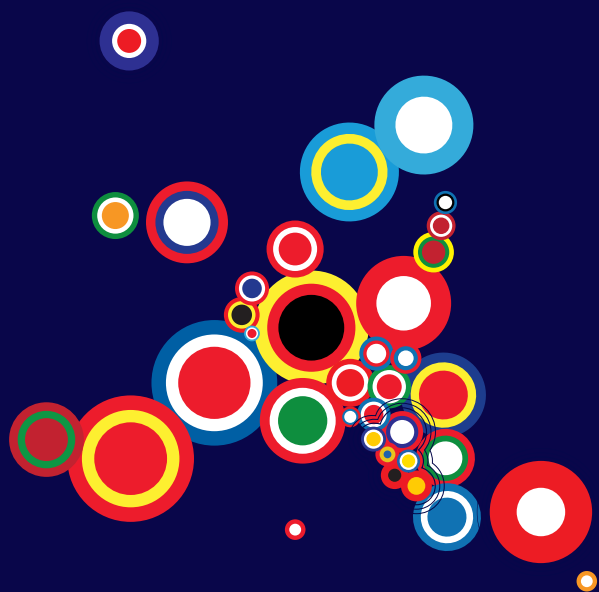




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

MULTI-COUNTRY

Support to Transitional Justice



Action Summary

The specific objective of the Action is to build capacity of the national prosecutors and young professional of post-Yugoslav countries to carry out effective war crimes investigations and trials at national level and improve cooperation among the national prosecutors' offices and to strengthen regional news exchange from the International Criminal Tribunal for the former Yugoslavia (ICTY).

As a result, effective investigations and prosecution of war crimes will, in the long run, contribute to the rule of law, reconciliation processes and regional stability in the Western Balkans. Also, continued media coverage about the ICTY proceedings will provide measure of justice for the war crimes victims and contribute to inter-ethnic reconciliation in the region.

Action Identification	
Programme Title	IPA II Multi-country action programme 2014
Action Title	Support to Transitional Justice Joint EU and ICTY Training project for National Prosecutors and Young Professionals from the Former Yugoslavia Phasing Out - Strengthening Regional News Exchange from the International Criminal Tribunal for the former Yugoslavia (ICTY)
Action Reference	IPA 2014/031-603.11/MC/ICTY
Sector Information	
ELARG Sectors	Rule of law and fundamental rights
DAC Sector	15130
Budget	
Total cost (VAT excluded) ¹	EUR 850 000 (500 000 + 350 000)
EU contribution	EUR 680 000 (500 000 + 180 000)
Management and Implementation	
Method of implementation	Direct management
<i>Direct management:</i> ELARG unit in charge	ELARG D.3
Location	
Zone benefiting from the action	Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Kosovo*
Specific implementation area(s)	The action will be implemented at the seat of the ICTY, in The Hague, Netherlands
Timeline	
Contracting deadline	31 December 2015
End of operational implementation period	31 December 2018

¹ The total action cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

Post-Yugoslav countries have been facing an acute need for strengthening domestic capacity for effective war crimes prosecutions. The need results from, on one hand, sheer volume of cases of crimes allegedly committed in conflicts between 1991 and 1999, and on the other hand from the planned gradual closure of the International Criminal Tribunal for the Former Yugoslavia (ICTY). While the ICTY indicted 161 individuals, the expected number of individuals who would be investigated and prosecuted for war crimes in Bosnia-Herzegovina, Croatia and Serbia would be over thousand, almost six times higher. Unlike the ICTY, the prosecution of war crimes cases at the national level is a permanent process which is not linked to any deadline.

In addition to dealing with the huge volume of cases, the national prosecutions have to secure highest legal standards as only such judicial procedures can contribute to the rule of law, individualising as opposed to collectivising guilt. The way in which prosecutions are approached can influence whether these will contribute to reconciliation processes or fuel nationalist rhetoric in the region. Prosecution of such volume is by all means a major task, often performed under less than optimal (political) conditions

Last but not least, the prosecutions on the national level continue to rely on the evidence collected by the ICTY to improve the efficiency and quality of investigations.

The ICTY continues to be a rare reliable source for the media, for the victims and the general public in the countries affected by the ICTY proceedings, to improve the quality of inter-ethnic communication, long due justice and overall quality of life. The only agency that has been covering the trials and other relevant activities at the ICTY and the International Court of Justice (ICJ) - regularly, systematically, impartially and professionally since 1998 remains the SENSE Agency.

