

Supporting Curriculum Development for the International Institute for Justice and the Rule of Law

BY THE CENTER ON GLOBAL COUNTERTERRORISM COOPERATION,
THE INTERNATIONAL CENTRE FOR COUNTER-TERRORISM – THE HAGUE,
AND THE INSTITUTE FOR SECURITY STUDIES

Copyright © 2013 Center on Global Counterterrorism Cooperation,
International Centre for Counter-Terrorism – The Hague, and the Institute
for Security Studies

All rights reserved.

For permission requests, write to the publisher at:

129 South Main Street, Ste. 1
Goshen, IN 46526, USA

Contributing authors: Alistair Millar, Peter Knoope, Anton du Plessis, Alix
Boucher, Sanae Hamzaoui, Orla Hennessy, Tanya Mehra, Arvinder Sambei,
Matthew Schwartz, and Tamara Takacs

Editor: Matthew Schwartz

Suggested citation: Center on Global Counterterrorism Cooperation,
International Centre for Counter-Terrorism – The Hague, and the Institute
for Security Studies, “Supporting Curriculum Development for the
International Institute for Justice and the Rule of Law,” October 2013.

www.globalct.org



Ministry of Foreign Affairs of the
Netherlands



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

Supporting Curriculum Development for the International Institute for Justice and the Rule of Law

OCTOBER 2013

BY THE CENTER ON GLOBAL COUNTERTERRORISM COOPERATION,
THE INTERNATIONAL CENTRE FOR COUNTER-TERRORISM – THE HAGUE,
AND THE INSTITUTE FOR SECURITY STUDIES



About the Authors

CENTER ON GLOBAL COUNTERTERRORISM COOPERATION

CGCC works to improve counterterrorism cooperation and capacity through collaborative research and policy analysis and by providing practical advice. CGCC develops innovative counterterrorism programming and training and assists key stakeholders to develop sustainable solutions to preventing terrorism. CGCC is working to improve intergovernmental cooperation at the global, regional, and subregional levels; support community-led efforts to counter violent extremism; ensure respect for human rights and the rule of law; and empower civil society and victims of terrorism to speak out. As transnational threats evolve, CGCC is also working to foster a new generation of holistic, rule of law–based responses to organized crime and other forms of transnational violence. For further information, please see www.globalct.org.

INTERNATIONAL CENTRE FOR COUNTER-TERRORISM – THE HAGUE

The ICCT is an independent think tank and knowledge hub that focuses on information creation, collation, and dissemination pertaining to the preventative and international legal aspects of counterterrorism. The ICCT’s work focuses on themes at the intersection of preventing and countering violent extremism and human rights- and rule of law–related aspects of counterterrorism. For further information, please see www.icct.nl.

INSTITUTE FOR SECURITY STUDIES

The ISS is a pan-African applied policy research and technical assistance institute that seeks to enhance human security, justice, and human rights in Africa. The ISS is headquartered in South Africa with regional offices around the continent. The ISS, through its International Crime in Africa Program, has a long history of providing counterterrorism and specialized criminal justice training and technical assistance to national governments and regional institutions in Africa. For further information, please see www.issafrica.org.

Table of Contents

Introduction	1
CHAPTER ONE. Leadership in Strengthening the Rule of Law: Guidance on the Roles of Policymakers and Senior Officials in Justice and Security Development	3
I. Rule of Law and Capacity Development: A Brief Overview	4
1. Institutions of justice and security	5
2. Capacity development and training	7
Box 1.1. Examples of Hard and Soft Capacities	8
II. Policymakers and Senior Officials in Justice and Security Development	10
1. Policymakers	11
2. Senior officials	12
Box 1.2. Case Study: Leadership in Transforming the Tanzanian Police Force	13
III. Program Options for the Institute	16
CHAPTER TWO. Processes of Curriculum and Training Development for Capacity Building in the Justice Sector: Methodology for Success	19
I. Baseline for Capacity-Building Curricula	19
1. Capacity-building training objectives	20
2. Essential elements for capacity-building training programs	21
Box 2.1. Essential Elements of Capacity-Building Training	21
3. Identifying capacity needs	22
Box 2.2. Key Issues in Training Program Curriculum Development	23
II. Coordination and Cooperation	24
Figure 2.1. Training Institute Stakeholder Diagram	24
1. Training institute	24
2. Donors	25
3. Beneficiaries	25
4. Other training institutes	25
5. Service providers	25
6. Stakeholders	26
Box 2.3. Potential Stakeholders	26
III. Pretraining Needs Assessments	27
Box 2.4. Goals of Needs Assessments	27
IV. Defining the Target Group, Approaches, and Selection Procedures	28
1. Approaches to candidate selection	28
Box 2.5. Comparison of Approaches to Participant Selection	29

2.	<i>Selecting the candidates.....</i>	30
3.	<i>Identifying the target group.....</i>	31
V.	Components of Training Development and Implementation	33
1.	<i>Defining aims and objectives of training for the institute</i>	34
2.	<i>Establishing training elements and effective learning methods.....</i>	34
3.	<i>Involvement of beneficiaries in the development of programs.....</i>	36
4.	<i>Selection of lecturers and trainers</i>	37
5.	<i>Resources (training materials).....</i>	38
6.	<i>Sustainability: Post-training action plan, follow-up, and alumni pool</i>	38
	Box 2.6. Guiding Questions for the Post-Training Action Plan.....	39
	Box 2.7. Implementation of the Post-Training Action Plan	39
VI.	Planning, Project Management, and Monitoring.....	41
1.	<i>Preparation and planning</i>	41
2.	<i>Training location</i>	42
3.	<i>Monitoring.....</i>	42
	Box 2.8. Checklist for Effective Monitoring Mechanisms	42
4.	<i>Communication</i>	44
VII.	Curriculum and Program Evaluation	44
1.	<i>Training program evaluation for quality control and quality assurance.....</i>	45
	Box 2.9. Training Evaluation Planning Matrix.....	45
2.	<i>Overall evaluation</i>	46
VIII.	Challenges and Risks	47
	Box 2.10. Challenges and Risks in the Curriculum Development Process	47
IX.	Supplement: Complete Checklist	50
	CHAPTER THREE. Immersive Training Scenario for Specialized Rule of Law Training.....	53
I.	Introduction	53
II.	Developing an immersive training scenario.....	54
III.	The immersive training scenario	55
1.	<i>Proposed Training Methodology.....</i>	57
IV.	Example of an immersive training exercise	58
1.	<i>Development of the scenario.....</i>	58
2.	<i>Commencing the immersive exercise</i>	59
V.	Scenario: The Karibu Dam	60
	Figure 3.1. Map of the area.....	61
	ANNEX I. Experts Meeting Participants.....	69
	ANNEX II. Related Resources	71

Introduction

In his report to the 67th session of the UN General Assembly, Secretary-General Ban Ki-moon highlighted the centrality of the rule of law in the collective efforts of states to maintain international peace and security, effectively address emerging threats, and ensure accountability in accordance with international human rights standards.¹ Encouraging states to meet their obligations under the rule of law to the international community and their citizens and providing assistance to governments in addressing related challenges remain top priorities. Building the capacity and strengthening the oversight and accountability of national justice and security institutions are critical elements of effective rule of law–based governance. National, regional, and international training institutes serve as crucial sources of support and expertise to states working to develop their justice and security systems.

This compiled report consists of three guidance papers developed to support the curriculum design process of the International Institute for Justice and the Rule of Law, an initiative sponsored by the Global Counterterrorism Forum (GCTF). They were drafted based on feedback from an expert consultation process led by three international policy institutes: the Center on Global Counterterrorism Cooperation (CGCC), the International Centre for Counter-Terrorism – The Hague (ICCT), and the Institute for Security Studies (ISS).

I. Leadership in Strengthening the Rule of Law: Guidance on the Roles of Policymakers and Senior Officials in Justice and Security Development

The first chapter, developed by CGCC, is intended to provide guidance to the institute for engaging policymakers and senior officials as partners for strengthening the rule of law and is designed for policymaker and practitioner audiences alike. It introduces a range of key issues from the rule of law and capacity-development agendas and offers practical insight on the critical leadership roles of policymakers and senior officials in justice and security systems development. Following a discussion of the unique challenges and opportunities faced by national leaders in rule of law–related capacity development, the chapter offers a series of practical recommendations as the institute works to build sustainable partnerships with national leaders of participating states.

II. Processes of Curriculum and Training Development for Capacity Building in the Justice Sector: Methodology for Success

This chapter was developed by ICCT as a practical guide on designing training curricula in the context of justice and security capacity development. It presents a series of guidelines and best practices in a step-by-step process of building holistic curricula for professionals in the justice and security sectors. It discusses such key components of curriculum development as a baseline needs assessment, measures for ensuring cooperation and coordination among stakeholders, methods for selecting trainees and training delivery, and best practices for ongoing evaluations to ensure the sustainability and effectiveness of programming.

¹ UN General Assembly, *Strengthening and Coordinating United Nations Rule of Law Activities: Report of the Secretary-General*, A/67/290, 10 August 2012, para. 6.

III. Immersive Training Scenario for Specialized Rule of Law Training

This immersive training scenario was developed by ISS and Sambei Bridger & Polaine Ltd. as a sample role-playing exercise for potential use in the institute's training curriculum. This chapter demonstrates how appropriately developed immersive scenarios can serve as practical and effective training tools for justice and security training institutes. Following a brief introduction of key considerations for curriculum developers in the production and delivery of scenario-based training exercises, the chapter features a dynamic sample exercise for the institute to consider as it develops its own curricula.

These three guidance papers were the outcome of a six-month stakeholder consultation process, undertaken with the generous support of the Netherlands Ministry of Foreign Affairs and Swiss Federal Department of Foreign Affairs. The process centered around two expert meetings in 2013, on 10–11 April in Brussels and 8–9 July in Geneva, focused on supporting curriculum development for the institute. These events brought together criminal justice officials, diplomats, experts, jurists, and law enforcement officers from across the globe to discuss a range of innovative tools and best practices in curricula development for justice and security training institutes. These guidance papers were derived from those discussions.

The views expressed in each chapter are those of the authoring organization alone and do not necessarily represent the views of the other contributing organizations.

CHAPTER ONE. Leadership in Strengthening the Rule of Law: Guidance on the Roles of Policymakers and Senior Officials in Justice and Security Development

Center on Global Counterterrorism Cooperation

Good governance, which has been described as “the striving for rule of law, transparency, responsiveness, participation, equity, effectiveness and efficiency, accountability, and strategic vision in the exercise of political, economic and administrative authority,” requires well-functioning justice and security organizations.¹ Yet, developing the capacity of actors in justice and security systems is a complex and challenging business, where measureable progress can take years. To achieve long-term results, justice and security development initiatives must capitalize on the support of all levels of society and requires effective national leadership.

Policymakers and senior government officials have vital leadership roles to play in promoting the rule of law, strengthening the capacity of justice and security organizations, and creating the space necessary for ensuring that capacity-building activities and policy initiatives are sustainable and effective in practice. The International Institute for Justice and the Rule of Law can leverage its role as a training provider by building partnerships with and earning the trust of policymakers and senior officials in justice and security organizations. Doing so will provide crucial partnership-building opportunities for the design and delivery of effective training to local practitioners and will serve to enhance its credibility as a source of expertise among local and international stakeholders.

This chapter offers a range of good practices, practical examples, and useful resources on effective leadership for policymakers and senior officials in justice and security development and provides guidance to the institute for cultivating enduring partnerships with national leaders in the implementation of national justice, security, and rule of law–related capacity-development initiatives. It is divided into three main segments.

- **Section I** offers a brief overview of the rule of law agenda and the importance of justice and security systems, training, and capacity development in that context. It introduces key concepts and good practices in justice and security development processes and explores some of the conditions for sustainable and impactful programming initiatives.
- **Section II** outlines some of the crucial roles played by policymakers and senior officials in strengthening justice and security organizations. It focuses on their responsibilities as effective leaders in strengthening organizational capacity and supporting institutional transformation.

¹ Suchitra Punyaratabandhu, “Commitment to Good Governance, Development, and Poverty Reduction: Methodological Issues in the Evaluation of Progress at the National and Local Levels,” *CDP Background Paper*, no. 4 (2004), p. 1, http://www.un.org/esa/policy/devplan/cdpbackgroundpapers/bp2004_4.pdf. See United Nations, “Governance,” n.d., <http://www.un.org/en/globalissues/governance/>.

- **Section III** presents a series of recommendations for the institute to engage with senior officials and policymakers, by serving as a dynamic and innovative partner in support of their efforts to strengthen the rule of law.

I. Rule of Law and Capacity Development: A Brief Overview

Although there is a general consensus on the importance of the rule of law in effective and stable governance, going beyond that is not quite as straightforward. For economists and the development community, rule of law provides a basis for a stable and accessible marketplace, underpinning economic growth and prosperity. For the peace-building and conflict prevention communities, the rule of law provides community members with accessible, human rights–compliant avenues of recourse through legitimate institutions of affordable and predictable dispute resolution, reducing the risk of armed violence.² The security community has advocated more frequently for the rule of law not only in preventing and combating threats to national security, but also for its value in addressing underlying conditions conducive to criminality, terrorism, and violent extremism.³

Numerous multilateral agreements and standards provide a strong normative basis for the rule of law in the international community. Among governments, for example, the concept of the rule of law is embedded in the UN Charter, which established the United Nations with a mission of cultivating conditions in which states are bound by a system of commonly understood rules, and for the maintenance of an international body of laws through which states may interact peacefully.⁴ The rule of law also is enshrined as one of the underlying principles of the Universal Declaration of Human Rights, which features it in three key ways, proclaiming that every human being has the right to recognition as a person before the law, that human rights should be protected by the law, and that state governments have an obligation to strive toward this end in all of their affairs.⁵

The United Nations defines the rule of law as “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.”⁶ The rule of law refers not only to justice and security systems, but also to the broader relationships between and among states and citizens and the notion that their behaviors are subject to the law. Rule of law–based governance aspires to conditions such as transparent and accountable political processes, the promotion of public engagement and participation in governance, a respect for human rights and civil liberties and

² Christoph Bleiker and Marc Krupanski, “The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship,” *SSR Paper*, no. 5 (2012), p. 25, <http://www.dcaf.ch/content/download/83611/1283335/file/SSR%20and%20ROL3%20ONLINE%20VERSION.pdf>.

³ For example, see UN General Assembly, A/RES/60/288, 20 September 2006 (*United Nations Global Counter-Terrorism Strategy*); Global Counterterrorism Forum, “Cairo Declaration on Counterterrorism and the Rule of Law: Effective Counterterrorism Practice in the Criminal Justice Sector,” 22 September 2011, <http://www.thegctf.org/documents/10162/13878/Cairo+Declaration.pdf>.

⁴ UN Rule of Law, “What Is the Rule of Law?” n.d., http://www.unrol.org/article.aspx?article_id=3; UN Rule of Law, “Charter of the United Nations,” n.d., preamble, <http://www.unrol.org/files/UNcharter.pdf>.

⁵ UN General Assembly, A/RES/217(III)(A), 10 December 1948.

⁶ UN Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General*, S/2004/616, 23 August 2004.

protection from arbitrary abuses of authority, a stronger and more capable civil administration, and a system of government accountable to the public through a system of internal and external checks and balances.

Governments and governmental organizations are commonly understood as the primary agents responsible for administering society's laws through formal processes of governance. Nongovernmental organizations, however, have an important role to play. For example, community and faith-based organizations, workers and local business owners, and public and private institutions of education, medicine, and industry are among the many actors in civil society that can be seen as partners in enhancing public welfare and promoting good governance through the rule of law.

1. Institutions of justice and security

Well-functioning institutions of justice and security are essential to the realization and maintenance of the rule of law, providing the basis for stable, fair, and peaceful societies providing five key services: (1) order and security, (2) public legitimacy, (3) checks and balances among different branches of authority, (4) fairness in the application of the law, and (5) effective recourse to the law.⁷ In addition to policies and legal frameworks, state justice and security systems generally feature

- **legislative and oversight organizations**, such as parliaments, ministerial councils, and independent government commissions, that translate generally accepted rules of society into public policy, issue adjustments to ensure the effectiveness of those rules, and take measures to ensure the accountability of public institutions;
- **justice organizations**, such as departments of public prosecution, courts, and corrections services, that serve by resolving disagreements in the legal interpretation of the rules and their practice by society and passing judgment on those accused of breaking them; and
- **security organizations**, such as the police or gendarmerie, that safeguard society from and deter rule-breakers, prevent crime, and ensure citizens' immediate safety when the rules are broken.

Many consider justice and security to be crucial prerequisites for social, political, and economic stability and cornerstones of the rule of law.⁸ Justice and security organizations are the most visible

⁷ U.S. Agency for International Development, "Guide to the Rule of Law Country Analysis: The Rule of Law Strategic Framework," January 2010, http://transition.usaid.gov/our_work/democracy_and_governance/publications/pdfs/ROL_Strategic_Framework_Jan-2010_FINAL.pdf.

