projects would be an advantage.

To achieve the results and carry out the activities planned, short term experts' (STEs) profiles will be needed to cover the following areas, *inter alia*:

- Financial investigation
- Criminal Prosecution
- Regulatory framework
- Legal issues
- Media and communications
- Training.

4. INSTITUTIONAL FRAMEWORK

The beneficiary will be the Anti-corruption Department with the Prosecutor General's Office of the Republic of Azerbaijan.

5. BUDGET

The maximum budget will be EUR 1.000.000 (one million).

6. IMPLEMENTATION ARRANGEMENTS

6.1 Implementing agency responsible for tendering, contracting and accounting

The implementing agency responsible for tendering, contracting and accounting is the European Commission. The person in charge of this project is:

Mrs. Carla MONTESI,
EuropeAid Cooperation office / A3
Centralised operations for Europe, the Mediterranean and Middle East
Office J-54 4/211
Avenue de Bourget, 1
B-1049 Brussels
Tel: +32 2 296 14 53
Fax: +32 2 295 56 65
E-mail: carla.montesi@ec.europa.eu

6.2 Main counterparts in the BC

The Prosecutor General shall appoint the Project Leader (BC) and RTA Counterpart. Preliminary, the following officials at the Anti-corruption Department have been identified:

Project Leader

Name: Mr. Kamran ALIYEV
Job Title: Director, Anti-Corruption Department of the General Prosecutor's Office
Address: 7 N.Rafibayli str., Baku Az1001, Azerbaijan
Phone: +994 12 449 39 02
Fax: +994 12 449 45 21
Email: ksskaliyev@yahoo.com

RTA Counterpart

Name: Mr. Elnur MUSAYEV
Job Title: Senior Prosecutor, Anti-Corruption Department of the General Prosecutor's Office
Address: 7 N.Rafibayli str., Baku Az1001, Azerbaijan
Phone: +994 12 449 39 05
Fax: +994 12 449 45 21
Email: elnurnet@azdata.net

6.3 Steering Committee

Every three months, a Steering Committee will assess the progress of the project, verify the achievements of the outputs and mandatory results and discuss any other which might affect a smooth implementation of the project. The exact composition of the Steering Committee is to be defined in the Twinning Contract. However, the following persons should at least be a member: BC Project Leader, MS Project Leader, BC Counterpart to the RTA, RTA, representative of the Twinning Programme Administration Office (PAO), representative of the EC Delegation.

Representatives of other donors and relevant projects may be invited to participate as observers in the Steering Committee meetings. Beyond this coordination mechanism, informal contacts with

other projects and donors, for exchange of information on respective work programmes, etc. are encouraged so as to ensure the best synergy.

7. IMPLEMENTATION SCHEDULE (INDICATIVE)

7.1 Launching of the call for proposals

September 2008

7.2 Indicative start of project activities

Summer 2009

7.3 Action's implementation period

Work plan duration is 21 months.

Total legal duration of the Twinning Contract will be 24 months (i. e. period for the implementation of the work plan + 3 months for the starting up and closure of the project).

Due to administrative constraints related to the deadline for disbursement of the funds, if the start of project activities were to be delayed with respect to the above mentioned indicative date (in 7.2), the duration of the project could have to be revised and the budget of the project accordingly, while maintaining in principle the same results and activities.

8. SUSTAINABILITY

As training and mentoring project, the twinning should help equip the ACD to undertake its tasks for the foreseeable future. All the actual work of detection and investigation will be done by the Beneficiary. Once the initial investigatory, prosecutorial and managerial skills are developed in the ACD, no further donor assistance is expected in the short term for the ACD.

In the longer-term, the twinning project is likely to have positive impacts, including:

- Establishment of a firmer legal basis;
- Provision of support to other law enforcement agencies through trainings;
- Increased ability of law enforcement agencies to cooperate among them and with relevant institutions in EU countries for detecting, investigating and prosecuting corruption cases;
- Managerial and analytical skills are developed and retained at the Anti-corruption Department.