It is widely recognised as a unique media project not only in the Western Balkans but also in the world. To date, SENSE has produced more than 630 half-hour TV programs, each composed from three to five stories on trials and other relevant developments at the ICTY and ICJ, as well as 7 documentary films. Programs have been transmitted to the region by EbS (Europe by Satellite), the audio-visual agency of the European Commission. SENSE TV programs and documentaries are broadcast on all major TV networks and many local stations in Bosnia-Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia, Croatia and Slovenia, as well as in some European (France, Sweden, Poland, Estonia, Turkey...) and Asian countries (Japan, Qatar, Democratic Voice of Burma...).

The first component of the Action will contribute to the capacity building of national prosecuting bodies by providing the designated staff with the opportunity for formal and on-the-job training at the ICTY in The Hague. It would build on earlier and ongoing efforts of capacity building, including the five and half years of the "Joint EU ICTY Training Project"², which has been receiving consistently positive feedback throughout the years.

The first component of the Action is twofold:

- 1) Visiting National Prosecutors (VNP): designated staff from three legal bodies specialised in war crimes investigations in Bosnia and Herzegovina, Croatia and Serbia, Special Department for War Crimes of the State Court of Bosnia and Herzegovina, Croatian State Prosecutor's Office and the Office of the War Crimes Prosecutor of Serbia.

² The Joint EU ICTY Training Project has been supported with IPA funds since June 2010 (IPA/2010/242-144, IPA/2011/265-762, IPA/2012/296-002).

- 2) Visiting Young Professionals (VYP): young professionals from countries of the former Yugoslavia who have a university degree in law, criminology, political science, history or equivalent and ideally at least one year of experience in a law firm or judicial institution. Priority is given to the candidates proposed by one of three legal bodies above.

The component has three intended effects: firstly, the formal and on-the-job training for VNPs and VYPs represent a direct investment in their knowledge and skills. Secondly, the Visiting National Prosecutors act as contact points for their domestic offices, increasing greatly the efficiency and quality of searches for evidence material through requests for assistance. Thirdly, the Action provides participants – legal professionals from the region – with possibilities for cooperation and networking opportunities.

Visible cooperation between prosecutors' offices in the region is of crucial importance. When national prosecutors cooperate as professionals they give a very strong message to their respective communities: that everyone's rights will be respected and that rule of law will prevail.

Component 1 would implement the Phasing Out strategy of the Joint EU ICTY Training Project, to reflect the ICTY's closure activities and the transition of responsibilities to the Mechanism for International Criminal Tribunals.

The second component of the Action aims at providing regular information to the media and the public about the ICTY and presentation of the facts proven before the ICTY to contribute to the inter-ethnic reconciliation and the identification of criminal responsibility and a healthy fight against the 'culture of impunity' in the beneficiaries.

The stakeholders in this Action, from broad society narrowing down to immediate beneficiaries, include: citizens of Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Kosovo national judiciary; national media; victims – witnesses of war crimes: national prosecutors; young (legal) professionals from Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Kosovo.

RELEVANCE WITH THE IPA II MULTI-COUNTRY STRATEGY PAPER AND OTHER KEY REFERENCES

There is a need to put in place stronger frameworks for tackling corruption and organised crime, which remain a serious concern in the Western Balkans. Efforts are needed to ensure a sustained track record of results in this field based on efficient, effective and unbiased investigation, prosecution and court rulings in cases at all levels, including high level corruption. Fight against organised crime in Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Kosovo must be complemented with support to investigations and prosecutions of war crimes. Often those who are alleged to have committed war crimes during the 90's in the countries of the former Yugoslavia are today the main suspects in corruption and organised crime cases. Providing support to the investigation and prosecution of war crimes is crucial for the fight against organised crime.

The reforms relating to respect for the rule of law are of the utmost importance for Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Kosovo. Effective prosecution of war crimes would lead to the accountability of those suspected to be responsible for the grave breaches of international humanitarian law. This would be important for the fights against other forms of crimes and would be important for the reconciliation among the countries of the former Yugoslavia.

Informing the public and making them aware of these facts would facilitate the fight against crime, promote investigative journalism, and contribute to the justice and reconciliation efforts in the region.

Since the Second meeting of the "Structured Dialogue on Justice between the European Union and Bosnia and Herzegovina," the European Commission remains adamant "(...) *that effective processing of war crimes cases is fundamental for truth and national reconciliation. Delays and inefficiencies cannot be accepted, since they represent negation of justice for victims and victims' families, as well as for the citizens of Bosnia and Herzegovina in general.*"

Within the "Regional and Horizontal Programs"³ EU recently expressed its priority to enhance reconciliation and mutual understanding of the recent past in the Western Balkans and Turkey by means of transnational history education, objective reporting on transitional justice issues and qualitative investigative journalism. *"The mutual understanding of the recent past is a decisive aspect of the stabilisation process and one of the key pillars guaranteeing a secure and better future for the Western Balkans. Dealing with the past, focussing in particular on the period from the post Second World War to the dissolution of the former Yugoslavia is of inestimable significance for the democratisation and stability of the region. To this aim, an interdisciplinary approach that encompasses history and journalism can interconnect the elaboration of the recent past to the present and forward-looking elements. History education, reporting on transitional justice and investigative journalism offer the adequate methodological tools to analyse different moments of the recent past on a time scale opened toward the future."* This Action contributes to these objectives.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The EU has been providing assistance to the Joint EU ICTY Training Project since 2010. The assistance provided by the EU allowed for a close working relation framework between the ICTY and the national prosecutors' offices.