⁸ For example, see UN General Assembly, *In Larger Freedom: Towards Development, Security and Human Rights for All*; Report of the Secretary-General, A/59/2005, 21 March 2005; World Bank, *World Development Report 2011: Conflict, Security, and Development* (Washington, D.C.: World Bank, 2011) http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf; Adrian Leftwich, "The Political Approach to the Law and Justice Sector," AusAID, 16 August 2011, <http://www.ode.usaid.gov.au/publications/documents/leftwich-thinkpiece.pdf>; Geneva Centre for the Democratic Control of Armed Forces, "Community Safety and Security Sector Governance," 2010, http://www.dcaf.ch/content/download/35958/527133/file/Community_safety_EN.pdf; Organisation for Economic Co-operation and Development (OECD), *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, 2007, <http://www.oecd.org/development/conflictandfragility/38406485.pdf>; UN Development Programme (UNDP), *Rule of Law and Development*, January 2013, http://issuu.com/undp/docs/issue_brief_-_rule_of_law_and_the_post-2015_develo.

manifestations of government authority, and public perceptions of the legitimacy of the state depends greatly on citizens' experiences with the national justice and security systems. When justice and security systems are perceived as predatory, unfair, inaccessible, or otherwise deficient, it negatively affects the internal and external legitimacy of the state as a whole.⁹ Weak justice and security systems can disrupt development, create conditions conducive to violent conflict and criminality, and sow social and political instability.¹⁰

Civil society serves an equally important role in the maintenance of the rule of law. Although national justice and security actors are prominent features of the state's justice and security systems, civil society plays a critical role in the promotion of effective, accountable, and legitimate justice and security systems within a rule of law framework. Citizens and local communities constitute core actors of national justice and security systems, not only as end users and recipients of justice and security, but also as key partners and sources of support and legitimacy, particularly in the context of capacity development.¹¹ Civil society is increasingly recognized as a partner in international peace and security-related initiatives.¹² For example, the Economic Community of West African States (ECOWAS) Conflict Prevention Framework identifies a broad array of roles that civil society actors can play "in the maintenance and promotion of peace and security."¹³

In justice and security development, civil society groups may serve as a source of independent oversight, policy dialogue, and issue-area expertise.¹⁴ They can also serve as platforms for raising public awareness and facilitating community–government dialogue and as partners in the provision of certain key services, for example, through community policing partnerships or the provision of alternative dispute resolution services.¹⁵ When pursuing justice and security development initiatives, building broad or "inclusive enough" coalitions with civil society is essential in order to navigate or overcome resistance to institutional change. Strong civil society support can powerfully demonstrate public demand for enhanced performance in justice and security institutions.¹⁶ Additionally, should the terms of key political and agency leaders expire, civil society partnerships are crucial for sustaining the momentum and institutional memory necessary for the continuation of justice and security development initiatives.¹⁷

⁹ OECD, *The State's Legitimacy in Fragile Situations: Unpacking Complexity*, 2010, <http://www.oecd.org/dac/incaf/44794487.pdf>.

¹⁰ Leftwich, "Political Approach to the Law and Justice Sector," p. 1.

¹¹ "Busan Partnership for Effective Development Co-Operation," 1 December 2011, para. 22, <http://www.oecd.org/dac/effectiveness/49650173.pdf>.

¹² Alistair Millar, Jason Ipe, and Eric Rosand, "Civil Society and the UN Global Counter-Terrorism Strategy: Opportunities and Challenges," CGCC, September 2008, p. 6, http://www.globalct.org/wp-content/uploads/2008/09/civil_society.pdf.

¹³ ECOWAS, "The ECOWAS Conflict Prevention Framework," Regulation MSC/REG.1/01/08, 2008, para. 4, http://www.ecowas.int/publications/en/framework/ECPF_final.pdf.

¹⁴ Nicole Ball, "Civil Society, Good Governance and the Security Sector," in *Civil Society and the Security Sector*, ed. Marina Caparini, Philipp Fluri, and Ferenc Molnar (Berlin: LIT Verlag, 2006), pp. 59–70, <http://www.gsdr.org/go/display&type=Document&id=4450>.

¹⁵ OECD, *OECD DAC Handbook on Security System Reform*, pp. 224–235.

¹⁶ Nils Boesen, "Institutions, Power and Politics," in *Capacity Development in Practice*, ed. Jan Ubels, Naa-Aku Acquaye-Baddoo, and Alan Fowler (London: Earthscan, 2010), pp. 145–156, http://www.snvworld.org/sites/www.snvworld.org/files/publications/capacity_development_in_practice_-_complete_publication.pdf.

¹⁷ Ball, "Civil Society, Good Governance and the Security Sector," p. 64.

2. Capacity development and training

Capacity is a concept encompassing a range of factors related to an organization's performance and ability to perform. It refers not only to technical skills, regulations, and policies, or "hard capacities," but also "soft capacities" such as the attitudes, behaviors, relationships, and values of and within an organization (box 1.1). The term "capacity" refers to "the ability of people and organizations to define strategies, set priorities, solve problems, and achieve results.... It is closely linked with the governance agenda and efforts to improve institutions, laws, incentives, transparency, and leadership."¹⁸ In governmental organizations, including those in the justice and security systems, effective organizational performance relies on capacities across four interdependent levels of analysis: (1) individuals, (2) the organization itself, (3) the encompassing institutional infrastructure, and (4) the broader social, political, and economic environment.¹⁹

Successfully enhancing the capacity of organizations and individual practitioners depends on a number of complex and highly contextual factors. In summary, the basic building blocks of capacity building includes (1) the identification of needs and a broad coalition of stakeholder support for addressing them; (2) an accounting of prerequisite hard and soft capacities across all four interconnected levels of analysis; (3) the design of a context-sensitive strategy that utilizes appropriately diverse and resource-feasible short-, medium-, and long-term activities to achieve the desired results; and (4) sustained resources, organizational momentum, and political will over time.²⁰

Training constitutes a core tool in organizational capacity-development processes. Training consists of a series of interactive activities deliberately designed to facilitate learning in a functional or professional context. Learning can take many forms and can come from multiple sources, whether formal or informal. The UN Development Programme defines "learning" as "any improvement in behavior, information, knowledge, understanding, attitude, values or skills."²¹ Training can come in the form of instruction in technical skills or development and use of standard operating procedures to improve the hard capacities of practitioners. It can also focus on strengthening soft capacities such as teamwork and interpersonal negotiation and conflict resolution.

¹⁸ OECD, *OECD DAC Handbook on Security System Reform*, p. 86.

¹⁹ OECD, *The Challenge of Capacity Development: Working Towards Good Practice*, 2006, p. 13, <http://www.oecd.org/dac/governanceanddevelopment/36326495.pdf>.

²⁰ For an overview of issues and key concepts in capacity development, see Learning Network on Capacity Development (LenCD), "Learning Package on Capacity Development: The Core Concept," n.d., <http://www.lencd.org/learning/core-concepts>; Brian Lucas, "Current Thinking on Capacity Development," *GSDRC Helpdesk Research Report*, no. 960 (13 June 2013), <http://www.gsdr.org/docs/open/HDQ960.pdf>.

²¹ LenCD, "Learning Package on Capacity Development," n.d., www.lencd.org/learning.

Box 1.1. Examples of Hard and Soft Capacities

Hard

Capacities that are generally considered to be technical, functional, tangible, and visible.

- Technical skills, explicit knowledge, and methodologies, which for individuals can be considered as competencies.
- Organizational capacity to function: appropriate structures; systems and procedures for management, planning, finance, human resources, monitoring and evaluation, and project cycle management; the ability to mobilize resources.
- Laws, policies, systems, and strategies (enabling conditions).

Tangible resources such as infrastructure, money, buildings, equipment, and documentation can be considered as the material expression or product of capacity, but they are not capacity itself.

Soft

Capacities that are generally considered to be social, relational, intangible, and invisible.

Operational capacities such as

- organizational culture and values;
- leadership, political relationships, and functioning;
- implicit knowledge and experience;
- relational skills, such as negotiation, teamwork, conflict resolution, and facilitation;
- problem-solving skills; and
- intercultural communication.

Adaptive capacities such as

- ability and willingness to self-reflect and learn from experience,
- ability to analyze and adapt,
- change readiness and change management, and
- confidence, empowerment, and participation for legitimacy to act.

Source: Learning Network on Capacity Development, "Learning Package on Capacity Development: Capacity," n.d., <http://www.lencd.org/learning/core-summary>.

There is general agreement that the training of individual practitioners is rarely an effective capacity-development response by itself.²² There are three main cross-cutting reasons for this

²² For example, see OECD, *Challenge of Capacity Development*, p. 30; UNDP, "Knowledge Services and Learning: A UNDP Capacity Development Resource," *UNDP Practice Note*, November 2006, p. 19,

consensus. First, the often short-term, one-off style of externally delivered practitioner trainings are not designed for sustainable impact and organizational learning. Second, training often requires prerequisite hard and soft capacities to learn, internalize, and practice what is being instructed. Third, training is often based on the unrealistic assumption that knowledge transfer and acquisition is a cure-all for performance deficiencies in complete isolation from the environment in which practitioners operate. Although commonly cited as an example of an oft-misapplied capacity-building method, training is not unique in this regard. In isolation from a broader country-specific capacity-development context, capacity-building and technical assistance activities undertaken alone without regard for the complexity of the system will frequently fall short of achieving meaningful impact. Successful capacity-development initiatives must include a mixture of activities that go beyond traditional concepts of training.

The term “absorptive capacity” refers to the degree of alignment between capacity-development initiatives and the ability of an organization or country system to undertake, internalize, and achieve results, in other words, the “fit’ between ... programs and local conditions in any development, peace-building and stabilization efforts, as well as security and justice programs.”²³ Although discussed in the context of donor-recipient capacity-building arrangements, the idea that capacity-development interventions are most effective when aligned for impact in local contexts is equally applicable and overwhelmingly important for capacity building at the domestic level.

<http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/drivers-of-change/knowledge/knowledge-services-and-learning/Knowledge-Services-Learning.pdf>; “Berlin Statement on International Development Training,” n.d., p. 2, <http://siteresources.worldbank.org/WBI/Resources/BerlinStatementonInternationalDevelopmentTraining.pdf> (final declaration of the high-level retreat on the effectiveness of international development training, Berlin, 4–5 June 2008); New Partnership for Africa’s Development (NEPAD) Secretariat, “AU/NEPAD Capacity Development Strategic Framework (CDSF),” 2009, p. 19, <http://www.oecd.org/development/governance-development/43508787.pdf>; Working Group on the Results of Learning for Capacity Building, background paper, June 2009, p. 1, <http://api.ning.com/files/hmNtFto2QgxqFCBWA9CDWyyMcoyk4pr28p03FPo0lOrgk4Zia2-cfdvpkHDILi7cePq8GdBKnzhVuWtHNgB6hna48zD3zY/WorkingGroupBackgroundPaper.pdf>. See also Jenny Pearson “Training and Beyond: Seeking Better Practices for Capacity Development,” *OECD Development Co-operation Working Papers*, no. 1 (4 April 2011), p. 9, http://www.oecd-ilibrary.org/training-and-beyond-seeking-better-practices-for-capacity-development_5kgf1nsnj8tf.pdf;jsessionid=1flvf9a192w56.x-oecd-live-01?contentType=/ns/WorkingPaper&itemId=/content/workingpaper/5kgf1nsnj8tf-en&containerItemId=/content/workingpaperseries/22220518&accessItemIds=&mimeType=application/pdf; Matthew Schwartz, “Criminal Justice and Rule of Law Capacity Building to Counter Terrorism in Fragile Institutional Contexts: Lessons From Development Cooperation,” *CGCC Policy Brief*, December 2012, p. 8, <http://www.globalct.org/publications/criminal-justice-and-rule-of-law-capacity-building-to-counter-terrorism-in-fragile-institutional-contexts-lessons-from-development-cooperation/>.

²³ Robert D. Lamb, Kathryn Mixon, and Andrew Halterman, “Absorptive Capacity in the Security and Justice Sectors,” *CSIS Managing Absorptive Capacity Series*, June 2013, p. 1, http://csis.org/files/publication/130626_Lamb_AbsorptiveCapacitySecJus_WEB.pdf.

Selected Resources on Rule of Law and Training and Capacity Development

Rule of Law

Governance, Social Development,
Humanitarian, Conflict Applied Knowledge
Services
<http://www.gsdr.org/>

Office of the UN High Commissioner for
Human Rights
<http://www.ohchr.org/>

International Network to Promote Rule of
Law
<http://www.inprol.org/>

UN Rule of Law
<http://www.unrol.org/>

Training and Capacity Development

The Association for Security Sector
Reform Education and Training
<http://asset-ssr.org/>

Capacity.org
<http://capacity.org/>

The International Security Sector Advisory
Team (DCAF-ISSAT)
<http://issat.dcaf.ch/>

Learning Network on Capacity
Development (LenCD)
<http://www.lencd.org/>

II. Policymakers and Senior Officials in Justice and Security Development

Local leaderships always play a critical role in addressing development challenges and driving locally owned developmental change. Leadership in institutional development and transformation includes “a political process involving the skills of mobilizing people and resources in pursuit of a set of shared and negotiated goals.”²⁴ Successful institutional change involves individuals, organizations, networks, and coalitions across the public and private sectors collectively. Leaders “foster acceptance for change, grant authority to change (with accountability), and introduce or free the abilities necessary to achieve change.”²⁵

Justice and security sector practitioners operate in the context of their own organizational dynamics and larger institutional and political environments. As discussed in the previous section, strengthening the capacity of practitioners in the justice and security sectors requires commensurate political and operational space for absorbing and deploying skills and transforming behaviors in practice.²⁶ Policymakers and senior officials are well positioned to play crucial leadership roles in

²⁴ Adrian Leftwich and Chris Wheeler, “Politics, Leadership and Coalitions in Development,” Developmental Leadership Program, June 2011, p. 5, <http://www.dlprog.org/ftp/info/Public%20Folder/Politics,%20Leadership%20and%20Coalitions%20in%20Development%20-%20Findings,%20insights%20and%20guidance.pdf.html>.

²⁵ Matt Andrews, Jesse McConnell, and Alison Wescott, “Development as Leadership-Led Change,” *HKS Faculty Research Working Paper Series*, no. RWP10-009 (March 2010), p. 16, http://dash.harvard.edu/bitstream/handle/1/4449099/Andrews_DevelopmentLeadership.pdf?sequence=1.

²⁶ Lamb, Mixon, and Halterman, “Absorptive Capacity in the Security and Justice Sectors”; Pearson, “Training and Beyond,” p. 22; OECD, “Enhancing the Delivery of Justice and Security,” *OECD Journal on Development* 8, no. 3 (2008): 140.

driving capacity development in the justice and security sectors across individual, organizational, institutional, and environmental levels.²⁷

1. Policymakers

Policymakers—national-level politicians and decision-makers, such as parliamentarians and ministerial council members—perform an important functional role in developing laws, codes, and regulations for effective institutions and establishing institutions for and performing independent governmental oversight, as well as allocating funding and resources to justice and security organizations. Policymakers can play highly political and intrinsically public roles beyond formal lawmaking as well. When promoting justice and security capacity development, policymakers are uniquely placed to take the lead by fulfilling multiple roles.

Exercising administrative oversight. The oversight mandate of legislative bodies can vary greatly across country contexts. Independent oversight can come in the form of separate governmental bodies, such as parliaments, civilian complaint review boards, and independent anticorruption and human rights commissions. Generally, however, parliaments and other lawmaking bodies play an important role in exercising oversight and budgetary control over national justice and security organizations. Through oversight-related mandates, well-informed policymakers can ensure that justice and security institutions are well resourced, adequately staffed, and empowered by and held accountable to adequately drafted policies and regulations.²⁸ Policymakers can play a critical role in the establishment or direct execution of frameworks for independent governmental oversight and the vetting of justice and security officials to ensure the integrity and merit of official appointments and that misconduct does not go unpunished.²⁹ To make informed decisions on policies related to national security, the administration of justice, and related resource allocations, policymakers need an intimate understanding of the organizations and services that will be impacted by their deliberations.³⁰ Legislatures with the appropriate mandate can hold hearings with agency officials, hire staff with expertise in justice and security affairs, and maintain dedicated research and information secretariats, ensuring policymakers are guided by accurate and timely information.³¹

Articulating policy agendas and building coalitions of support. Communication is an important tool that can be used by policymakers to articulate policy agendas that appeal to the interests of stakeholders of justice and security systems.³² The public notoriety of policymakers, along with their intimate understanding of complex issues and diverse political interests, makes them uniquely placed as credible messengers to a range of constituencies. Politicians can make use of the “bully pulpit” to articulate the needs and direction of justice and security transformation in a way that

²⁷ LenCD, “Learning Package on Capacity Development.”