9. CROSSCUTTING ISSUES

First, the issue of human rights could potentially arise in any anti-corruption programme supported by Twinning. In several Eastern European and former Soviet countries, anti-corruption projects and wider national programmes have been associated with: a) political biased prosecutions, b) violations of due process (particularly with regard to collecting evidence and interrogating suspects), and c) violations of privacy. The ACD, as a unit in judicial branch of the Government of Azerbaijan (GoA), can help uphold the GoA commitments to human rights.

The EU Member state and the Beneficiary should agree at the beginning of the project on an acceptable method of ensuring these concerns are managed by the Twinning project.

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ANNEXES

ANNEX 1: Logical Framework Matrix

ANNEX 2: List of Relevant Laws and Regulations

ANNEX 1: Logical Framework Matrix

Support for the Anti-Corruption Department with the Prosecutor General of the Republic of Azerbaijan AZ08/PCA/JH/04		Total budget: €1.000.000	TACIS budget year: Annual Programme 2006
Overall Objective	Objectively verifiable Indicators	Sources of Verification	
The project will contribute to the overall objective set out in the ENPI Azerbaijan National Indicative Programme 2007-2010 to improve the quality and efficiency of service delivery by the public administration by fighting corruption	5-per cent decrease in value of measured corruption within a year after the twinning project is completed (baseline – 2007 level) 20-per cent increase in public confidence in the fight against corruption within a year after the twinning project is completed (baseline 2007 level) Positive opinion of the EC on progress in public administration reform and efforts to fight against corruption	Transparency International and other international NGO surveys EC Progress Report on Azerbaijan (2010 an/or 2011)	
Project Purpose	Objectively verifiable Indicators	Sources of Verification	Assumptions
The Purpose of this project is to contribute to the on-going capacity building of the Anti-Corruption Department with the Prosecutor General of the Republic of Azerbaijan (ACD) as well as in fulfilling its role in the delivery of the <i>2007 National Strategy on Increasing Transparency and Combating Corruption</i> and the associated <i>National Anti-Corruption Action Plan</i>	ACD increases the number of successfully completed prosecutions at least by 5 per cent (a year after completion of the twinning project compared to the level of 2008) ACD Annual Reports (2009-2011) are accepted by the Anti-corruption Commission Positive assessment by GRECO on ACD capacities to combat corruption and implementation of the National Anti-corruption Action Plan Positive opinion of the EC on ACD capacities	ACD Annual Report 2011/2012 EC Progress Report on Azerbaijan (2010 an/or 2011) Decision of the Anti-corruption Commission GRECO reports	Necessary amendments to legislation are adopted to ensure successful and efficient handling of anticorruption cases Court system is upgraded to handle anticorruption cases
Results	Objectively verifiable Indicators	Sources of Verification	Assumptions
1. Amendments to the regulatory base and procedural rules governing the ACD are introduced to facilitate	A set of regulations and procedures endorsed by the Director of ACD, and	Director of ACD decisions	ACD premises are improved No political influence on ACD is