Internal monitoring and evaluation mechanisms. In addition to the already existing monitoring mechanisms of each relevant ICTY section, some new mechanisms were put in place: Lessons Learned Log of the EU ICTY Training Project, with the Office of the Prosecutor (OTP); and evaluations by the interns – VYPs participating in the Action. Both groups were regularly consulted and were a valuable source for improving procedures and performance.

Administrative – logistic problems. The Lessons Learned Log mostly collected procedural information and problems/ issues of day to day management of the previous EU funded actions. This helped ICTY to streamline the procedures greatly reducing the period of time needed for paying stipends to the VNPs and VYPs. ICTY was able to anticipate problems and take precautionary measures to avoid them. Administrative and logistics management of training project (VNP and VYP) has greatly improved.

Content of the work issues. The Evaluations given by the interns (VYPs) is another important source of information. Some of the early groups complained that their tasks were not sufficiently challenging. This has been improved in the meantime.

Quoting the Results Oriented Monitoring Report:

The interns emphasize that there should be more Beneficiary Country interns to provide more cost efficient translation and review of documentation to be used during trials. The Transition Team has adapted the internship scheme according to evaluation results from the previous project phases and the intern's expectations identified during the selection process. Some changes related to dynamics and the diversity of interns' contribution to their teams have been introduced.

(Monitoring Report MR-145628.01, April 2013)

Adequate recognition of the ICTY internship. One of the important issues highlighted by the interns, especially in Bosnia and Herzegovina, is that the time spent at the ICTY has not been counted as relevant for young lawyers seeking to register for the bar exam in Bosnia and Herzegovina . The ICTY Office of the Prosecutor raised this issue with the Bosnia and Herzegovina's Ministry of Justice. The

³<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderby=upd&orderbyad=Desc&searchtype=RS&aofr=135428&usrlanguage=en>

Ministry of Justice informed the OTP that it would aim to resolve the issue through the amendments of the Law on Bar Exam.

Limited access to information. Before the EU supported actions were initiated the requests for assistance from the local judicial authorities were lengthy and formal. Once the actions started, ICTY took note that the presence of Visiting National Prosecutors greatly reduced the time needed for reply, improved the quality of Requests for Assistance (RFA), clarified their requests and customised their searches.

Strengthening relations between judicial institutions. The actions have strengthened relations between national prosecutor's offices and set the ground for easier and faster communications between the institutions. There is evidence that indictments were raised in several cases based on data collected in the ICTY during investigations and other data which became accessible through cooperation between national liaison prosecutors. Cooperation continued during the trials process.

In 2013 the Commission Results-Oriented Monitoring programme for the Western Balkans carried out an assessment of the work and impact of the SENSE Tribunal Project. Following are some of the monitoring team's key conclusions.

"The Agency has provided an invaluable first-hand view on the work of the ICTY that emphasizes the accountability of the perpetrators, and the accurate reporting on cases and decisions of the Tribunal. The Agency, a media organization, has a strong human rights perspective which makes it unique. It has grown into an organization which has developed awareness on how its work can be used for the application of the principles of transitional justice in former Yugoslavia region."

"In the final phase of the ICTY trials and with the support of civil society and media organizations from the region, it has achieved an impact with considerable historical and social potential."

"The exit strategy should take account of providing the public of Western Balkans with permanent accessibility to the project products. The Agency is proposing two initiatives involving the use of its qualified staff for research and education and for the permanent establishment of the ICTY's legacy. A multi-donor funded project with other interested parties is proposed. The Transition Justice Documentation Centre in Pula (TJDC), Croatia, has already been established, but funds for the renovation of the space are still being raised. This centre will be the first step in the plan, which includes the opening of several Centres, which would include materials from the rich archive of the Agency. The first results of the Agency's cooperation with the Srebrenica Memorial Centre are visible in the adaptation of the space where the first local documentation centre will be located."

"Being a part of the RECOM initiative, the Agency is in a good position to use the experiences of other NGOs in fundraising and further articulation of sustainability solutions. The Agency's project on archiving the trials has been verbally supported by many relevant political instances in the region on all ethnic sides."