²⁸ Transparency International UK, “Arresting Corruption in the Police,” November 2012, pp. 15–19, http://www.ti-defence.org/component/cckjseblod/?task=download&file=publication_file&id=1431.

²⁹ Alexander Mayer-Rieckh, “Building Trust and Strengthening the Rule of Law,” *ICTJ Briefing*, April 2012, pp. 2–4, <http://ictj.org/sites/default/files/Nepal%20Building%20Trust%20and%20Strengthening%20the%20Rule%20of%20Law%20August%20final2012.pdf>.

³⁰ Robert M. Perito, “Congress and Parliaments in Security Sector Reform,” *Peacebrief*, no. 1 (7 January 2010), https://www.usip.org/sites/default/files/PB1_Congress%20and%20Parliaments%20in%20Security%20Reform.pdf.

³¹ *Ibid.*

³² Communication for Governance and Accountability Program, World Bank, “Communication for Good Governance,” n.d., <http://siteresources.worldbank.org/EXTGOVACC/Resources/Governanceweb.pdf>.

speaks to the interests of fellow politicians and political elites; high-, middle-, and low-level practitioners in justice and security organizations; and civil society and the general public. Although local coalitions of support will vary in stakeholder composition according to program objectives, the support and leadership of influential national policymakers in national coalitions can be an enormous asset for successful justice and security capacity development. By building coalitions of support for justice and security policy development, both among like-minded policymakers and senior officials and across a diverse spectrum of stakeholders in society, policymakers can strengthen political will for change and exert public pressure on obstacles to change. This has great value within lawmaking bodies when negotiating new legislation or demonstrating the need to alter or completely discard existing policies, structures, or systems. Similarly, policymakers can provide political cover for senior officials and managers as they implement programs of reform by issuing statements of support and challenging naysayers.³³

2. Senior officials

Senior officials, in particular, the highest echelons of justice and security organizations, are the strategic managers of their respective agencies, charged with implementing, enforcing, or interpreting national laws and policies on behalf of the public. Senior officials occupying the highest ranks of core justice and security organizations, such as cabinet ministers, inspectors general, and directors of public prosecution, have very functional administrative and managerial mandates. At the same time, these posts are often inherently political, commonly filled by political appointment and having command over organizations with significant power and public influence. Capitalizing on opportunities for leadership by acting strategically in management, public relations, and politics, senior officials are well placed to ensure the success and sustainability of justice and security development initiatives through a number of duties (box 1.2).

Securing the support of middle management and lower-level staff. Senior officials at the helm of justice and security organizations play a critical role in developing a vision for viable processes of organizational transformation, securing organizational buy-in, and creating the space for impactful capacity development. To develop a viable vision, senior officials require an intimate understanding of the form and function of their organization from bottom to top, including the needs and challenges of high-, middle-, and low-level professionals in the organization; public perceptions of service delivery; and external factors enabling and hindering performance.³⁴ Alan Beckley, a police capacity-building expert from the United Kingdom, argues that, at the beginning of an important change within an organization, around 10 percent support it, 10 percent oppose it, and 80 percent are undecided. “Success thus depends on convincing this large majority.”³⁵ Effective leadership is crucial for convincing this large majority that they have a stake and an interest in supporting the institutional development agenda, whether in adhering to a newly promulgated code of conduct or practicing new skills acquired through training. Educating a cadre of junior leaders can assist in building momentum for the broader organizational development agenda and serve as a source of

³³ Transparency International UK, “Arresting Corruption in the Police,” p. 17.

³⁴ Cecilia Cabañero-Verzosa and Helen R. Garcia, “People, Politics and Change: Building Communication Capacity for Governance Reform,” World Bank, 2011, pp. 185–187, <http://siteresources.worldbank.org/EXTGOVACC/Resources/PPCOnline.pdf>.

³⁵ Alan Beckley, “Capacity Building,” in *Toolkit on Police Integrity*, 2012, p. 256, http://www.dcaf.ch/content/download/64662/983271/file/Toolkit_ENG_screen.pdf.

support in securing the cooperation of the general staff.³⁶ Consulting with and encouraging middle- and lower-level staff to actively engage in the process is critical to gaining their support for capacity development.

Box 1.2. Case Study: Leadership in Transforming the Tanzanian Police Force

Effective capacity-development initiatives work across multiple levels and include a diverse menu of interconnected and complementary short- (“quick win”), medium-, and long-term activities. The case study below illustrates this approach.

Upon taking office in 2006, Saidi Mwema, Tanzania’s new inspector-general of police, inherited a police force suffering from decades of dysfunction, corruption, funding shortages, poor regulation, public distrust, and lackluster attempts at reform. Mwema was appointed by recently elected President Jakaya Kikwete, who ran for office on a platform of peace and security in the face of rising crime rates and allegations of police mismanagement. Kikwete’s selection of Mwema, a veteran commander of Interpol’s East Africa regional bureau with a “reputation for dynamic leadership,” was meant to serve as a clear political signal of Kikwete’s commitment to improving the national police force.^a Mwema capitalized on these opportunities to launch a development initiative to enhance police performance and earn the public’s trust. This initiative included a series of quick wins and political signals to enhance confidence, in combination with a broader program of institutional development and reform. This multipronged approach to institutional development benefited from a confluence of contextual factors and strong political support. A number of instructive elements from the Tanzanian experience are highlighted below.^b

- **Quick wins.** Initiated investigations into allegations of corruption among high-profile supporters of the ruling party. Placed suggestion boxes at the district level to solicit anonymous public feedback about police performance.
- **Communicating change.** Addressed a history of media censorship by assuring media outlets that they will not be persecuted for investigating public corruption or criticizing police action.
- **Political signals.** Publicized the private phone numbers of senior police leadership, including his own, urging the public to call with their concerns. Required regional officers to be accessible to the public 24 hours a day.
- **Development of a coherent vision from inception to implementation.** Formed a diverse panel of officers from the low, middle, and high echelons of the police force, together with expert faculty members of the University of Dar es Salaam, to develop a coherent reform strategy. Engaged the expert panel in two-year consultation process featuring multistakeholder workshops, interviews, anonymous suggestion boxes for

³⁶ Transparency International (TI), “Building Integrity and Countering Corruption in Defence and Security: 20 Practical Reforms,” February 2011, pp. 30–31, http://files.transparency.org/content/download/460/1895/file/2009_HandbookBuildingIntegrity_EN.pdf.

use by the public, and a survey of 2,500 police officers. Implemented strategic vision at the tactical level by specialized, area-focused teams made up of high-, middle-, and low-level officers acting within existing command structure.

- **Policy development.** Enlisted member of the law faculty at the University of Dar es Salaam to undertake complete redrafting of the standardized General Police Orders based on extensive consultation across the police force. Computerized personnel records and standardized guidelines for recruitment and promotion.
- **Institutional development.** Reshuffled independent police complaint unit to separate ministry from the police. Relinquished prosecutorial powers of the police to National Prosecution Service. Streamlined command structure with redesigned unit specialties.
- **Infrastructure development.** Built residential barracks for low-ranking officers to address substandard housing conditions. Provided private rooms and recording equipment at district level to ensure integrity of investigatory interviews.
- **Skills development.** Redesignated training unit from the operations division to the human resources division for better coordination of training programs for recruits and the implementation of a newly devised on-the-job training program for new and veteran officers alike. Partnered with national human rights commission and a respected local nongovernmental organization to design and deliver standardized and advanced human rights training, including training for specialized units dealing with vulnerable groups.

^a Daniel Scher, "Restoring Police Service With a Community Vision: Tanzania, 2006–2009," Princeton University, 2010, p. 2,
http://www.princeton.edu/successfulsocieties/content/data/policy_note/PN_id123/Policy_Note_ID123.pdf.
^b Ibid.

Introducing controls and standards. Enhancing the integrity, accountability, and professionalism of justice and security organizations are subjects of continuous examination and refinement, even in organizations with high levels of capacity and professionalism. Agency leaders often have the authority to promulgate internal controls and standards to help incentivize change and penalize misconduct. Internal controls might include individual, unit, and organizational performance reviews; guidelines for procurement, hiring, firing, and promotion; the delineation of clear chains of command; and adequate procedures and protections for whistleblowers.³⁷ Controls can also come in the form of ethical and professional standards such as codes of conduct, standardized ethics trainings, internal disciplinary boards, professional guidelines, or organizational mission

³⁷ Lena Anderson, "Internal Control," in *Toolkit on Police Integrity*, 2012, pp. 159–162,
http://www.dcaf.ch/content/download/64662/983271/file/Toolkit_ENG_screen.pdf.

statements.³⁸ An effective system of mutually reinforcing and deeply instilled internal controls is the most direct impediment to breeches of conduct and is an important tool when working to transform the institutional culture of an organization.

Capitalizing on opportunities based on external feedback. External feedback can be just as important as internal feedback for senior officials in the justice and security systems. Ensuring adequate levels of external feedback from policymakers, officials in partner agencies, government commissions, nongovernmental experts, the general public, and partners in the international community is essential to successful organizations, capacity development, and institutional change. Although external feedback may often be critical, a “view from the outside” can offer refreshing insights to managers of insular government agencies and an end-user perspective on the delivery of public services provided by organizations in the justice and security systems. Furthermore, external perspectives offer senior officials strategic cues and actionable opportunities to pursue their institutional development agenda through, for example, the announcement of new activities or initiatives and successful outcomes through public statements and the media; identification of new sources of political support for an agenda, as well as potential spoilers; capitalization of potential governmental and nongovernmental partnerships for achieving shared goals; and general alignment of the pace of strategic program implementation within a larger environmental context.³⁹

Selected Resources on Leadership and Rule of Law Capacity Development

Reference guides

Transparency International, “Building Integrity and Countering Corruption in Defence and Security: 20 Practical Reforms,” February 2011, http://files.transparency.org/content/download/460/1895/file/2009_HandbookBuildingIntegrity_EN.pdf.

Cecilia Cabañero-Verzosa and Helen R. Garcia, “People, Politics and Change: Building Communication Capacity for Governance Reform,” World Bank, 2011, <http://siteresources.worldbank.org/EXTGOVACC/Resources/PPCOnline.pdf>.

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Hague Institute for the Internationalisation of Law, “Rule of Law: A Guide for Politicians,” 2012, <http://rwi.lu.se/wp-content/uploads/2012/09/Rule-of-Law-a-guide-for-politicians.pdf>.

Geneva Centre for the Democratic Control of Armed Forces, “Toolkit on Police Integrity,” 2012, <http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity>.

³⁸ TI, “Building Integrity and Reducing Corruption in Defence and Security,” p. 32; André Lacroix, “Supporting Police Officers Facing Ethical Questions,” in *Toolkit on Police Integrity*, 2012, pp. 138–148, http://www.dcaf.ch/content/download/64662/983271/file/Toolkit_ENG_screen.pdf.

³⁹ Communication for Governance and Accountability Program, World Bank, “Communication for Good Governance.”

III. Program Options for the Institute

Policymakers and senior officials occupy a crucial position in justice and security systems: as leaders, managers, overseers, advocates, and champions of change. The establishment of the institute presents a number of opportunities to develop a mutually beneficial relationship with leaders of national justice and security institutions of constituent states. This section offers recommendations for the institute as it looks to forge an effective partnership with policymakers and senior officials.

Engage in consultation with policymakers and senior officials. The cornerstone of any effective partnership is engagement. Engagement is the primary means to obtain political buy-in for the institute, its mission, and the services it provides. Consultation with national leaders in justice and security systems can serve as the basis of a more fruitful, effective, and genuine partnership between the institute and its most senior national-level counterparts. Feedback gathered through a process of consultation can inform context-sensitive programming to support the needs of national institutions. Programming developed in collaboration with leaders of national justice and security organizations, delivered in alignment with national priorities and in the context of larger institutional capacity-development initiatives, will have a far greater chance of achieving effective learning outcomes when practitioners return from training activities. A collaborative approach to engagement through consultation will also earn the trust of national leaderships and enhance the legitimacy of the institute.

Offer relevant and practical training activities for senior officials and policymakers. Policymakers and senior officials are key drivers of national capacity development. Although varied according to country context and overlapping at times, the positions of authority in justice and security organizations that they occupy should not be taken for granted. The institute should develop practical and relevant training curricula for policymakers and senior leaders that recognize the unique skill sets and effective functional roles they can play in strengthening the capacities of justice and security organizations. Areas of focus could include

- strategic communications for national leaders in justice and security,
- strengthening national justice and security training capacity,
- coalition building in support of justice and security systems development,
- internal controls and independent oversight in justice and security systems,
- change management for leaders in justice and security organizations, and
- approaches to public and civil society organization engagement by justice and security institutions.

Offer senior officials a platform for cooperation, experience sharing, and support. When established, the institute will be uniquely positioned as a cross-regional convener for national policymakers and senior officials. Convening seminars, policy discussions, and expert forums for policymakers and senior officials on critical issues involving justice, security, and the rule of law will prove extremely rewarding for the fledgling institute. By diversifying its services, it can engage the broader issue-area community at relatively low cost, while greatly enhancing its credibility as a practitioner training institute and creating invaluable opportunities to enhance partnerships with national leaders and build bridges with a community of diverse local and international actors.

Develop practical training tools, including best practices and case studies for national leadership audiences. The practical body of literature on capacity development and training for justice and security organizations tends to lean toward donor and implementing partner audiences. The institute can fill this gap by engaging in practice-oriented research specifically tailored for national leaders in justice and security organizations. Doing so will powerfully demonstrate its commitment to supporting and empowering national-level constituencies' leadership and ownership over its own institutional development. Apart from filling a significant analytical gap, the production of innovative, practical knowledge products would add greater diversity to the institute's services, significantly enhance its outreach and marketing potential, and earn the recognition and credibility of a much wider audience.

CHAPTER TWO. Processes of Curriculum and Training Development for Capacity Building in the Justice Sector: Methodology for Success

International Centre for Counter-Terrorism – The Hague

I. Baseline for Capacity-Building Curricula

The importance of capacity building,¹ or capacity development, has been underlined by several international organizations, such as the Organisation for Economic Co-operation and Development, European Union, and World Bank, and is discussed in depth in the previous chapter.

Capacity development can be delivered in many different ways and at many different levels. Designing and delivering training focused on enhancing knowledge and skills is just one method that can contribute to capacity development. Other methods that may be considered include

- providing “hardware”: courts, prison facilities, information technology equipment, and books;
- setting up a database of jurisprudence;
- translating relevant (international) laws, textbooks, and other materials;
- assisting in drafting or amending legislation; and
- taking part in existing or developing new exchange programs for professionals.

This chapter focuses specifically on the design of training curricula to enhance knowledge and skills as a feature of capacity building. With this in mind, the term “capacity” refers to the ability of an organization to perform its tasks effectively whereas the term “capacity building” broadly refers to assisting the process of change that has to come from within an organization to improve their performance.

The description of capacity-building efforts here is not specifically aimed at improving the performance of an individual organization. Rather, the capacity efforts are broader and relate to strengthening the rule of law in the entire justice sector.

This chapter contains best practices that draw on the discussions of the April 2013 Brussels meeting on curriculum development for the International Institute for Justice and the Rule of Law but that

¹ The term “capacity building” is used less frequently nowadays. It seems to imply that capacity starts from scratch and is more or less dependent on external help, whereas the term “capacity development” refers to an internal process of development that is already taking place. In this chapter, the terms are interchangeable, and each refers to building on existing capacities. See LenCD, “Learning Package on Capacity Development: Capacity Development,” n.d., <http://www.len.cd.org/learning/core-capacity-development>.

are principally based on the extensive experience of ICCT and its founding organization, the T.M.C. Asser Institute, in different types of capacity-building projects. These examples include

- The Hague Forum for Judicial Expertise (HFJE), since 2007 – Capacity-building training programs in which, to date, 800 judges, prosecutors, defense counsel, and other professionals working in the justice sector from various countries, including Afghanistan, Cambodia, Iraq, Jordan, Rwanda, Sri Lanka, Syria, and Turkey, have been trained.
- MATRA programs (pre-EU accession training) in central and eastern Europe, since 1989 – Capacity-building training for judges prosecutors, civil servants, and mediators, in areas of judicial administration, access to justice, legislation, and alternative dispute resolution mechanisms.
- MATRA South training in administration of justice, 2012–2014 – Capacity-building training for judges, prosecutors, and policy advisors from Egypt, Jordan, Libya, Morocco, and Tunisia.
- Criminal Justice Sector/Rule of Law Capacity Building Project: Protecting Intelligence Sources and Witnesses in Terrorism-Related Court Cases, since 2012 – Capacity-building initiative aimed at judges, prosecutors, and legislators as part of one of the deliverables of the Netherlands government to the Global Counter-Terrorism Forum (GCTF).