<p>the efficient operation of the ACD</p> <p>2. Improvement of ACD capacity to interact with various stakeholders in fighting corruption (media, NGOs, other local and international partners) as a tool of general prevention of corruption</p> <p>3. Skills and basic knowledge of ACD investigators and prosecutors are enhanced and necessary knowledge and expertise is provided</p> <p>4. Training capacity of the ACD designated staff is developed for delivering training to other Azerbaijani law enforcement agencies on questions related to fight against corruption</p> <p>5. Increased ACD's staff capacities to participate in running international cases of corruption</p>	<p>further forwarded to adoption by the Prosecutor General.</p> <p>Positive training assessment of relevant ACD staff assessment (by trainers, trainees, and other third parties)</p> <p>A separate ad hoc entity is set up within the Department with the access to necessary tools for legal research, such as databases of legislation and researches in relevant areas</p> <p>Positive media reports on ACD activities published within a time period ending a year after the twinning project is completed</p> <p>The training toolkit is developed and accepted by the ACD management</p> <p>A group of trainers from the ACD and Training Centre at the Prosecutor General's Office is trained and tested through delivery of pilot trainings to staff of local prosecutorial offices and internal security units at other law enforcement agencies</p> <p>Positive assessment of ACD staff by their international partners and by other third parties</p>	<p>ACD Annual Report</p> <p>Twinning Project Quarterly Reports and Final Report</p> <p>Reports on Training</p> <p>GRECO Reports</p>	<p>exercised/ACD keeps its autonomy</p> <p>Adequate budget is allocated to continue activities</p> <p>Full support from the Prosecutor General</p>
<p>Activities</p>	<p>Means</p>	<p>Assumptions</p>	
<p>1.1 Conducting a study of administrative law and operational practices in ACD as compared with EU countries</p> <p>1.2. Drafting of a set of consistent regulations and procedures covering all ACD activities</p> <p>1.3 Study visits to other jurisdictions</p> <p>1.4 Presenting the proposed amendments to other stakeholders</p> <p>2.1 Improving ACD methods for building public confidence in the fight against corruption</p> <p>2.2 Support for presentation and publication of results</p> <p>3.1 Conducting training needs analysis and</p>	<p><u>MS Twinning partner input:</u></p> <p>Project Leader – total input of 30 days</p> <p>RTA seconded for 21-month period</p> <p>RTA Assistant – 21 months</p> <p>Translator/Interpreter – 21 months</p> <p>Pool of STE with estimated indicative input of 365 working days</p> <p>Training events</p> <p>2-3 study tours</p> <p>On-the-job training</p> <p>2-3 internships in EU Member State institution</p> <p><u>BC Twinning partner input:</u></p> <p>Project Leader</p> <p>RTA Counterpart</p>	<p>ACD is adequately staff to be able to undertake additional tasks</p> <p>The trained staff is retained</p> <p>Full support from the Prosecutor General</p>	

<p>developing a comprehensive training programme for ACD staff</p> <p>3.2 Training in investigation techniques</p> <p>3.3 Establishing a legal consulting point within the ACD</p> <p>3.4 Improving prosecutorial skills</p> <p>3.5 Training and mentoring on practical issues in instituting an intelligence-based as well as risk-based approach to law enforcement</p> <p>3.6 Training and mentoring on methods of asset recovery and ways the ACD can help with the collection of damages</p> <p>4.1 Conducting training needs analysis for relevant staff at the ACD, Prosecutor General's Office and other law enforcement agencies</p> <p>4.2 Developing a training toolkit</p> <p>4.3 Training of trainers</p> <p>4.4 Pilot training sessions to target audience (staff of other law enforcement agencies)</p> <p>5.1 Training in handling international cases</p> <p>5.2 Practical support and mentoring to ACD staff for handling international cases</p>	<p>Component Coordinators ACD staff Premises for RTA and RTA Assistant</p>	
		Preconditions
		None

ANNEX 2: List of relevant Laws and Regulations

Laws and Regulations

- a) Law on Combating Corruption (and subsequent amendments)
- b) Law on Procedures on declaration finance related information by public officials
- c) Various presidential decrees
- d) Law on approval of the Statue of the Commission on Combating Corruption under the State Council on Management of the Civil Service (and subsequent amendments)
- e) Rules of Ethical Conduct of Civil Servants
- f) Law on right to Obtain Information (and subsequent amendments)
- g) Ethical Code for Prosecutors
- g) Charter of the Anticorruption Department with the General Prosecutor Office (and related presidential decrees)

Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc)

State Program on Combating Corruption (2004-2006)

Measures on State Program

Presidential Decree on the National Strategy on Increasing Transparency and Combating Corruption

Decree of the President of the Republic of Azerbaijan on approval of State Program on Combating Corruption (2004-2006)