The main lessons learned throughout the years are that these societies are still in denial, perceiving themselves exclusively as victims and 'others' as villains, not ready to face and confront the past and therefore require constant reiteration of the facts established beyond the reasonable doubt by the Tribunal. Only these facts present the truth about what had happened and who was responsible. This Activity highlights reasons why it is essential for SENSE to continue with its activities as the ICTY mandate ends.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
Contribute to stronger judiciary and to reconciliation processes	Government effectiveness (Rank) % of the public aware of the ICTY work	Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices Surveys Opinion polls	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
Build capacity of the national prosecutors and young professional of post-Yugoslav countries, strengthening national judiciary through training and improving the professional network (related to Component 1), and strengthen regional news exchange from the International Criminal Tribunal for the former Yugoslavia (ICTY) (related to Component 2)	Number of requests for assistance relating to local war crimes investigations Number of SENSE products broadcast in the beneficiaries	Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices National media	There is at least minimum support to the prosecution of war crimes nationally and political will.
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1 (related to Component 1) Increased capacity of national prosecutors to carry out effective war crimes investigations and trials at national level, better cooperation among the national prosecutors' offices.</p> <p>Result 1.1: Trained prosecutors; trained VYPs</p> <p>Result 1.2: Improved quality of prosecutions</p> <p>Result 1.3 Improved professional networks</p>	<p>Result 1.1: Number of National prosecutors who have taken part in the programme Number of Visiting Young Professionals that have taken part in the programme</p> <p><u>Result 1.2:</u> Increase in the number of documents provided to the judicial institutions in the beneficiaries Number of investigations which resulted in a number of prosecutions</p> <p><u>Result 1.3:</u> Number of contacts among National prosecutors and young professionals in the post Yugoslav countries Number of exchanges of files and documents between National prosecutor's office</p>	<p>Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices</p>	<p>Trained National prosecutors return to their national offices. They are actively involved in prosecutions and transfer their knowledge. Trained VYPs return to their respective countries and work in legal system or in groups of civil society</p>

Result 2 (related to Component 2) Finalisation of the coverage of the remaining proceedings	Result 2: Number of daily and weekly products covering the three major war crimes trials (Ratko Mladic, Radovan Karadzic and Goran Hadzic), one postponed first instance judgment (Vojislav Seselj) as well as half a dozen of ongoing appeals proceedings with 17 accused in total	SENSE agency internal data and web site ICTY documentation	ICTY completes all the remaining proceedings as planned
ACTIVITIES	MEANS	OVERALL COST	ASSUMPTIONS
<p>Activities to achieve Result 1.1:</p> <ul style="list-style-type: none"> - selection of candidates for the programme and all activities related to their arrival - organisation of participants' training - placement of interns' in the ICTY teams and on the job training (allocation of tasks, supervision, mentoring) - assistance to participants in the programme by the ICTY staff (logistical side) - as of end 2015: phase out, closing down the Visiting Young Professionals component of the Action - June 2016: mid year review of the Visiting National Prosecutors component of the Action - end of 2016: closure of the Visiting National Prosecutors component of the Action to reflect the closure and transfer of ICTY responsibilities to MICT <p>Activities to achieve Result 1.2:</p> <ul style="list-style-type: none"> - providing opportunities for the participants in the programme to have regular contacts; providing opportunities for the participants to work and cooperate <p>Activities to achieve Result 1.3:</p> <ul style="list-style-type: none"> - conducting relevant searches of the database, RFAs - transfer of evidence to the relevant office 	<p>For all activities:</p> <p>Grant Contract</p>	<p>EUR 500 000 24 months</p>	<p>National Prosecutor's Offices use this opportunity to send their candidates. Participants in the programme follow the training and take an active part in the OTP work. Participants get tasks that challenge them appropriately (for VYP component).</p> <p>Participants in the programme use the opportunities for networking. Participants are, upon return, in relevant professional positions. Contacts created during their stay at ICTY translate into better professional cooperation</p> <p>ICTY evidence is used in investigations and prosecutions. There are no other obstacles to prosecutions</p>
<p>Activities to achieve Result 2:</p> <ul style="list-style-type: none"> - reporting about activities and events at the ICTY on daily bases for media in the former Yugoslavia. - weekly production of 30 min. television programme about the work of ICTY 	<p>For all activities:</p> <p>Grant Contract</p>	<p>EUR 350 000 (EUR 180 000 EU co-financing) 12 months</p>	

<ul style="list-style-type: none"> - production of documentary films - archiving audio-video material from the trials and building multimedia archive to serve as a technical support and editing hub for our colleagues, providing technical and professional support - viewing stations, editing facility and access to audio visual archive 			
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ADDITIONAL DESCRIPTION

Component 1 of the Action is focused on strengthening the network of war crimes prosecutors in the Beneficiaries and information exchange which would enhance the cooperation of judicial authorities in general.