This chapter is laid out in eight sections beginning with the capacity-building baseline and a description of those involved and an explanation of conducting preliminary targeted needs assessments. The next sections lay out specific steps to prepare a training, including methods to help ensure sustainability and legacy. The final sections conclude with a discussion on organization and evaluation and a table of risks and challenges that may be encountered. The annex includes a suggested checklist with a timeline to help guide the undertaking of a training.

1. Capacity-building training objectives

This section describes the first stage—identifying capacity needs—in creating a solid baseline to design, develop, and deliver training that has significant, effective, and sustainable impact on the larger capacity-development process.

When developing a skills-based training program within a capacity-building framework, it is vital to set clear and realistic goals. These can include short- and long-term goals but should be agreed on by all stakeholders at the outset. Based on the above-mentioned experiences, such short-term goals could include

- encouraging critical debate about the functioning of the criminal justice system and its perceived legitimacy by the public through improved service delivery;
- equipping the participants with practical skills and know-how that should enable them to apply rules of national and international law, contribute to strengthening their respective judicial systems, and foster reform in national legislation to enhance the basis for improving the rule of law;

- contributing toward creating a strong, independent, and transparent judiciary that enjoys the support of all segments of society;
- improving cooperation between the different actors working in the justice sector and creating a better understanding among the participants of their respective roles, mandate, and functional limitations;
- creating a network among the participants and between the participants and the host countries with the aim of improving cooperation and exchange of information among the participants and with the host countries; and
- strengthening an effective and rule of law–based criminal justice sector, including responses to terrorism in all its practices with full respect for human rights.

Longer-term objectives are

- strengthening the rule of law and supporting democratic transition;
- increasing awareness about the importance of international law;
- improving respect for human rights, democratic values, and stability; and
- contributing to a more effective and transparent administration of justice.

2. Essential elements for capacity-building training programs

The following describes the three main elements that should be incorporated during all stages of the curriculum development, from conducting a needs assessment to the development, design, and delivery of training (box 2.1). The list of corresponding activities should help to ensure the successful incorporation of these elements.

Box 2.1. Essential Elements of Capacity-Building Training

Essential Elements	Checklist
Local ownership is important for enhancing the sustainability and effectiveness of the curriculum development and training efforts	<ul style="list-style-type: none"> -Work with the partner countries and donors in defining the objectives and selecting the participants -Work with the partner countries and participants in training development and implementation -Determine whether the partner countries can make a financial contribution to the project
A context-sensitive approach is important for ensuring that the curriculum and training efforts are relevant and based on actual needs	<ul style="list-style-type: none"> -Take into account the domestic legal framework -Check whether there is a national development strategy or judicial reform agenda in place -Have the participants describe their needs -Involve local and regional experts in the

	<p>training</p> <ul style="list-style-type: none"> -Carry out a pretraining needs assessment -Ensure that the process is demand driven and not supply driven
<p>Cooperation and coordination are important for mutually reinforcing the curriculum and training efforts</p>	<ul style="list-style-type: none"> -Check with stakeholders to determine the other donors with which they cooperate in the justice sector -Check relevant reports issued by the World Bank and other pertinent international organizations -Coordinate with other development agencies and capacity builders working in the same country -Different projects should function as building blocks reinforcing each other

The Need for a Context-Sensitive Approach:

Although general outlines can help to inform the basic content, training programs should always be tailor-made and country specific. For instance, in Sudan, the legal framework and the relevant laws served as an important starting point for the lecturers who were providing training. It was helpful that the Ambassador of Sudan to the Netherlands came from a legal background, which made him an important contributor to the training, significantly increasing its impact and effectiveness. This also demonstrates the point that, whilst the training setup and content are important, the right “human software” is indispensable.

HFJE Sudan 2006–2010

3. Identifying capacity needs

The first stage in achieving a baseline for capacity-building curricula is identifying the capacity needs. Many capacity-building trainings have failed partly because the capacity needs, objectives, and deliverables were not clearly formulated or not clearly communicated with the donors and stakeholders prior to the actual training.

Those issues related to curriculum development and training programs that need to be clearly defined are listed below (box 2.2).

Box 2.2. Key Issues in Training Program Curriculum Development

Issues to Be Defined	Checklist
Formulate objectives	<ul style="list-style-type: none"> -Define short-term and long-term objectives -Be realistic in hopes for achievement -Include donors and stakeholders in formulation of objectives
Define time frame	<ul style="list-style-type: none"> -All partners should agree and commit to a clearly defined timetable -Allocate sufficient time to plan, implement, monitor, and evaluate the curriculum and training
Discuss deliverables and other outputs in cooperation with all stakeholders	<ul style="list-style-type: none"> -Determine what deliverables are desirable: introduction activity, advanced human rights training, or a curriculum to train professionals on how to train their peers (“training the trainers”) -Ensure planned activities support the desired objectives -Discuss how results will be measured
Identify risk indicators	<p>Questions to ask:</p> <ul style="list-style-type: none"> -What is the political situation? For example, are there elections forthcoming? -What are the regional and global contexts? -What is the relationship among the judiciary, executive, and legislative branches? -What is the public’s perception of the government’s legitimacy? -How does the public perceive the functioning of the justice sector?

Identifying Risk Indicators:

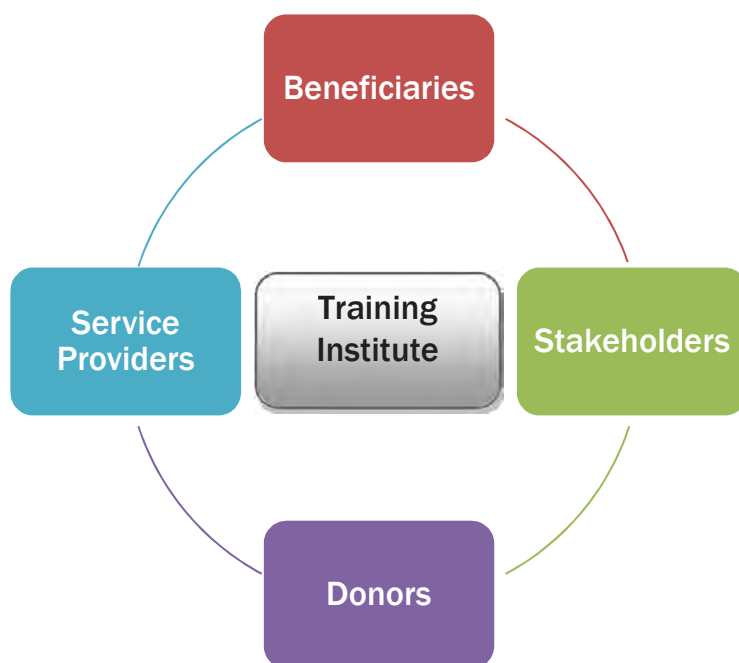
Due to elections in Iran which elected Mahmoud Ahmadinejad as President, many persons were replaced within the judiciary. Together with the donor, it was decided to postpone the planned capacity-building training to a more suitable time.

HFJE Iran II 2008

II. Coordination and Cooperation

The coordination of the project is conducted in close cooperation with different parties, principally the donors, beneficiaries, stakeholders, and implementers (fig 2.1). This section deals with the involvement of those partners and how they interact with each other and the coordinating training institute.

Figure 2.1. Training Institute Stakeholder Diagram



1. Training institute

The training institute is the organization that will design, develop, implement, monitor, and evaluate the training curriculum. In the case of the institute, this will likely be done in close cooperation with donor expertise. The training institute is the link among donors, stakeholders, and beneficiaries. It is thus important for the training institute to communicate often and effectively with

all stakeholders. Some logistical and organizational aspects should be considered, such as the communication tools that are employed. In some countries, it is difficult to communicate using e-mail, and often the institute will have to contact the stakeholders directly by phone or in person, which can be time consuming.

2. Donors

Several sources of funding are available for a training institute at the national and international levels. The donor can be more or less involved in the project depending on its own priorities. The training institute should always maintain close communication with the donors about important aspects of the project and inform them of any obstacles that arise that may affect implementation.

3. Beneficiaries

The principle beneficiaries of the training are the participants of the training. Indirectly, the participants' colleagues can benefit from the training, as can the larger criminal justice infrastructure, as well as the donors who secure outputs that help them meet their own objectives. Once participants have attended the training, it is indispensable that they provide feedback to their colleagues or supervisors. Chiefs of courts and chief prosecutors play an important role in the dissemination of relevant training materials to others. In all training formats, it is important to give the participants relevant materials that can be shared within their organizations, possibly including a list of action points that the participants may consider implementing after receiving the training and informational material about the training institute for further dissemination.

For the purposes of this document, the general public is not regarded as a direct beneficiary of the training. Certainly, a well-functioning justice system enjoys the support of all segments of society, and therefore the wider public should be considered as an indirect beneficiary but need not necessarily be consulted concerning training and institute development.

4. Other training institutes

It will be important to develop a good working relationship with national training institutes and institutes in the region with a similar focus as well as with other networks of judges and prosecutors, such as the Euro-Arab Judicial Training Network, European Council for the Judiciary, and the International Association for Prosecutors. Exploring areas of collaboration with national training institutes will provide the institute with better insight into delivering tailor-made training to the participants.

5. Service providers

Service providers include those third parties employed by the training institute to carry out specific aspects of the training. Examples include those who provide services related specifically to content, such as lecturers, expert advisors, and consultants, but can also refer to those who provide logistical and administrative support, such as translators and catering and cleaning staff.

6. Stakeholders

The stakeholders of the project consist of all relevant organizations that have an interest in the training program, such as ministries of justice and foreign affairs, high judicial councils, academies for judges, legislation institutions, law enforcement organizations, associations of judges and prosecutors, and bar associations. Different stakeholders can be identified in the target and donor countries (box 2.3).

Box 2.3. Potential Stakeholders

Relevant government officials and parliamentarians

Foreign affairs officials

Justice ministry officials

Parliament

National human rights commissions

Nongovernmental organizations (NGOs)

Knowledgeable experts from local embassies

Relevant civil society and NGO experts

Courts and tribunal staff

High judicial council staff

Training institute staff (senior officials and trainers)

Members of associations of judges and prosecutors

Judges, prosecutors, legal officers, lawyers, and academics

Law students

Police officers

Corrections staff

Relevant international experts

Parliamentary oversight officials

Multilateral and multinational organizations

It is vital that the training institute maintain clear lines of communication with all stakeholders, updating them regularly and ensuring their continued interest and support throughout the lifetime of the project, including post-training feedback. The institute should understand the level to which stakeholders want to be involved. For instance, members of government or parliamentarians may want to be kept updated but not necessarily included in program development. Good communication and reporting may be time consuming but can be an effective way to ensure continued input and buy-in from important actors.

The training will also represent a good opportunity for the participants to extend their network by meeting with representatives from stakeholder organizations. It is indispensable to involve regional and international stakeholders in the advertising phase of the training and in the selection procedure. For example, a contact person can be identified in a ministry or other relevant organization to assist the training institute in selecting the participants. The contact person will be familiar with the project and can therefore play a central role in communication between the institute and future participants.

III. Pretraining Needs Assessments

Once stakeholders have been identified and clear goals are agreed, the second stage in creating a baseline for capacity-building curricula is conducting a pretraining needs assessment. This should be performed by the training institute. A pretraining needs assessment should not only examine the specific context of the organization where the prospective participants work but should also examine the macro level, for example, at the overall functioning of the justice sector.

The general purpose of a thorough needs assessment is to provide context-sensitive, rich input for the curriculum development and training. A needs assessment also serves other purposes that enhance the success and sustainability of the capacity-building training (box 2.4).

Box 2.4. Goals of Needs Assessments

Goals	Checklist
Mapping the existing legal framework	<ul style="list-style-type: none">-Conduct desk research in relation to the political, historical, and legal background of the target country-Collect and analyze reliable reports regarding the functioning of the criminal justice sector-Collect and analyze relevant laws and regulations
Building trust and a good working relationship with donors and stakeholders	<ul style="list-style-type: none">-Identify relevant stakeholders within the criminal justice sector in donor country-Identify different functions among relevant stakeholders in target country, such as political decision-maker, supervisor, and implementers-Involve stakeholders in the selection of participants-Engage stakeholders in the curriculum development process and mobilize support for the training-Demonstrate added value for the stakeholders-Listen and document their capacity needs even if they go beyond the scope of what is offered in the first instance
Fine-tuning the capacity needs	<ul style="list-style-type: none">-Identify the principal capacity needs with donors and relevant stakeholders-Identify the capacity challenges with donors and relevant stakeholders that training can assist in alleviating-Identify enabling factors to increase the likely success of the training-Identify constraining factors risking failure of the training

Defining the target group's needs

- Meet the participants during an informal roundtable discussion prior to training
- Identify the level of know-how and skills of the participants prior to training
- Ask the participants to indicate what problems they face in carrying out their function effectively and efficiently
- If possible, have participants formulate their own individual training needs

A useful method of carrying out a pretraining needs assessment is conducting a needs assessment mission to the country of the prospective participants. This is particularly effective when all the participants come from one country. In addition to government officials, nongovernmental organizations, civil society actors, and other stakeholders should be consulted during the pretraining needs assessment to provide feedback on public perceptions of the justice sector. This mission should be carried out by the (legal) experts of the training institute.

With demand-driven training, the involvement of stakeholders in curriculum development is likely to be quite intensive. The institute must coordinate and cooperate with the relevant persons and organizations, such as the donors, the GCTF, EU, justice ministry, chief justice, and prosecutor's office, to discuss issues relating to identification of the larger capacity needs, the pretraining needs assessment, definition of the target group, and the development and implementation of the training. This coordination is mutually beneficial and will increase the effectiveness and impact of the curriculum and training.

IV. Defining the Target Group, Approaches, and Selection Procedures

Once a needs assessment is carried out, donors and stakeholders should have a broad overview of who should be invited to participate in the training. This section addresses the third stage in creating a solid baseline for curricula development and discusses definition of the target group and the different selection procedures that can be used to identify the participants of the training.

During the selection procedure, the institute should discuss under what conditions a candidate can be deselected. It is recommended that this topic is also discussed with the donors and stakeholders at an early stage. In some cases, it might be useful to introduce the system of a wild card, whereby the candidate may not meet all the criteria for selection but has such outstanding skills or be in position to influence and implement the objectives of the training that they could be put forward for selection.

1. Approaches to candidate selection

The target group may be defined in three different ways: the horizontal approach, the chain approach, and the vertical approach.

Horizontal approach

Based on the capacity needs and objectives, the needs assessment may have indicated that a homogenous group of participants from the same profession, potentially from the same country, should be trained, for example, a group of judges, policymakers, or prosecutors. Another possibility

is providing training to participants of a similar profession from one or more different countries and include experts from countries in the wider region.

Chain approach

Alternatively, the needs assessment may have indicated that it might be more productive to focus on the chain of command within the judicial sector and involve representatives from various procedural stages, for example, to deliver a training jointly to judges, prosecutors, police officers, and prison officials from one country together. The importance of conducting a thorough needs assessment is thus crucial to ensure that the capacity needs of each individual function group are met. Such a target group can help to highlight areas of mutual overlap where representatives can complement each other's function in practice.

The HFJE was commissioned to carry out more than ten trainings for the European Union Integrated Rule of Law Mission for Iraq (EUJUST LEX-Iraq) in the period 2005-2010. The Iraqi government indicated that there is a need for integrated training activities for Iraqi professionals working in the criminal justice system. The HFJE has developed, designed and delivered training for judges, police officers and prison officials from Iraq to strengthen the rule of law, promote better cooperation amongst the key actors in the criminal justice system and to promote a culture of respect for human rights in Iraq.

HFJE Iraq 2005–2010

Vertical approach

Training can be provided to a group consisting of participants with different seniority ranks. An example of a vertical training could include investigative, first-instance, and appeal judges. In a context where hierarchy is predominant, this approach can help improve the relationship between senior and junior participants and reduce the hierarchical structure after the training (box 2.5).

Box 2.5. Comparison of Approaches to Participant Selection

Advantages to the Horizontal Approach	Advantages to the Chain Approach	Advantages to the Vertical Approach
<ul style="list-style-type: none"> -The participants will feel more at ease to speak freely among peers -The training is demand driven, dealing directly with the obstacles the participants face in their daily work -It will be easier for participants to look critically at their functioning and receive feedback 	<ul style="list-style-type: none"> -Each other function can be complemented -Areas of overlap and gaps can be identified -A better understanding of each other's respective roles can be created 	<ul style="list-style-type: none"> -A broader picture of how the justice system functions can be provided -A better understanding of each other's respective roles can be created -Interaction between different ranks of professionals can be improved

Disadvantages to the Horizontal Approach	Disadvantages to the Chain Approach	Disadvantages to the Vertical Approach
-The participants may have a more narrow understanding of how the overall justice system functions	-Not all training elements may be directly relevant for all the participants -If there is great animosity between the different actors in the chain, the training will be less productive	-Strong notions of hierarchy and rank can be an obstacle to an open and productive atmosphere to share ideas and learn -Not all the elements of the training may be directly relevant for all the participants

One example which demonstrates how difficult and time-consuming it can be to select the target group was the case of HFJE training for Pakistani officials in 2012. In the first round, the relevant stakeholders put forward a list of candidates whose average age was about 65-70 years old. In consultation with the donor, the list was not accepted, which led to the training being postponed. Eventually, the training took place with participants that met the approval of the provincial Chief Justices and the Hague Forum. It is important to note that participants from countries like Pakistan might also need an exit visa to leave the country, which may pose a considerable (organizational and financial) challenge.