Component 1 is twofold:

- 1) Visiting National Prosecutors: selected staff from three legal bodies specialised in war crimes investigations in Bosnia and Herzegovina, Croatia and Serbia, Special Department for War Crimes of the State Court of Bosnia and Herzegovina, Croatian State Prosecutor's Office and the Office of the War Crimes Prosecutor of Serbia; and
- 3) Visiting Young Professionals: young professionals from countries of the former Yugoslavia who have a university degree in law, criminology, political science, history or equivalent and ideally at least one year of experience in a law firm or judicial institution. Priority is given to the candidates proposed by one of three legal bodies above.

Activities to achieve Result 1.1 (trained VNPs and VYPs)

In the initial phase of the Action, candidates for the two components are identified and selected. The three Prosecutor's Offices from Bosnia and Herzegovina, Croatia and Serbia appoint their candidates for the positions of Visiting National Prosecutors. They also propose candidates for the Visiting Young Professionals component. Applications of other candidates are also considered, based on merit. The final selection is subject to the scrutiny of the Office of the Prosecutor (OTP). Candidates for VNP positions are also video-interviewed.

In the second stage, activities are taken by the specialised ICTY sections to secure the participants arrival and stay in the Hague. The sections involved are the Internship Office, Travel Office, Protocol Office and designated staff in the Immediate Office of the Prosecutor.

In the third stage, activities differ depending on the component of the programme. Visiting National Prosecutors get their own offices. They receive the necessary training, in coordination with the Training Unit. Designated staff from the Immediate Office of the Prosecutor also provides them with introductory training in conducting electronic searches

For the Visiting Young Professionals component: activities are taken to secure the participants' training and participation in the OTP Teams: OTP Internship Coordinators screen the applications and decide which OTP Teams the participants will join, based on their skills and background. They also coordinate formal training in cooperation with the ITSS and Training Unit. The OTP Teams provide participants with feedback and supervision. The designated staff in the Immediate Office of the Prosecutor is responsible for all training project support issues.

Activities to achieve Result 1.2:

Visiting National Prosecutors conduct searches through the electronic databases, based on the requests received from their respective offices. They are assisted by the designated staff from MICT (Mechanism for International Criminal Tribunals), who conducts searches of sensitive material.

Activities to achieve Result 1.3:

Visiting National Prosecutors have wide opportunities for networking and contact. They can take part in various social activities and informal networking.

Visiting Young Professionals are an integral part of the pool of interns and take part in various events together. They sit in the same offices. Teams have interns from all post-Yugoslav countries.

Activities related to the Phase Out:

The Phase Out activities will start with the closure of the Visiting Young Professionals component of the programme at the end of 2015. This will be accompanied by extensive evaluations, with possible closure event. A more permanent networking platform could be an option on a voluntary basis.

The Visiting National Prosecutors component of the programme will continue through the end of 2016. At the end of 2016, taking into account the ICTY's closure activities and the transition of responsibilities to the Mechanism for International Criminal Tribunals, this component will close down at ICTY.

There will be a mid-year review and evaluation in June 2016.

Component 2 of the Action is designed to strengthen the regional news exchange from the ICTY, currently and in the future, through delivery of the news until all the proceedings before the court are completed, followed by establishment of the all-encompassing archive at the Transitional Justice Documentation Centre in Pula (TJDC) and number of Local Documentation Centres throughout the region, in the communities most affected by the war crimes.

Activities related to Component 2:

Daily written and audio reports

BCS (Bosnian-Croatian-Serbian) language news service where SENSE journalists follow every single session of all the trials and write between 4 and 6 reports daily reports on the events in the courtrooms, victims' and witnesses' testimonies, prosecution's and defence's arguments, presentation of forensic and documentary evidence, judges' rulings, as well as "out of the courtroom" events and developments. These are distributed to the media in the region and published on the Agency's website.

English language news service in the form of selected SENSE daily reports and analysis from the Tribunal are translated in English posted on website, which has become a point of reference for international justice and human rights observers, journalists, lawyers, academics, and the general public. Our reports in English (distributed either directly via the SENSE-website or indirectly through JustWatch, Domovina.net and other international justice forums and discussion lists online) reached a wide audience globally.

Weekly television program – TV Tribunal

Since the beginning of March 2000 SENSE has been producing regular weekly TV updates about the work of the ICTY. In over 14 years, more than 630 regular 30 minutes TV updates have been produced and transmitted to the region. Every Friday at 21:00, the program is transmitted to the region via satellite from EbS studio in Brussels.

All court proceedings (from the Close-Circuit Court TV) are recorded in SENSE office-studio in the ICTY lobby. Depending on the number of ongoing trials, each day we record between 10 and 20 hours of video material from the courtrooms, which are used for weekly TV updates, together with wartime documentary footage.

Documentary production

SENSE has so far produced seven documentary films: Triumph of Evil, about the Srebrenica genocide trial; Against All Odds, about the first ten years of the International Criminal Tribunal for the former Yugoslavia; Beyond Reasonable Doubt, about Srebrenica 10 years after the genocide and three documentaries about the case of Dr. Radovan Karadzic and General Ratko Mladic - The Fugitives, Life and Deeds of Radovan Karadzic, Rise and Fall of General Mladic; Finally, on the occasion of the 20th anniversary of the beginning of the siege of Sarajevo, SENSE has produced documentary film Sarajevo Roses – Terror in 12 Pictures.

In the final year of its activity at the ICTY, before the AV equipment and archive is transferred to the region, SENSE is planning the production of one more documentary film about the Tribunal's work on investigation, reconstruction and prosecution of war crimes and ending the culture of impunity in the countries of former Yugoslavia.

Technical and information support to media in the Western Balkans

SENSE office at the ICTY is serving as the main contact point for the Western Balkans and other media, providing information about court proceedings and technical support to their correspondents, and the information point for the media on production facilities, uplinks and feed points in The Hague.

SENSE answers requests from Western Balkans and international media for archive of the court proceedings, and there is an additional responsibility on SENSE to serve as a library and continue providing and disseminating information collected over the years, in the same objective manner. This is crucial for the two particular reasons; firstly to contribute to the reconciliation process in the Western Balkans, and secondly to remain being an impartial resource for all the interested parties and prevent distorting of the established facts and historical events preserved in our archive.

Synergies with the Western Balkans Transitional Justice NGO's

SENSE is closely co-operating with number of transitional justice initiatives and NGO's in Bosnia and Herzegovina, Croatia and Serbia, including: Humanitarian Law Centre, Helsinki Committee for Human Rights, Youth Initiative for Human Rights, Women in Black, RECOM, Documenta from Zagreb, IDC and Media Centre in Sarajevo.

Video Archive Project

In order to continue the legacy of the ICTY after the completion of all the trials, SENSE has been completing the archive of all proceedings before the court in the last 14 years. These audiovisual records of the Tribunal's work stored on tens of thousands of DVCAM tapes with close to 30 thousand hours of recorded court proceedings, and close to 40 once the ICTY closes its doors.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Component 1

A number of the ICTY specialised sections is involved in the practical and logistics management and implementation of the Action. More specifically:

- 1) ICTY Internship Office: they are the central point for receiving all applications; they send out draft contracts (offer letters) to candidates and elementary information packages; they are also responsible for the closure of the interns' stay in the Netherlands, involving the checkout form, etc.
- 2) ICTY Finance Section – various offices in the Finance Section are responsible for the management of the EU funds, and for making the payments (stipends) to the VNPs, following the approval of the requests submitted by the Transition Team. The sub sections involve Budget Office, Accounts Section, Treasury, etc.
- 3) ICTY Travel Section – is responsible for booking travels of the participants in the EU ICTY Training Project (the Action).
- 4) ICTY Protocol Section – is responsible for arranging the Dutch staying permits.
- 5) ICTY ITSS – is responsible for arranging the computers and telephones for the participants in the EU ICTY Training Project.
- 6) OTP Internship Coordinators – are responsible for allocating participants in the EU ICTY Training Project to respective ICTY OTP teams.
- 7) Transition Team in the ICTY Office of the Prosecutor – is responsible for the general overview of the Action, the day to day management of the Action, stipends, periodical reports to the Contracting Authority. It is the first point of contact for any issues the interns might have.

In the period of 2015-2016, due to the ICTY downsizing, the division of tasks is likely to be slightly revised.

On the side of National prosecution offices, the institutional stakeholders are: Prosecutor's Office of Bosnia and Herzegovina, State Attorney's Office of Croatia and War Crimes Prosecutor's Office of Serbia.

Their tasks include:

- a) for the Visiting National Prosecutor component of the Action: nominating candidates for the position of Visiting National Prosecutor, four times in the course of 24 months of the Action. Forwarding the applications through the Transition Team to the Office of the Prosecutor. They participate in the process of exchange of information for the war crimes investigations and prosecutions.
- b) For the Visiting Young Professionals component of the Action: nominating, for each Prosecution Office, three candidates to take part in the component Visiting Young Professionals, two times in the course of 12 months of the Action. They need to forward the applications through the Transition Team to the Office of the Prosecutor.