HFJE Pakistan 2012

2. Selecting the candidates

The requirements for candidate selection can be based on experience, position within their organization, age, gender, and the quality of their written application, for example, motivation and demonstrated interest in the training. A small selection committee should be established by the relevant stakeholders, with the responsibility to ensure a fair representation of men and women and to give the opportunity to the younger generation to benefit from the training program. The context should be considered because, for example, in some countries there may not be many female practitioners or participants will prefer segregated training. Seniority and demonstrated motivation to participate in the training are important selection criteria if the program focuses on a training-the-trainers curriculum and should cater to ambitious participants who are in a position in their organization to influence others, disseminate information, and further the aims of the program.

Application procedure

The deadline for submitting an application should be approximately 10 to 12 weeks before the start of the training to allow sufficient time for the selection of the most appropriate candidates and to carry out organizational tasks related to their actual participation.² The application package could include an application form; a curriculum vitae; motivation letter; proof of required language ability, such as English, French, or Arabic; and supervisory approval.

² See section IX.

If the stakeholders are not involved in selecting the participants, it might be necessary to include approval of the selected participant's superior. The training institute should establish trust and a good working relationship with the relevant stakeholders to mitigate the possible risk that the supervisor might favor some over others.

In some cases a chosen candidate's participation in the training may be rejected by his/her supervisor without any explanation given to the training institute. This was the case in the MATRA South Training. Although a good relationship was built with the stakeholders, some supervisors created obstacles to prevent participants from attending the training, despite the candidates' successful application and selection by the training institute. The reasons for not allowing a candidate to participate in the training can sometimes be based on discriminatory considerations (religion, gender, ethnicity...). In this situation, the training institute or selection committee has no choice but to accept the supervisor's decision and another candidate should be chosen.

MATRA South 2012 & 2013

3. Identifying the target group

There are three principal methods of identifying the target group and selecting the participants.

The target group and final participants are selected by the training institute and the stakeholders

The target group and the specific selection criteria may be defined together with the relevant stakeholders in the country such as the chief justice, prosecutor's office, or official training institute for the judiciary. During this process, it is important to include the views and wishes of the donor(s).

Procedural steps:

- Define target group and selection criteria together with stakeholders.
- Instruct applicants to apply for the training by completing a detailed application form. This form contains information regarding education, professional background, and level of expertise. In addition, the participants explain why they want to take part in the training, what they expect to learn, and how they think they could apply what they have learned to their daily work.
 - Undertake first round of selection in cooperation with stakeholders. If a needs assessment mission is conducted, the applicants are invited to participate in a roundtable discussion together with the training institute and stakeholders.
 - If required, a background check can be conducted by the relevant ministry or authority.
- Undertake final selection of the participants together with the stakeholders.

Advantages	Disadvantages
<ul style="list-style-type: none"> -The process is demand driven -Participants have to make a genuine effort to be selected for the training (e.g., motivation letter) -Stakeholders are involved in the process -Genuine information and knowledge of gaps in the workplace are identified and addressed 	<ul style="list-style-type: none"> -Time consuming -This only works if the stakeholders are committed to the capacity-building training -Selection of candidates can be based on personal appraisal

The target group and final participants are selected by the donor and stakeholders

In this method, the training institute does not play a role in selecting the target audience and final participant group; it only designs, coordinates, and implements the training. The selection is instead performed by the donor and other stakeholders.

Procedural steps:

- Open application procedure is created online, if possible.
- The training institute administers the application procedures.
- The training institute is responsible for conduct, advertising, and public relations.
- The list of candidates is forwarded to the donor and stakeholders.
- The selection is made by donors and stakeholders.
- The training institute informs the applicants whether they have successfully applied for the training.

Advantages	Disadvantages
<ul style="list-style-type: none"> -The selection procedure is open -The number of applications can be increased through an open, targeted public relations campaign undertaken by the training institute -The selection procedure is efficient when participants come from several different organizations and countries 	<ul style="list-style-type: none"> -This involves a great amount of administrative work -It only works if the stakeholders are committed to the capacity-building training -With the training institute not involved in the selection of candidates, there might be a chance of a less objective selection

The target group and final participants are selected by the donor and training institute

In this method, the relevant stakeholders are informed throughout the process.

Procedural steps:

- Open application procedure is created online, if possible.
- The training institute conducts public relations.
- The donor administers the applications.
- The list of candidates is forwarded to the donor and potentially the stakeholders.
- The selection is made by donors and the training institute.
- The applicants are informed by the training institute whether their application was successful.

When trainees are selected by the stakeholders/donors, it is necessary to ensure that the training receives good visibility using targeted publicity and a broad PR campaign in order to have a sufficient number of candidates from which the most appropriate ones may be selected.

With the two MATRA South Trainings on Administration of Justice 2012 and 2013, there were respectively 50 candidates and 200 candidates. This difference was mostly due to an intensive publicity campaign for the latter program and positive word of mouth advertisement by participants of the first training.

MATRA South 2012 and 2013

Advantages	Disadvantages
<ul style="list-style-type: none"> -The selection procedure is open -The number of applications can be increased through an open, targeted public relations campaign undertaken by the training institute -The selection procedure is efficient when participants come from several different organizations and countries -There is a lower risk of needing to eliminate candidates with a sensitive background, for example, judges or prosecutors who are members of political parties, associations, or syndicates. 	<ul style="list-style-type: none"> -The selection procedure is not demand driven -Relevant stakeholders are not involved, which may lead to less ownership -Participants may not have approval from their superior and, in some cases, need an exit visa to leave the country

V. Components of Training Development and Implementation

The following discusses the stages of curriculum development, from defining the capacity-building training objectives to the choice of effective training methods and resources to be used, implementation, and sustainability tools for follow-up with the participants.

1. Defining aims and objectives of training for the institute

The aims and objectives of different training curricula can be manifold and vary according to the scope of the program, target groups, the legal and political (constitutional) context of the training, and the needs to which the training corresponds. The capacity-building objectives noted above can be categorized in accordance with the type of training that is being developed and implemented to fit the defined needs. The following goals can be used independently or collectively to serve as the aim and purpose of developing the specific training curricula.

- **Knowledge and skill-based training.** To train the participants such that they are equipped with knowledge and practical skills that will enable them to develop or strengthen their respective judicial systems from organizational and policy perspectives.
- **Training focusing on functional complementarity.** To create understanding among the various participants of each other's roles, knowledge, and abilities and to stimulate and strengthen the judicial cooperation with and between sectors.
- **Organizational and policy-focused training.** To support the development of the recipients' institutional and administrative capacity and good governance in the field of justice.
- **Judicial administration and court management-focused training.** To help modernize justice systems, with special regard to simplification and hastening of judicial proceedings, improved access to justice and legal aid, and the quality of justice.
- **Training focusing on cross-border legal issues and cooperation.** To develop judicial cooperation in civil matters with an emphasis on cross-border conflict resolution and to strengthen judicial cooperation in criminal law in the target countries.
- **Human rights-oriented training.** To understand the impact of fundamental human rights on the administration of justice in the target countries.
- **Networking and cooperation training with a focus on comparative practices.** To create a solid network among participants and between participants and the donor countries such that judicial cooperation with and between the various actors is stimulated and strengthened.
- **Training sustainability and legacy.** To strengthen national training capacity by training national personnel to develop training programs specific to their institutions.

2. Establishing training elements and effective learning methods

The methodology of the training and teaching elements should correspond to the above listed aims and scope of the training and the needs of the target group. The following training elements can be used independently or cumulatively. In determining which training methods should be used, a variety of factors should be considered, including the cultural background of the participants and the position they hold. For example, Supreme Court judges from one Asian country were not comfortable in a workshop setting and preferred traditional lectures from experts.

Lectures

Presentations by experts in a format that is focused on delivering information in a structure that corresponds to the level of knowledge and experience and the composition of participants is most

effective if the information is mainly theoretical, relatively new, fundamental, and can provide the starting point for comparative overviews and discussions. Some extent of employing lectures is unavoidable in every training program.

Examples of lecture themes for experts in judicial sector are

- institutional, organizational, functional, and financial safeguards for the independence and impartiality of the judiciary;
- safeguards for equality of arms;
- safeguards for professional integrity dealing with public and the media;
- safeguards for access to justice;
- alternative dispute resolution methods;
- application of international law in domestic courts;
- judicial cooperation among criminal justice sector actors; and
- implementation and application of human rights conventions in domestic courts.

Workshops and comparative discussions

This format facilitates the active engagement of training participants and offers opportunities for comparative overview of legal systems, experiences, and practices while encouraging networking. The role of the trainer in this format is that of moderator and facilitator, steering the discussion. This format works very well for a variety of different training types but should always be a component of a larger training program. Comparative frameworks are particularly useful for training that focuses on regional and transnational judicial cooperation.

Examples of lecture themes for experts in judicial sector. Workshop examples and best practices:

A comparative overview of safeguards in each participant's legal system concerning access to justice and due process rights. Presentations and subsequent discussion and assessment. (MATRA Patrol Access to Justice training 2012–2013)

A comparative overview of constitutional, organizational, and institutional safeguards concerning the independence and impartiality of the judiciary. Presentations by participants, followed by discussion and assessment (strengths and weaknesses of systems and policies). (HFJE Iraq training and MATRA South Administration of Justice training 2012)

Practical skills sessions and practical workshops

These sessions are extremely valuable and offer great complementarity to any training by adding a practice-oriented approach to the curriculum. Their obvious benefit is that they encourage active engagement of participants, and the personal skills on which this segment focuses are integral parts of everyday practice in the judicial sector central to the implementation of every function. The workshop style of these sessions should advance interaction and engagement.

Examples for practical skills sessions for experts in the judicial sector are

- techniques for legal research and drafting judgments, briefs, and documents;
- case management practices;
- effective communication in written and oral formats;
- presentation skills; and
- time, group, and people management.

Examples of organizations for experts in the judicial sector to visit are

- courts of high instance;
- high council for the judiciary;
- prosecutors' offices;
- associations of judges or prosecutors and bar associations;
- legal aid organizations;
- prisons, detention centers, and correctional facilities;
- international courts and tribunals, if available; and
- mediation centers.

Study visits

Targeted study visits should be an integral part of all types of training, as they complement each of the above methods with the invaluable insights that on-site visits and presentations by judicial institutions offer. The first-hand information gained through witnessing processes and an on-site workshop, presentation, or question and answer session that complements the visit is one of the most effective ways of training professionals. Such visits also provide opportunities to meet and discuss with fellow practitioners in the field and to expand networks.

3. Involvement of beneficiaries in the development of programs

To ensure that the training is based on the needs of the participants, it is crucial to get the beneficiaries of the training, i.e., the potential participants, onboard at the design stages of the program to help decide on the combination of teaching methods. Such involvement kicks off the continuous dialogue that should take place between the organizers and beneficiaries in which feedback, advice, and expression of needs is facilitated.

Several methods can be employed to this end.

- A general questionnaire can be distributed among selected participants, flagging broader issues that might be of interest to them and seeking their feedback on those issues noted or other topics that are of high relevance to their work.
- A draft program can be sent to the selected participants, combining teaching methods and noting specific issues and themes that make up the program in order to seek feedback on issues in which they are particularly interested. Such feedback can be channeled to the lecturers.

- The target group is gathered during an informal roundtable discussion during the needs assessment phase prior to the training to identify the level of knowledge present and concrete needs.

4. Selection of lecturers and trainers

Another vital aspect of curriculum development relates to the selection of lecturers and trainers. A capacity-building training is not purely an academic exercise; it should be practice oriented and applicable to the domestic setting.

The training should be supported by a team of international, regional, and local lecturers, with an academic or professional background, preferably both, in legal and constitutional standards relevant to the rule of law and their application. By inviting lecturers from different backgrounds, the training combines theory and practice. For example, the legal systems of some North African countries are based on elements of French law and sharia, practitioners from France and neighboring countries that use elements of sharia should be invited, to utilize their experiences and expertise.

The lectures should provide a solid theoretical basis in the subject of the training but always be mindful of the target audience and training context. In this regard, trainers with a practitioner background (e.g., judges, prosecutors and defense counsels working at international tribunals or national courts, public prosecutors offices, or a semigovernmental institution such as the legal aid institutions, mediation center, or bar association) are efficient. It is through the position that they hold, the institute they represent, or a certain policy on which they have worked that these individuals can bring a practical approach that is likely to resonate more with the training audience than long academic lectures. Along with practical experience, it is important to assess as early as possible at the course design process whether the practitioner's presentation skills are sufficiently developed to transmit knowledge and ideas effectively.

The lecturers who take part in the training should receive information on the background, composition, and level of expertise of the participants. The training institute should conduct research and provide background information on the legal system of the participants' country of origin, including relevant legislation. The lecturers are requested to conduct their own research regarding their specific topic to ensure that the lecture is imbedded in the legal context of the participants' work sphere.

The training institute is responsible for maintaining a pool of qualified lecturers. During the training evaluation, the participants are asked to comment on the performance of the speakers. Such regular evaluation should help the training institute to detect, if it has not been discovered at an earlier stage, if a seasoned practitioner's presentation and didactic skills are insufficient or if a lecturer with an academic background cannot relate to practical problems—both situations eliminating the lecturer from presenting in future trainings. The training institute has to maintain a healthy network and keep itself up to date and informed of new changes in relevant functions in the organizations providing lecturers, to ensure a constant and available pool of qualified and effective speakers.

5. Resources (training materials)

Course materials range from official legal texts, such as laws and collections of relevant articles from codes (civil, criminal procedure, ethical), to the teaching material used by lecturers and comparative and analytical reports issued by governments and international organizations. It is crucial to make teaching materials and further background information available prior to the training so that participants can familiarize themselves prior to the program with the issues that will be addressed. Materials can be shared electronically on a platform created by the organizing institution or through a cloud storage facility, both of which provide exclusive access for participants over a reasonable time frame (e.g., one year) and from which materials can be downloaded. Furthermore, the digital platform should facilitate communication and networking between the participants before and after training.

Widely available Internet access for a greater number of participants makes providing them with materials at all points of training easier. If there is no Internet access, the training institute should adapt and provide the training materials in hard copy or by portable digital media.

6. Sustainability: Post-training action plan, follow-up, and alumni pool

Sustainability is key to the success of capacity-building trainings. Training programs should strive to ensure that the objective of the training is achieved, its impact is lasting, and training enhances the participants' engagement in and ownership of the process of implementing the material and best practices.

Sustainability elements promote interaction and exchange of experiences among the participants regarding their efforts to implement what they learned at training. Several tools to help achieve sustainability include the post-training action plan, a training-the-trainers component, and the maintenance of a database of all participants, or alumni pool, as well as the network of stakeholders involved in the training.

At the end of the training, the participants receive a digital and print handbook containing all training materials, contact details of other participants, lectures, reference guide to online resources, and a bibliography.

Post-training action plan

During the training, participants should be asked to draw up a post-training plan to identify what actions they can take independently and together to improve the effectiveness of responsibilities within the justice system. The goal of the post-training action plan is to demonstrate that the knowledge transferred is not just theory but applicable in practice in the participants' own context. It is thus important that the training institute experts stress that lessons should be put into practice after the training is over. With such a plan, the participants should therefore reflect on the issues discussed so as to distill major challenges from their respective systems and connect them with potentially useful practices presented at the training. For example, the plan can identify concrete (legislative or organizational, as the case may be) innovations and propositions that are believed to be important for each participant's function, as well as the larger judicial system.

Through group discussions, the post-training action plan should be drawn up by the participants and agreed by the end of the training. It is very important that participants develop practical action plans that meet the needs of their local working environment. They are expected to follow the training with specific focus given to the questions:

- Which of the topics discussed during the training were the most relevant topics for my work?
- How could the information and skills gained through the training be used best so as to improve work practices, challenges, and particular problems in my home organization?

The action plan can be drawn up individually or in teams of two (peers) to compare experiences, or participants can be teamed up with an international lecturer or trainer to compare different experiences in the international context (box 2.6).