Component 2

All SENSE Agency staff as well as outsourced support is involved in the practical and logistics management and implementation of this Component. More specifically, gradual downsizing of journalistic and production staff in The Hague, starting from the beginning of 2015, will significantly scale down overall expenses compared to previous years of the SENSE-Tribunal Project. Therefore, additional assistance will be required, from IT experts involved in archiving activities.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

Component 1 of the Action will be implemented following the conclusion of a direct grant with ICTY in quarter 1, 2015, based on Article 190 (1)(f) of the rules of application of Regulation (EU, Euratom) No 966/2012 on account of its technical competence and high degree of specialisation. Only the ICTY, responsible for the war crime judgements, has the technical capacity and knowledge to conduct this assignment.

The current contribution agreement "Joint EU ICTY Training Project" IPA 2013/296-002 comes to an end on 31 December 2014. The "Joint EU ICTY Training Project" has been running since June 2010 with no interruption. In order to ensure continuity to the project activities, the new Action should start on 1 January 2015.

Component 2 of the Action will be implemented following the conclusion of a direct grant with SENSE News Agency in quarter 2, 2015, based on article 190 (1)(f), of the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union on account of its technical competence and high degree of specialisation. Only the Sense News Agency, who has been covering regularly and systematically all the trials and other relevant activities at the International Criminal Tribunal for the former Yugoslavia (ICTY) for a number of years, has the technical capacity to conduct this assignment.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

Various sections of ICTY participating in the Action are subject to the United Nations monitoring mechanisms (FAFA will apply for this Grant Contract). The specific arrangements for this Action include the Evaluations by interns, log of Lessons Learned and continuous monitoring of Transition Team for the logistic – administrative side of the action.

From the EU side, generally, contract execution is monitored through regular reports (interim, yearly, final – narrative and financial reports), clearly identified milestones linked to each component of the Action, regular meetings with the contractor by the task manager and participation in Steering Committee meetings, progress reports, peer reviews, evaluations to measure the progress of indicators and the overall performance framework.

For payments, the Contracting Authority has established checklists to identify key factors to ensure that contract/project deliverables are adequately verified for the purpose of the visa “certified correct”. The invoices are presented to the Contracting Authority accompanied by the necessary detailed reports reflecting the Action developed and the actual cost items accompanied by the necessary justifications and any other supporting documents.

No additional controls are foreseen for this specific Action.

INDICATOR MEASUREMENT

Objectives / Results	Indicator	Baseline (year)	Last available (year)	Milestone 2017	Target 2020	Source of information
Overall objective Contribute to stronger judiciary and to reconciliation processes	Government effectiveness (Rank) % of public aware of the ICTY work	(2009) 47%	(2011) 37% ⁴			Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices Surveys Opinion polls
Specific objective Build capacity of the national prosecutors and young professional of post-Yugoslav countries, strengthening national judiciary through training and improving the professional network; and strengthen regional news exchange from the International Criminal Tribunal for the former	Number of requests for assistance relating to local war crimes investigations in the countries of the former Yugoslavia Number of SENSE products broadcast in the beneficiaries ⁵	(2013) 103 (2010) 45 weekly TV programs	(2014) 150 (2014) 45 weekly TV programs	Increase of 25% Production of 3 documentaries about the ICTY work		Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices National Media Agencies

⁴ <http://www.osce.org/serbia/90422?download=true>

⁵ SENSE produces news on daily and weekly basis, as well as documentaries. The goal is to have more presence in the region through the broadcast, and the source of information will of course be national media agencies.

Yugoslavia (ICTY)			1 documentary film			
Result 1.1 Trained prosecutors; trained young professionals	Number of National prosecutors who have taken part in the programme	2013 7	2014 10	NA	NA	Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices
	Number of Visiting Young Professionals that have taken part in the programme	18	18	NA	NA	
Result 1.2 Improved quality of prosecutions	Increase in the number of documents provided to the judicial institutions in the beneficiaries	5 000	9 000	Increase of 30 %	NA	Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices
	Number of investigations which resulted in a number of prosecutions	120	150	Increase of 30 %	NA	
Result 1.3 Improved professional networks	Number of contacts among National prosecutors and young professionals in the post Yugoslav countries	25	38	NA	NA	Transition Team, Office of the Prosecutor, ICTY in cooperation with National prosecutors' offices
	Number of exchanges of files and documents between National prosecutor's office	70	120	Increase of 30 %	NA	
Result 2	Number of daily and weekly products covering	(2010) 1000 daily written	(2014) 600 daily written	NA	NA	SENSE agency internal

	the three major war crimes trials (Ratko Mladic, Radovan Karadzic and Goran Hadzic), one postponed first instance judgment (Vojislav Seselj), ongoing appeals proceedings with 17 accused in total	reports	reports			data and web site
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5. CROSS-CUTTING ISSUES

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

Not applicable.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Civil society benefits indirectly and directly from the rule of law, the reconciliation efforts and the news exchange.