Box 2.6. Guiding Questions for the Post-Training Action Plan

1. How are the topics discussed during the training relevant for the administration of justice in your country?
2. What are the biggest challenges and problems in these areas in your countries?
3. How can the principles and best practices that you learned during the training be introduced in your country and daily work?
4. What initiatives will you take to introduce these practices in your organization?

The participants should present their plans to the leader of the training and each other, and the organizers should collect and consolidate the identified challenges and problem areas as well as suggested initiatives in one comprehensive document with follow-up questions.

The participants should return to their plan two to three months following the training, review to what extent they feel they have been successful in implementation, and report back to the training institution on the results. That assessment will report on the participant's actions but also provide candid, valuable feedback and advice from their individual perspectives on the reception of ideas and suggestions and sharing of knowledge within their unit and organization (box 2.7). A follow-up meeting should be convened to discuss the experiences of implementation, as it is an excellent way to openly discuss challenges, engage the alumni of the training program, and identify possible further training needs.

Box 2.7. Implementation of the Post-Training Action Plan

1. Did you discuss the issues with your colleagues in your organization or any other organization in your country?
2. Did you discuss the issues that you had on your list? If so, with whom did you discuss this?
3. Did you have the chance to share in any other means the experiences or to exchange views on the most problematic issues that were included in your action plan?

4. How were your ideas and suggestions received?
5. What future steps could be taken to promote your suggestions in your action plan?

Continuous engagement with training participants is crucial and runs from the early preparation stages to post-training activities. It also contributes to the maintenance of an engaged alumni pool. The post-training action plan and similar exercises can create important ownership relating to the participants' commitments to put in place their suggestions and share experiences with others. The follow-up meeting convened to share experiences offers the opportunity for such engagement and takes the discussion further for possible future actions.

Training the trainers

A particularly effective training tool that can help to produce an overall, comprehensive, and sustainable curriculum is a training-the-trainers component. Training participants will be equipped with knowledge and skills with the specific mandate to disseminate those in an organized format within their organization and for the benefit of the wider justice sector, thus expanding the circle of beneficiaries. For trainings with this component, follow-up and regular engagement is particularly important to ensure that the participant's knowledge is regularly updated and corresponds to contemporary issues. Participants trained to disseminate what they have learned will also help to assist with challenges faced in consecutive trainings, led by these trained trainers, and for the overall sustainability of a well-equipped and well-versed trainer group. Connecting participants of different editions of the same training and following up on those discussions can be highly beneficial in order to assess developments in the judicial sector and to get feedback on the program, its objectives, and the successfulness of the training exercises. Apart from meetings, social media, such as a dedicated LinkedIn group, can prove useful in providing a discussion platform, bringing the growing pool of alumni together, and even connecting them with lecturers of respective training.

Alumni pool

Maintaining an alumni pool and involving stakeholders in such a network is beneficial for the training institute and the participants. For the training institute, such a community can be extremely useful for purposes such as outreach and can serve the success of later editions of the same training or subsequent trainings conducted by the institute. Outreach to this community can be helpful as early as the need assessment phase of designing subsequent trainings to gauge the capacity need and gain first-hand information from participants. Outreach can also be useful for the purposes of recruiting prospective participants, seeking lecturers and referrals, gaining feedback on draft programs, or seeking help in collecting relevant laws and legal materials.

For the participants, it is useful that a community be built around specific issues relevant to the functioning of the judicial sector and have a vested interest in bringing about change in the rule of law in their country. The alumni pool should be complemented with contact information of the representatives of the stakeholders who were involved in the corresponding trainings to create a community of legal and policy experts and a platform for discussion. Connecting the participants is important for further facilitating dialogue, exchanging experience, and providing a forum for discussion concerning issues that are of relevance to the participants. Including participants from earlier editions of the training can assist in the implementation of post-training action plans by sharing their past and present experiences. Participants can have access to legal materials that are

made available through this community, consult speakers on certain legal issues, and expand their professional networks by staying in touch with other participants.³

Steps to keep the database up to date and the alumni pool engaged include

- regular updates about trainings and ongoing activities;
- organization of reunions of participants from previous editions of trainings;
- invitations to former participants to social events of ongoing trainings; and
- advertising calls for applications for trainings.

VI. Planning, Project Management, and Monitoring

Actual training delivery is part of a broader program that includes a preparation phase and an evaluation phase. In order to ensure a smooth project, it is important to continue monitoring the entire project during all phases (development, implementation, and evaluation). The implementing institution should be flexible in its approach and expect the unexpected. Each training will be different, and each context will bring about a different set of challenges and opportunities.

1. Preparation and planning

Excellent planning is crucial to curriculum development. The training institute should bear in mind that communication with the candidates can take considerable time. After a candidate is selected, it can take 10 to 14 days to receive that person's confirmation to participate in the training. Logistical aspects, such as visa applications, flight arrangements, and accommodations, can only be arranged after all candidates have been confirmed and have provided full names, passport numbers, and dates of birth, which are normally needed to make those arrangements. Annex 1 provides a complete checklist for planning and implementing training programs.

In most situations, participation in the training is fully funded by the donors. It is common that the following arrangements are made by the training institute:

- booking of international flights (most embassies will ask for a flight ticket during the visa procedure);
- visas (both departure and entry if applicable);
- accommodations (as soon as the dates are set for the training, the organization will need to book accommodations for all participants);
- conference facilities;
- catering;
- interpretation, if required;
- transportation to study visits;
- social program; and
- insurance, if applicable.

³ The T.M.C. Asser Institute is in the process of establishing an up-to-date alumni pool with various on-line functions and cannot provide best practices yet.

2. Training location

An important element to consider is the location for the training: at the institute, in the city where the institute is located, or in the country of one of the participants or donors.

Advantages of training in the participants' country or a neighboring country include more context-specific exchanges, enhanced in-country and regional networking, and potentially easier organization, with no cultural differences between organizers and participants.

Advantages of training in a different region include removing the participants from the region, which can provide a refreshing distance where they are more willing to open up for critical discussions and providing exposure to potentially new structures and practices, encouraging networking with professional counterparts from significantly different political and legal systems.

For the institute, it could be useful to bring foreign experts as lecturers to train the participants on good practices from out-of-region jurisdictions. Alternatively, if possible, another option would be to conduct the training program in the country or countries whose best practices the participants are studying. Subsequently, it could be possible to bring the participants together in their region for feedback and exchange of experiences.

3. Monitoring

Monitoring and evaluation of the project is vital to identify potential weaknesses and ways to reduce the chances of these weaknesses occurring again. Monitoring should be a continuous process built into the design of a project. Additional periodic evaluations may be required by the donors. It is important to define who is responsible for monitoring and evaluation and how and when the results will be shared with the donors and others (box 2.8).

Box 2.8. Checklist for Effective Monitoring Mechanisms

Project Process	Process Quality Standards/ Stakeholder Expectations	Quality Assurance Activity	Frequency/ Interval
Kick off meeting in preparation of training	-Goals and deliverables established -Specific budget allocated to training module and curriculum -Assignment of roles and tasks to appropriate project team members	-Project leader determines suitability of project team	Once a deliverable has been defined
Action list created	-Internal plan comprises a list of sequential activities to be undertaken along a predetermined timeline to ensure the timely, efficient, and	-Project leader approves plan	Immediately after kickoff meeting

	effective delivery of the training program		
Content and speakers	<ul style="list-style-type: none"> -Content “fit for purpose” -Stakeholders consulted -Speakers identified and invited -Facilitated in making available presentations and reading material 	<ul style="list-style-type: none"> -Project leader and stakeholders determine the content and most suitable speakers per deliverable and ensure alternatives where appropriate 	After kickoff meeting and regularly throughout preparatory phase
Monitoring of planning progress	<ul style="list-style-type: none"> -The individual activities leading to a successful deliverable are being carried out and on time 	<ul style="list-style-type: none"> -Check by project leader of progress achieved against checklist stipulations 	Weekly
Logistics and catering planned and budgeted effectively and technical assistance enlisted in advance to ensure good working audio/visual equipment	<ul style="list-style-type: none"> -All parties involved have clear information and concise instruction as to the level and timing of their specific input 	<ul style="list-style-type: none"> -Project leader holds regular meetings with project team to ascertain a clear work flow 	Biweekly
Sufficient reception and guidance of participants and speakers during the training	<ul style="list-style-type: none"> -Sufficient personnel are made available to receive participants and speakers, and coordinate delivery of the program 	<ul style="list-style-type: none"> -Project leader assigns tasks to team members 	Prior to the training, check-in the days before
Timely availability of evaluation tools for participants for their completion	<ul style="list-style-type: none"> -Formulation of evaluation forms encouraging clear feedback from participants on the deliverable 	<ul style="list-style-type: none"> -Project leader monitors evaluation form and team member circulates and retrieves completed forms 	At the end of the training program

Project team meeting after project	-Open assessment of level of success of project; identify eventual bottlenecks and propose solutions for same	-Project leader assembles project team to discuss project	One to 2 weeks after the training program
Review meeting with all stakeholders	-Open assessment of level of success of project; identify eventual bottlenecks and propose solutions		Regular intervals

How the different tasks in the curriculum development process should be allocated, including the responsibilities of requisite personnel, depends on the size of the institute and the number of trainings it will deliver, but could include the following roles:

- finance;
- communications and public relations;
- project management;
- course development;
- teaching;
- monitoring and evaluation;
- translators; and
- catering and other facility services.

4. Communication

Timely, clear communication among all stakeholders at all levels is crucial to help ensure successful project management and implementation. A key element to monitoring mechanisms described above is to communicate about the progress and to evaluate how the project is being managed throughout the process. Regular status-update meetings should be convened within the training institute among staff who are managing and implementing the project, and reports should be sent at necessary intervals (not too often as this may be seen as “spamming” stakeholders, but not so infrequent that people feel that the project is being neglected) to donors and stakeholders. Communication should be two-way for all parties: telling those involved what is expected and listening to advice and acting on it where appropriate.

VII. Curriculum and Program Evaluation

Substantive follow-up should be an integral part of any training program. This component enhances engagement and incentivizes the responsibility of participants to implement reform aspirations in their local context. It also further enhances exchange of experiences and offers a platform for feedback and advice.

1. Training program evaluation for quality control and quality assurance

In terms of evaluating the training as a whole, the below table indicates the requirements with respect to the training program and the corresponding quality control activity and method to be employed and its frequency (box 2.9). In addition, a specific assessment by the training participants, or evaluation at the “reaction” level, to measure participant satisfaction gives valuable feedback on multiple aspects of the development and delivery of the training. Evaluation at the level of learning can be drawn from the post-training action plans, which reflect how the participants processed the topics discussed and their relevance measured against the challenges in their home systems. Measuring effectiveness at the learning level seeks to see the accumulation of knowledge, improvement of skills, and change in attitudes.⁴ Evaluation at the behavior (change in performance) and results levels necessarily requires long-term engagement between organizers and participants and systematic follow-up on the tangible changes within the organization, system, and policy that can be attributed to the training and the participants’ post-training actions.

Box 2.9. Training Evaluation Planning Matrix

Project Deliverables	Deliverable Quality Standards and Completeness and Correctness Criteria	Quality Control Activity Used for the Deliverables	Frequency/ Interval
Training program	-Relevant and topical -Contribute to increasing knowledge of participants	-Content of deliverables flagged by academics and practitioners -Recommendations from practitioners, justice ministry, academics, and current affairs issues	-Before, during, and after each training program
	-Meeting demands of practice and expectations of participants	-Interaction with participants, enlisting feedback to ensure that the level and content of deliverables meet with the knowledge requirements of the participants	-During and after each training program
	-Expert lecturers contributing to program	-Familiarity with experts in particular topics (speaker curriculum vitae and	-Continuous and per deliverable

⁴ Donald L. Kirkpatrick, *Evaluating Training Programs: The Four Levels* (Berrett-Koehler Publishers, 1998).

		institutes of origin) -Project leader joining lectures for observation -Feedback from participants	-Evaluations among participants at the end of the deliverable
	-Appropriate level for participants -Accurate coverage of a topic and overview of current field of knowledge on a topic	-Evaluation of training course and event among participants and enlisting feedback from lecturers to determine that the match between the information needs of the participants and the information provided by the lecturers is good (evaluation at reaction level)	
	-Align with industry best practices for project management	-IPMA and PRINCE 2 project management methodology	Staff training

2. Overall evaluation

A final evaluation report should be provided to the donors within three months after the end of the training and should include

- substantive evaluation on the content of the training,
- financial report,
- evaluation of the training by the participants,
- copy of deliverables (post-training action plan responses, and manual), and
- recommendations.

The report should indicate if the objectives of the training have been met and if the budget has been respected. The report should give recommendations on how to improve some aspects of the project management and implementation and how to avoid certain obstacles.

In addition to the evaluation of the training and the project, it is important that the training institute is evaluated at a macro level. The purpose of this evaluation is to confirm whether the training institute meets the purposes for which it has been established and whether it has met the objectives of the donors. This kind of evaluation can take place in different forms and on different levels.

- **Internal evaluation.** The senior staff members of the training institute are responsible for carefully and critically assessing how the training institute functions, in particular, how capacity-building training is developed, implemented, and evaluated.

- **External evaluation.** On the basis of specific questionnaires, donors, stakeholders in the different countries, contact persons at the various study visits, lecturers, and participants are asked whether the training institute has been able to deliver its objectives.
- **External commission.** An external commission is created composed of persons of standing who have the right background, experience in curriculum development and rule of law, and experience with the development aid. To assist the external commission, a series of meetings can be organized with donors, stakeholders, participants, and lecturers. The external commission should be able to observe some of the training programs.

In order to ensure the training's effectiveness, it is indispensable to evaluate the training after six months or more to establish whether the participants put what they have learned into practice.

VIII. Challenges and Risks

Each project will bring about different opportunities, challenges, and risks. The table below presents the risk factors that can affect the project during each of the stages identified previously (box 2.10). The impact on the project is rated according to the effects that can be measured on the project.

Box 2.10. Challenges and Risks in the Curriculum Development Process			
Phase	Risk Factor	Impact on the Project	Likelihood
Baseline for Capacity-Building Curricula			
Identifying capacity needs for curriculum and training development	Time allowed for this phase can be longer than expected	Low	Moderate
	Political changes can arise suddenly and modify the context	High	Low
	Collapse of the judicial system	High	Low
Pretraining needs assessments	Lack of ownership	Moderate	Moderate
	Difficult access to national laws	Moderate	Moderate
Coordination and Cooperation			
Collaboration with donors	Influence on content and	Low	Low

	objectives		
	No or low funding	Moderate	Moderate
	Funding process long or difficult to access	High	Moderate
Collaboration with beneficiaries	Identification of participants takes too much time	Moderate	Moderate
Collaboration with stakeholders	Difficulty to communicate with the relevant stakeholders	Moderate	Low
	Competing interest	Low	Low
Target Group			
Defining target group	Difficult access to potential candidates	Moderate	Low
	Problem of hierarchy	High	Moderate
	Candidates need approval to attend a training	Moderate	Moderate
Components of Training Development and Implementation			
Definition of aims and objectives of training	Capacity needs change rapidly	High	Moderate
Establishment of training elements and effective learning methods	No experience with the different and up-to-date training elements	Moderate	Low
Involvement of beneficiaries in development of program	Different expectations	Moderate	Moderate

Selection of lecturers and trainers	Availability of experts and lecturers	Low	Low
Resources (training materials)	Lack of internet	Low	Moderate
	Language	Moderate	Moderate
Implementation	Less participants attend than expected	Moderate	Low
Sustainability: post-training action plan, follow-up, training the trainers, alumni pool maintenance	Willingness among training participants to implement change	Low	Low
	Wide acceptance and participation of staff in training activities and implementation of new knowledge	Moderate	Moderate
Planning, Organization, and Project Management and Monitoring			
Preparation and planning	The level of the participants' working language is good enough to participate actively and effectively	Moderate	Moderate
	The basic level of knowledge of the participants is a good base for the training	Moderate	Moderate
Monitoring	The process of quality standards is not respected	Low	Low
Curriculum and Program Evaluation			
Evaluation	The information is not available in time to deliver the report	Low	Low

IX. Supplement: Complete Checklist

Preliminary Stages	
Objective	Timing
Liaise with donors and stakeholders	6 to 12 months prior
Set deliverables	6 to 12 months prior
Set appropriate budget	6 to 12 months prior
Define time frame	6 to 12 months prior
Undertake needs assessment	6 to 9 months prior
Define target group	6 to 9 months prior
Discuss challenges and risks	6 to 9 months prior
Curriculum Preparation	
Determine desired date	9 to 12 months prior
Book training venue	6 months prior
Establish initial program with input from donors and stakeholders	4 months prior
Start public relations campaign	4 to 6 months prior
Invite speakers	3 to 4 months prior
Open registration for participants and impose a registration deadline	4 to 5 months prior
Confirm speakers	2 months prior
Confirm participants and assist with hotel accommodation and visa if necessary	2 months prior
Prepare welcome banner, badges, nameplates, and welcome folder (program, flyer, list of participants, and practical information); decide what materials should be provided for participants to take home (handbook)	4 weeks prior
Order catering	4 to 6 weeks prior
Formal progress report for donors	1 month prior
Training Kickoff	
Check technical equipment (information technology, etc.)	1 day prior
Check conference room setup	1 day prior
Prepare registration desk at the entrance with welcome folder	1 day prior
Place welcome banner and other materials in the conference room	1 day prior
During the Training	
Welcome participants	First day
Load PowerPoint presentation of each lecturer	During
Assist participants with any requests	During

Organize photographer for group pictures	During
Provide all participants with information materials to take home	During
Conclusion of the Training	
Close budget	2 to 4 weeks after
Send training report to donors and stakeholders	Within 3 months after
Send e-mail to lecturers and participants to follow up (post-training action plan)	6 weeks after
Organize follow-up meeting (post-training action plan implementation)	Within 2 to 3 months after
Compile lessons and feedback for future training	After follow-up meeting

CHAPTER THREE. Immersive Training Scenario for Specialized Rule of Law Training

Institute for Security Studies

I. Introduction

In developing its specialized rule of law training curricula for those engaged in the criminal justice system, such as law enforcement personnel, relevant intelligence agency personnel, prosecutors, prosecuting judges, judges, corrections officers, and senior officials engaged in legislative drafting, the International Institute for Justice and the Rule of Law will need to consider, in addition to the course content itself, what training methodology it intends to adopt in order to ensure that those in attendance find the training relevant and practically applicable in their day-to-day jobs.

One of the key challenges in developing a successful training institute is the design and delivery of a broad-based curriculum that provides

- a comprehensive practical training for rule of law professionals, coupled with appropriate mentoring;
- specialized training for domestic interagency and cross-border legal cooperation; and
- a package of training materials and activities that fully complement rule of law-oriented institutional development.

A key task for the institute will be to develop tailored curricula for criminal justice practitioners and those officials charged with oversight of criminal justice officials, including parliamentarians.

Training can be delivered in various ways, for example, through traditional classroom-style lectures and lectures with short case studies. Such programs may, in some instances, fall short of the complexity of a real incident as they do not mimic or simulate a real life event, which is particularly relevant within the context of serious and organized crime, leaving those trained unable to meet the demands placed on them.

Training individuals to develop the requisite skills requires a learning environment where the complexity, chaos, and challenge of a real life incident are re-created and that allows for the system and individual decision-makers to be challenged. Simulation is especially effective as a training tool, coupled with challenging debriefing, and that is what we offer through a London-based consultancy, Sambei Bridger & Polaine (SBP), that has developed two training tools, both of which are highly deployable in the counterterrorism capacity-building context.

SBP has been engaged in training programs and capacity building for a number of years in a wide range of jurisdictions, including more than 20 countries in Africa, and across many subject matters, including counterterrorism, anticorruption, and human rights. Its experience has shown that sustainable training is best achieved in a safe learning environment through the creation of practical and challenging critical incident simulation. It provides this through its Solve: Immersive system.

As experienced facilitators, it has developed two separate but complementary approaches:

- A specific debriefing methodology, using a software program and human facilitation: Solve: Interactive
- Multimedia immersive training, employing dedicated software coupled with facilitation and subject matter experts: Solve: Immersive

Each system may be used on its own, or the two may be deployed together as complementary processes: Solve: Interactive to analyze the needs and test procedures and Solve: Immersive to provide the experience and learning.

II. Developing an immersive training scenario

The starting point in developing any training program is making it “fit for purpose” to have the desired result. The institute must test the current handling of cases, policies, and procedures to determine whether they are capable of meeting the challenges of an incident.

This can be achieved through a proper and thorough debriefing of all the stakeholders involved in the criminal justice system, including parliamentarians and legislative drafters, so that the institute can design a training program that will meet the demands of its participants and benefit the national delivery of criminal justice.

It is intended that the debriefing would be conducted through the deployment of the Solve: Interactive tool.

There are a number of considerations when conducting an immersive scenario training exercise. With the assistance of facilitators (the team may include such subject matter experts as are considered necessary), each participant is issued a laptop and asked to input their experiences, thoughts, feelings, and views on the matter to be pre- or debriefed. For example, following an incident or the handling of a case, a participant may be asked to reflect on the experiences of managing a specific critical incident and to identify the issues that contributed significantly to the outcome.

The responses are entirely anonymous, with each participant entering information visible to all, who may comment on the views expressed by others, add suggestions, and put forward questions and ideas. That need for anonymity has been found to be vital to the process, based on experience in a range of countries and institutions demonstrating that a few voices may dominate the discussions

and others remain silent for such reasons as hierarchical constraints, shyness of individuals, cultural reasons, and confidence. As a result, the real learning is often not captured and leads to the development of processes, procedures, and training programs that may not truly reflect the need of the organization or institution. The need for open and honest discussions is paramount for any successful institution-building programs, training programs, or assessment of how an organization handled a particular incident.

The facilitators manage the exercise by monitoring the discussion and creating further topics, as well as allowing the personnel to categorize all the inputs. In this way, key inputs can be isolated to the most important points for the discussion group.

Following the interactive session, an analysis report is drawn up and recommendations made, where necessary. Typically, the product and analysis is able to form the backbone of, for instance, new or amended procedures, laws, and training programs. Therefore, the institute will be in a position to identify issues that cut across the criminal justice system and address them accordingly.

Key benefits:

- Participants are able to speak freely and candidly.
- The organization or institution gets honest feedback, which helps to reach the right solutions.
- Controversial, sensitive, or ethical issues are more easily explored.
- All participants have a voice rather than a few.
- Issues can be raised and discussed openly.
- The issues of the greatest consequence and significance to participants can surface, that is, the group dynamic can help create a focus on the most important topics.
- A substantial amount of data can be collected in a relatively short space of time.
- Organizations gain a higher level of insight than they would through traditional debriefing methods.
- The experience is regarded as stimulating and dynamic.
- Sessions may be conducted in any language.
- Participants do not need to be in the same location because of the flexibility afforded by being web based.

III. The immersive training scenario

Solve: Immersive training exercises aim to create a safe learning environment by re-creating the complexity, chaos, and challenge of a real life incident. It has proven to be especially effective as a training tool and used with success in the training of prosecutors, judges, specialist law enforcement investigators, and other actors involved in, for example, responding to a terrorist incident.

The scenario is developed to capture the training issues of most concern to the establishment based on the identified training themes, with the aim of creating a realistic immersive environment that provides participants with maximum learning potential.

Once the scenario is developed, the exercise itself is conducted through a software medium with specialist facilitation and relevant subject matter experts. Participants are divided into groups of a maximum (usually) of five people. Each group has its own breakout room, and a computer is made available to them.

The groups are then “drip-fed” information through real-time media feeds, documents, intelligence and evidential material, and video and audio feeds.

Each phase of the emerging scenario requires participants to make real-time decisions (with its own audited information stream) that must be recorded onto the system within the allocated time of the session. Once that decision is made, as in professional or business life, the group must work through the consequences that flow from it.

At various points in the exercise, the facilitator and experts hold debriefing sessions to work through and challenge the decisions made and to analyze each of the decision-making processes. Such sessions are deliberately intensive and challenging so as to provide the maximum learning through the relevant experts. Experience has shown that such learning is seldom forgotten as it allows participants to make “errors” in a safe environment and learn from them.

There is no prescribed length of time for such an exercise. A critical incident can run 1–2 days, 3–5 days, or longer periods, depending on need.

There are several advantages of this method compared to traditional modes of learning.

- Most people learn through their mistakes. The Solve: Immersive system creates a safe environment in which errors can be made and learning is often remembered (sustainability).
- Simulation of a critical incident based on the experience of those involved in dealing with serious and organized crime cases makes it more meaningful and relevant to the participants and creates immediate buy-in.
- The exercise is conducted through facilitators with the assistance of subject matter experts.
- An immersive exercise is able to incorporate, train, and test a number of key personnel that are likely to be involved in an event.
- Decisions are fully recorded, tracked, and audited, allowing all participants to contribute during the plenary sessions and share experiences that may not be drawn out in traditional training methods.
- The panel of experts, with specialist knowledge and expertise, provides a wider spectrum of learning rather than learning from one or two trainers over a number of days.

- The course is highly interactive, and each participant is fully engaged throughout the exercise. They assume identical roles and responsibilities that they would undertake in a real life incident.
- This approach is a proven method of creating a workable environment that encourages attendee participation.
- Decision-makers can gain experience managing incidents and, at the same time, apply and test policies, procedures, teamwork, and lateral thinking.
- The process is complementary to normal learning methods but with a key advantage: a level of experience normally gained only from an actual event or incident but, in this setting, as part of an entirely “safe” experience.

1. Proposed Training Methodology

The training program should include a series of workshops supported by training tools and materials. The workshops should be developed incrementally to allow for a thorough understanding of the subject matter and delivery techniques.

The first workshop should be conducted as an immersive “critical incident” with several syndicated teams with real-time strategic decision-making that typically follows the initial tactical incident management of the first response. All the participants, including senior command, would assume their usual roles and would be required to make decisions as the scenario unfolds.

The length of the training course varies, depending on subject matter. Below is an example of a typical two-day course.

Day One

- Immersive case exercise: Introduction and understanding the tools
- Setting the scene
- First breakout session [1 hour]
- Debrief [1 hour] (All debrief sessions are led by relevant specialists [e.g., investigator, prosecutor] to provide “front-end loading” of knowledge.)
- Second breakout session [45 min.]
- Debrief [45 min.]
- Third breakout session [1 hour]
- Debrief [1 hour]

Day Two

- Fourth breakout session [30 min.]
- Debrief [1 hour]

- Fifth breakout session [30 min.]
- Debrief [1 hour]
- Sixth breakout session [30 min.]
- Debrief [1 hour]
- Immersive case exercise review, lessons learned, and forward planning
- Overview of those issues that have emerged as problematic or challenging, with possible solutions
- Final question and answer session

The main purpose and benefit of an immersive exercise at this early stage is to identify the gaps and level of knowledge within the group, assist in developing the subsequent training workshops, and identify if specialized training should be provided to each of the agencies involved.

A series of workshops should be developed to address each of the themes within a terrorist incident. Again, these should be conducted through interactive case studies and presentations.

A second critical incident should be developed halfway through the program, which will help assess what has been achieved over the period and where gaps remain.

At the end of the series of workshops, a final critical incident or simulation is carried out that will bring together the accumulated learning. This may have to be a slightly longer event (4–10 days).

IV. Example of an immersive training exercise

1. Development of the scenario

An immersive counterterrorism exercise will aim to draw out a number of key themes and issues.¹ For example, the Karibu Dam exercise, developed by SBP for delivery in East Africa, addresses the following:

- intelligence cycle (e.g., to include use of informants, handling of informants, gathering and analyzing intelligence, sharing of information);
- investigation process (e.g., to include handling of informants and undercover operatives across agencies; evidence gathering; coordination with other national criminal justice agencies, foreign ministries, and agencies abroad; engagement with the prosecutor);
- international initiatives (e.g., relevant international and regional frameworks, how they operate within the national context);

¹ The exercise is not limited to the issues identified by the drafters, and participants are free to raise other considerations.

- legal and trial issues (e.g., jurisdiction, how to address competing jurisdictional interests, international cooperation, handling tainted evidence, engaging with other agencies on the trial issues, witness protection, fair trial issues);
- terrorism financing, anti-money laundering, and proceeds of crime (e.g., developing financial investigation as part of the overall investigation strategy, freezing and restraint of property held in country and abroad);
- human rights (right to fair trial, arrest and detention, prohibition on torture); and
- media relations (e.g., early engagement with the media, why agencies should engage with the media, prejudicial report, and balancing the rights of the accused).

Once the scenario has been written, as in the present exercise, relevant video, audio, and documentary feeds are developed, which are then fed to the participants as the exercise progresses. The exercise is dynamic and may therefore be adapted and enhanced while being run.

2. Commencing the immersive exercise

The participants are divided into groups, and each person performs the exact role that they would in daily professional life. For example, a prosecutor will remain as such in the immersive exercise and does not role-play as an investigator or judge. Each group is required to nominate a decision-maker (each session requiring a new decision-maker) who is free to take advice and guidance from within the group and must record all the decisions made, together with the underlying rationale, which is important in two ways.

1. It requires each participant to become a decision-maker through the exercise and be accountable for the decision, a challenge often lacking in the traditional training methodology.
2. It allows the facilitators and subject matter experts to meaningfully and practically debrief the groups during the plenary session.

Each of the rooms is equipped with a computer for each decision to be logged (where resources permit, the discussions are also video and audio recorded for the purposes of analyzing the discussion and decision-making process and group dynamic). The facilitator will commence the exercise by giving an oral briefing of the situation at hand.

In the present example, the following briefing was provided to the group in the plenary session.

V. Scenario: The Karibu Dam

Background facts

A fictional map of the region (figure 3.1, below) is shown to the participants, which is then transmitted to each of the groups through the central control panel.

Northland, Eastland, Southland, and Westland are neighboring countries.

Mineral Province is in Westland and is extremely rich in minerals. The main wealth of Westland comes from the export of those minerals. It is a mountainous area and has a large river. The Karibu Dam is located here and supplies electricity to large parts of Eastland, Southland, and Westland.

Mineral Province is located in the eastern part of the country, and the borders here between Westland, Northland, and Eastland are particularly porous.

Westland Extraction Company, a partially state-owned company, controls the mineral extraction in the province.

Political facts

There is discontent in Mineral Province, and a group called the Mineral Independence Front (MIF) is a local organization that has been calling for secession from Westland. Its objectives are secession from Westland or a change in government policy giving total autonomy for the area and control of resources, including large tracts of the river on which the dam is located, to the people of Mineral Province.

MIF is a proscribed organization in Westland.

The leaders of MIF are Bonnie and Clyde.

There is grassroots support in Eastland for the MIF.

Southland is supportive of Westland's policy regarding the Mineral Province.

Northland and Eastland have an ongoing dispute about their borders and, over a period of time, have engaged in low-level armed fighting. Due to this, there are concerns about small arms and light weapons proliferation in the region.

Figure 3.1. Map of the area



Session 1

Briefing Note 1:

The facilitator sends the following briefing note to each of the groups via the central control panel. The nominated decision-maker must determine how and what tasks will be performed by group members. The decision-maker can take advice from the group and ask for assistance of subject matter experts through the messaging system (the facilitator must decide how the request for assistance will be managed) before making the final decision.

Local inhabitants living in the southern part of Northland notice the establishment of a camp by a group of foreigners but are unsure of its purpose. As activity increases in the area, they notify the authorities.

Following this information, the Northland authorities raid the camp and find

- a map of Mineral Province;
- a map of Westland with key locations marked, namely, utilities, government buildings, hotels, and bridges;
- radio equipment; and
- pamphlets produced by MIF.

No weapons are found, but police detain four youths and two older men who were found at the camp. Preliminary inquiries are made, and the four youths are released.

The Northland authorities establish the identity of the two older men—Indiana and Jones. Given the results of the search, they contact the authorities in Westland and inform them of the items found and of the presence of Indiana and Jones at the camp. The Westland authorities say that the two are believed to be MIF members. Because they cannot confirm this, Westland decides to take no further action at this stage.

Northland says they will question the two men. It is common knowledge that the authorities in Northland, particularly the Northland Knowledge, Intelligence and Security Unit (KISU), regularly use torture during interrogation.

Northland authorities question Indiana and Jones. During questioning, Indiana says he had come across to Northland for a camping weekend and has no knowledge of MIF or their activities.

Jones says he is sympathetic to MIF but is not a member. He says he was simply asked to deliver the box (subsequently found to contain the maps and pamphlets) to the site. He is acquainted with Bonnie and Clyde because they grew up together in the same province.

Indiana and Jones are released.

Talks are held between the government of Westland and MIF to reach a compromise solution, but these fail. MIF threatens to take action and does not exclude violence to achieve its ends.

A week after the collapse of talks, there is an attack on Ambassador Malaki, the Southland ambassador to Westland. An explosive device, which had been planted on his car, was activated and killed his driver (a national of Westland) and caused serious injuries to the ambassador.

Tasks for session 1

Shortly after the briefing note is sent, video footage and news broadcasts of the attempted assassination are transmitted to each of the groups.

In this session, one would expect investigators, at the very least, to

- develop the investigative strategy,
- develop the media strategy,
- liaise with the national and foreign intelligence agencies,
- coordinate with the relevant national agencies and ministries, and
- engage with the prosecutor or prosecutor judge.

With the other subject matter experts, the facilitator will usually decide the amount of time that should be allocated for each session. Once the allocated time has elapsed, the system will shut down, and participants cannot record any further information (the clock is visible on each computer and counts down the time).