Many of the NGOs are engaged themselves in promoting these issues, so they rely on the SENSE archive and records from the proceedings. Society as a whole and some civil society organizations who deal with the victims also benefit from the independent and unbiased reporting and the fact that after the Tribunal closes its doors, the whole SENSE archive will remain available. Also, some trained VYPs take professional engagement in civil society.

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

The selection of the candidates to the training is performed by the National prosecutor's offices in the Beneficiaries, according to their internal criteria. However, so far, out of 81 Visiting Young Professionals, there is a slight predominance of women candidates (52 women and 37 men, data as of March 2014). Similarly, out of 12 trained National prosecutors, there were 7 women and 5 men. ICTY will make sure that the National prosecutor's offices in the Beneficiaries follow the principle of equal opportunities and aim at gender balance.

Gender mainstreaming is reflected in unbiased reporting. With no exceptions, men and women are included in SENSE reports. However, it completely depends on the ICTY and how they deal with incorporating gender mainstreaming into this aspect of their work.

MINORITIES AND VULNERABLE GROUPS

ICTY as an institution has active non-discrimination policy and ensures a positive highly international work environment, respecting all minorities and LGBT people. Moreover, the reporting of the SENSE Agency is reputable, balanced and neutral, and therefore respectful of all individual members of minority and vulnerable groups.

6. SUSTAINABILITY

The end of the Component 1 of the Action is planned for 31 December 2016. By that date, the "Joint EU ICTY Training Project" will have lasted for seven years and six months. There will be certain permanent results, such as a number of well-trained National prosecutors, young professionals (90 by the end of December 2014), increased networking and improvement of procedures.

However, the need for some form of cooperation will remain beyond the Action. It is beneficial for National prosecution offices to have a permanent place for cooperation, meeting and contacts. It is also beneficial and essential to have more or less permanent access to ICTY digital archives, as the ICTY evidence will be relevant for war crimes cases in years to come. After the end of the Action, this cooperation process should be managed and owned as far as possible by the beneficiaries with their own resources.

Component 1 will involve a Phase Out strategy, covering the following stages:

- a) Diminishing number of participants in the VYP component of the Action from 18 to 12 (1 Jan – 31 Dec 2015);
- b) Closure of the VYP component of the Action on 31 Dec 2015, involving an extensive evaluation;
- c) Continuing VNP component of the Action until 31 Dec 2016,
- d) Evaluation and review of the Phasing Out (June 2016), as part of the ICTY's closure activities and the transition of responsibilities to the Mechanism for International Criminal Tribunals.

Component 2 of the Action

Sustainability requires the finalisation of monitoring and reporting about all of the ICTY trials and activities until the very end, until they are completed. That volume of collected material of priceless value will continue the legacy of the ICTY and “the Tribunal’s story” long after the court closes its doors. Therefore, SENSE has planned to process its gradual transformation from a "News Agency" to a regional "Transitional Justice Documentation Centre (TJDC)". This will secure preservation of the audio-visual and documentary archive, as well as its valuable IT and film production equipment, which will be transferred to the beneficiaries for further use in the "Centre (TJDC)".

The Centre (TJDC) will build on the SENSE News Agency’s past achievements, unequalled expertise, extensive archive of the court proceedings, and unprecedented institutional memory of the work of the ICTY in general and of its impressive case law in particular. It is being designed to promote and support the principles and processes of transitional justice and offer historical reflection on the wars that ravaged the region during the '90s. The Centre (TJDC) will aim to broaden the public dialogue on dealing with the past and the processes that need to happen in order to reckon with the legacy of wars. The Centre (TJDC) will have the capacity to facilitate this process using, inter alia, “the products” that have emerged from the ICTY case law and has been recorded and reported on by Sense News Agency.

The SENSE-Transitional Justice Documentation Centre (TJDC) will be a regional actor in the transitional justice process – influencing all sides affected by the disintegration of Yugoslavia and the wars that followed. In addition, it will offer the expertise derived from 20 years of the region’s efforts to deal with the past to other conflict areas around the globe. The success and failures of retributive justice, as well as other models of dealing with the past employed in the former Yugoslavia, offer a wealth of experiences and lessons learned to countries that are just emerging from conflict.

The first results of the Agency's cooperation with the Srebrenica Memorial Centre are visible in the adaptation of the space where the first local documentation centre will be located. This stands a proof of the need to continue to work on the reconciliation in the region using the facts established by the ICTY.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. All necessary measures will be taken to make public the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions.

The implementation of the communication activities shall be the responsibility of the contractors and shall be funded from the amounts allocated to the Action.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be undertaken to strengthen general public awareness and promote transparency and accountability on the use of funds.

The Commission shall be fully informed of the planning and implementation of the specific visibility and communication activities.

The EU contribution to the Action will be mentioned in all reports and publications submitted by the OTP, and also regularly referred to during meetings, briefings and presentations by the Prosecutor of the ICTY.