At the end of the session, all groups return to the plenary room for the debriefing session. The participants are required to discuss their decisions, rationale, and the challenges and difficulties, and the session is used by the facilitator and subject matter experts to provide the lessons. The participants' full engagement, which

increases the likelihood that the lessons will be remembered through experience, is a true advantage of this approach.

Session 2

Briefing note 2 from the Senior Investigating Officer and Intelligence Unit:

The day after the attack, Westland National News (WNN) receives a call claiming that MIF was responsible for the attack.

Initial inquiries about Bonnie and Clyde reveal the following:

Bonnie is a businessman (import/export) in Mineral Province and enjoys horse racing. He is the beneficial owner of a nominee account opened three years ago in Switzerland. There have been frequent payments in and out of that account, each one usually in excess of \$500,000. His wife has a separate account in the Cayman Islands, which was opened two months ago. It contains an opening deposit of \$1,000,000, but there has been no subsequent movement on the account.

Clyde is an employee of Westland Extraction Company. Clyde's responsibilities in the company include the procurement of detonators for quarrying and the awarding of contracts to other mining subcontractors.

Westland authorities have intelligence that there is a network of supporters in Eastland who have been collecting funds for MIF. The money has been physically carried across the border in cash and moved through informal banking channels.

At the same time, a member of MIF, Dominic, makes contact with the officer in charge of the investigation, asking to have a meeting with him. At the meeting, Dominic confirms that he is a member of MIF but says that although he supports the political objectives of MIF, he does not approve of its methods, particularly the violence. He is concerned about the proposed bombing campaign against key targets and installations. He hands over to the officer a copy of a map with key targets marked.

Tasks for the breakout groups:

The officer in charge of the investigation contacts the prosecutor and asks for a meeting to discuss the progress of the investigation and for advice, in particular, whether authority should be given to Dominic to be an informant. Dominic has asked for a guarantee of anonymity and protection as well as the possibility of a "reward."

The prosecutor asks the investigator to bring all the relevant information to the meeting and to draw up all relevant issues, which may include any restrictions to be placed on him.

Decision-maker (prosecutor): details of advice given to the group.

Dominic is asked to continue as an informant and is warned that he could be used evidentially. He is asked to put a listening device in premises where Bonnie and Clyde hold meetings with their lieutenants to discuss strategy.

Breakout groups:

1. *Is Dominic going to be used for any other intrusive techniques?*
2. *Investigator seeks advice from the prosecutor to the proposed course of action.*

Two weeks later, Dominic notifies the authorities that something big is about to happen. The investigators also have heard a conversation on the listening device that lends support to Dominic's assertion.

Introduce audio recording:

Bonnie (with a chuckle) – “Our problems will soon be washed away.”

Clyde responds, “You are damn right.”

An hour later, a massive explosion at the Karibu dam destroys part of the electricity generating plant, causing power loss in the eastern region of Westland. When the officers arrive at the scene, a truck is seen to drive off. Some of the officers give chase. The truck speeds off and is heading toward the border with Northland. Officers make radio contact with the Northland police and inform them of ongoing chase. The truck crosses the borders and a short distance away is stopped by Northland police. A search of the occupants and truck is conducted. At the back of the truck, large amounts of explosives are found together with detonators. The occupants, Jekyll and Hyde, are found to be in possession of the map of Westland with marked targets.

Video footage showing the dam and explosion and a news broadcast of the dam on television and radio.

Breakout group – The media want an interview because they say authorities had been tipped off and were aware that something was likely to happen. They want to know what steps the authorities had taken to prevent this and want details of who is responsible for the explosion and what actions the investigators are taking to arrest those responsible.

Decisions for the group:

1. Media handling strategy
2. Scene of crime management
3. The officer contacts the prosecutor urgently by telephone to seek advice on whether he can seize the vehicle and bring Jekyll and Hyde to Westland
4. Prosecutor engagement and what advice is to be given to investigators on the matter generally and what can or cannot be said to the media.

Report from forensic (documentary feed):

Initial forensic examination of the scene reveals that it was a fertilizer-based bomb. Further inquiries show that one of Bonnie's companies deals with importation of fertilizers into Westland for garden centers. A search of Bonnie's company records shows that a large quantity of fertilizer was imported from Spain, France, and Italy.

Inquiries at the company show that Clyde had ordered and received a substantially larger number of detonators from two separate suppliers in South Africa.

Decisions for the group:

1. Mutual assistance or mutual legal assistance
2. Draft letter of request

Dominic is seen by his handlers, who press him for further information. He gives detailed descriptions of the truck drivers that match Indiana and Jones. The officers are unable to locate Indiana and Jones, although the truck is found at the scene.

*Decisions for the group: What are your next steps?**Financial investigations:*

Investigators commence a financial investigation into Bonnie and Clyde, and the following information comes to light:

- Clyde earns a salary of \$50,000 per annum, but he has five houses in his and his wife's name with a total value of \$3 million.
- Two of the properties are located in Westland, two are in London, and one is in Northland.
- There is a bank account in London in the name of ACE Co., of which he is the beneficial owner. The account holds \$1 million and has been untouched for a year. Some of the transfers (\$500,000) have come from Bonnie's account.
- Clyde's wife collects objects d'art and fine jewelry.
- Bonnie draws a salary of \$100,000 per annum from his company. He owns a large estate and stud farm. He has several properties in Dubai and an apartment in New York.

Three weeks have elapsed since the explosion, and the media has requested a press conference, which has been refused. The media then compile their version of events, which they broadcast. The program contains some highly prejudicial material and inaccuracies.

Introduce media footage with above material

Decisions for the group: What are your next steps?

Session 6

Informal contact is made with the authorities in the countries, but no assistance is forthcoming from France or the United States.

In the meantime, another meeting is held at MIF headquarters, and the listening device picks up a conversation between Bonnie and Clyde and their immediate lieutenants. The officer in charge decides to raid MIF headquarters, and all present are arrested. Dominic had secreted maps and documents from the meeting, which he hands to the investigators. The officers have located and arrested Indiana and Jones in Westland.

Introduce the audio recording from the listening device

Decisions for the group: Advice on what charges should be considered and on the presentation of the case.

Session 7

Oral Hearing at Court

Bonnie, Clyde, Indiana, and Jones are arrested and charged. Jekyll and Hyde were brought to Westland on the prosecutor's advice and are also charged. At their trial, they raise the following issues:

Group 1: Indiana and Jones inform the court that they had been detained in Northland earlier that year and released. They say that prior to release, they were interrogated by the KISU of Northland. Jones says he made the admissions because he had been tortured by KISU officials. He now contends that any evidence derived from that is tainted and cannot be reliable. He further argues that Westland was aware that the KISU commonly use torture and therefore the Westland authorities must be complicit in that (derivative and direct evidence).

Group 2: All four submit that the handling of the story by the media contained highly prejudicial material and inaccuracies, which has had an adverse effect on their trial, and they cannot therefore expect to have a fair trial, which is a fundamental breach of their rights.

Group 3: The prosecution has decided not to use Dominic evidentially and seeks to withhold from the defense Dominic's identity and that there was an informant in the case. All four defendants ask for disclosure of whether there was an informant and the informant's name.

In letters sent by their lawyers to the prosecution, two of the defendants—Indiana and Jones—have specifically named Dominic as the informant. Each alleges that Dominic entrapped him into driving the truck by saying, “Look, Bonnie has told me to make sure you two move this vehicle to Karibu straightaway because he’s expecting a delivery there. All you need to do is to leave it on the dam road itself ... someone else will pick it up. You’ll find a car parked nearby that the two of you can drive back in. You’ll be in serious trouble with Bonnie if you don’t do this ... so get a move on. And don’t ask questions, because it’s all about some dodgy currency deal.”

Indiana and Jones argue in the alternative that even if they were not entrapped, Dominic acted unlawfully by encouraging them to drive the vehicle and that it would therefore be unfair to admit his evidence.

All four defendants further allege that, if there was an informant, the prosecution must satisfy the judge that he (the informant) was not induced in any of his initial meetings with his handlers to behave unlawfully. They argue that the prosecution must show that any informant was properly tasked and that the tasking should not allow any participation in criminality. All four seek disclosure of any supporting material in relation to the informant, including notes of meetings and any recorded conversations with the handlers.

Group 4: Jekyll and Hyde submit that their arrest, detention, and subsequent handover was unlawful as they were no longer within Westland. The officers in Northland therefore acted unlawfully in simply handing them over. In any event, they are nationals of Eastland and should have been returned to Eastland.

Group 5: Bonnie and Clyde argue that the evidence obtained from the listening device should be excluded. They argue that (1) there was no authorization for it; (2) even if there was, the authorizer must have directed his mind to irrelevant factors in reaching his decision; and (3) irrespective of whether there was authorization, the listening device amounted to a breach of their right to a private life; and (4) admitting its product into evidence would breach their right to a fair trial.

Each of the groups is required to draft their skeleton argument, which is to be submitted by a specified time.

At the hearing each side, will be given 15 minutes to present their case. A bell will ring after 13 minutes and final bell at 15 minutes; no further submissions will be taken after that, other than those already provided during the oral hearing and in the written skeleton argument.

Panel of judges hear the submissions.

ANNEX I. Experts Meeting Participants

Experts Meetings on Supporting Curriculum Development for the
International Institute for Justice and the Rule of Law
Brussels, 10–11 April 2013; Geneva, 8–9 July 2013

Governments represented by relevant agencies—

Belgium	Germany	Jordan	Tunisia
Canada	Ghana	Netherlands	Turkey
European Union	Indonesia	Switzerland	United Kingdom
France	Italy	Thailand	United States

Intergovernmental and nongovernmental organizations represented—

African Centre for Studies and Research on Terrorism (CAERT)	Kofi Annan International Peacekeeping Training Centre
American Bar Association	Office of the UN High Commissioner for Human Rights
Center on Global Counterterrorism Cooperation	Organization for Security and Co-operation in Europe
Clingendael - Netherlands Institute of International Relations	Penal Reform International
Danish Institute for International Studies	Saferworld
Geneva Centre for Security Policy	Sambei Bridger & Polaine Ltd.
Institute for Security Studies	Southeast Asia Regional Centre for Counter- Terrorism
International Centre for Counter-Terrorism – The Hague	T.M.C. Asser Institute
International Institute of Higher Studies in Criminal Sciences (ISISC)	Transparency International
International Law Enforcement Academy	UN Office on Drugs and Crime
Interpol	United States Institute of Peace

ANNEX II. Related Resources

The following selected documents helped inform discussions at the Brussels and Geneva meetings on supporting institutional and curriculum development for the International Institute for Justice and the Rule of Law. A number of them were highlighted in the background paper disseminated to participants prior to the Brussels meeting, available at <http://www.globalct.org/events/supporting-curriculum-development-for-the-international-institute-of-justice-and-the-rule-of-law/>. Others were shared by participants over the course of the curriculum development process.

General background

- Learning Network on Capacity Development (LenCD). “Learning Package on Capacity Development.” N.d., <http://www.lencd.org/learning>.
- Organisation for Economic Co-operation and Development (OECD). *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*. 2007, <http://www.oecd.org/development/conflictandfragility/38406485.pdf>.
- Rynn, Simon with Duncan Hiscock. “Evaluating for Security and Justice.” Saferworld, December 2009, <http://www.saferworld.org.uk/downloads/pubdocs/Evaluating%20for%20security%20and%20justice.pdf>.
- Schwartz, Matthew. “Criminal Justice and Rule of Law Capacity Building to Counter Terrorism in Fragile Institutional Contexts: Lessons From Development Cooperation.” *CGCC Policy Brief*, December 2012, <http://www.globalct.org/publications/criminal-justice-and-rule-of-law-capacity-building-to-counter-terrorism-in-fragile-institutional-contexts-lessons-from-development-cooperation/>.
- Southern African Regional Police Chiefs Cooperation Organisation and Institute for Security Studies. “SARPPCO/ISS Counterterrorism Training Manual.” 2009, http://www.issafrica.org/pubs/multimedia/SARPPCO_ISS_CounterterrorismManual/index.html.
- UN General Assembly. *Protecting human rights and fundamental freedoms while countering terrorism; Report of the Secretary General, A/68/298*. 19 July 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/423/03/PDF/N1342303.pdf?OpenElement>.
- United States Institute of Peace and U.S. Army Peacekeeping and Stability Operations Institute. *Guiding Principles for Stabilization and Reconstruction*. 2009, <http://www.usip.org/publications/guiding-principles-stabilization-and-reconstruction>.

Judges, prosecutors, and investigating judges

- European Judicial Training Network. “European Criminal Justice Training Guidelines.” 25 May 2012, http://www.ejtn.net/Documents/Resources/Criminal_Guidelines_2012_EN.pdf.
- O’Connor, Vivienne. “Practitioner’s Guide: Common Law and Civil Law Traditions.” International Network to Promote the Rule of Law (INPROL), March 2012, http://www.inprol.org/sites/default/files/publications/2012/common_law_civil_law_pg_final.pdf.

- Office of the UN High Commissioner for Human Rights (OHCHR). “Human Rights in the Administration of Justice: A Facilitator’s Guide on Human Rights for Judges, Prosecutors and Lawyers.” *Professional Training Series*, No. 9/Add.1, 2011, <http://www.ohchr.org/Documents/Publications/HRAAdministrationJustice.pdf>.
- UN Office on Drugs and Crime (UNODC). “Access to Justice: The Independence, Impartiality and Integrity of the Judiciary.” 2006, http://polis.osce.org/library/view?item_id=2700&attach_id=531.
- . “Handbook on Criminal Justice Responses to Terrorism.” *Criminal Justice Handbook Series*, April 2009, https://www.unodc.org/tldb/pdf/Handbook_on_Criminal_Justice_Responses_to_Terrorism_April_2009.pdf.

Law enforcement and police

- European Police College. “European Training Scheme: Mapping of Law Enforcement Training in the European Union; Final Report.” 2012, https://www.cepol.europa.eu/fileadmin/documents/LETS/LETS_Final_Report.pdf.
- OHCHR and Centre for Human Rights. “International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police.” N.d., <http://www.ohchr.org/Documents/Publications/training5Add1en.pdf>.
- Organisation for Security and Co-operation in Europe. “Guidelines for Police Officers Involved in Community Policing.” 30 May 2012, <http://www.osce.org/yerevan/90910?download=true>.
- Transparency International. “Arresting Corruption in the Police.” 2012, <http://www.ti-defence.org/publications/1431-arresting-corruption-in-the-police>.
- . “Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms.” 2011, http://www.transparency.org/whatwedo/pub/2012_handbook_building_integrity_english.
- UNODC. “Handbook on Police Accountability, Oversight and Integrity.” *Criminal Justice Handbook Series*, July 2011, http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf.

Corrections

- INPROL. “International Standards That Relate to Detentions, Corrections, and Prisons.” *INPROL Consolidated Response*, No. 10-002, January 2010, <http://www.inprol.org/sites/default/files/publications/2011/cr10002.pdf>.
- International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program and International Corrections and Prisons Association. “Basic Training Manual for Correctional Workers.” June 2006, http://www.icpa.ca/tools/download/388/ISPAC-ICPA_Basic_Training_Manual_for_Correctional_Workers.pdf.
- OHCHR. “Human Rights and Prisons: Manual on Human Rights Training for Prison Officials.” *Professional Training Series*, No. 11, 2005, <http://www.ohchr.org/Documents/Publications/training11en.pdf>.

UNODC. “Handbook for Prison Leaders: A Basic Training Tool and Curriculum for Prison Managers Based on International Standards and Norms.” *Criminal Justice Handbook Series*, March 2010, http://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_for_Prison_Leaders.pdf.

Public engagement

Albrecht, Peter and Paul Jackson, eds. “Security Sector Reform in Sierra Leone 1997–2007: Views From the Front Line.” Geneva Centre for the Democratic Control of Armed Forces, 2010, <http://issat.dcaf.ch/content/download/2062/17733/file/Security%20Sector%20Reform%20in%20Sierra%20Leone%201997%E2%80%932007.%20Views%20from%20the%20Front%20Line%20-%20LIT,%20Jackson%20%282010%29.pdf>.

England, Madeline and Alix Boucher. “Security Sector Reform: Thematic Literature Review on Best Practices and Lessons Learned.” Stimson Center, December 2009, http://www.stimson.org/images/uploads/research-pdfs/Stimson_SSR_practicenotes_complete_set_dec09_1.pdf.

INPROL. “Educating Communities About How to Be Policed in a Democracy.” *INPROL Consolidated Response*, No. 08-005, June 2008, <http://www.inprol.org/sites/default/files/publications/2011/cr08005.pdf>.

OECD. “Enhancing the Delivery of Justice and Security: Governance, Peace and Security.” 2007, <http://www.oecd.org/development/incaf/38434642.pdf>.



Ministry of Foreign Affairs of the
Netherlands



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA