



TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INDIVIDUAL CONSULTANT (IC)

GENERAL INFORMATION

Services/Work Description: **Training of Gambia Ministry of Justice Lawyers on Prosecution of International Crimes.**

Project/Program Title: Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in the Gambia

Post Title: [national Consultant](#)

Consultant Level: [Level B \(Specialist\)](#)

Duty Station: UNDP The Gambia

Expected Places of Travel: [in-country travel](#)

Duration: [40 working days](#) spread over a period of 60 days from the date of appointment.

Expected Start Date: [May 31, 2021/ Immediately after Concluding Contract Agreement](#)

I. BACKGROUND / PROJECT DESCRIPTION

The UNDP and UNICEF, in partnership with the Government of The Gambia are implementing a Joint Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in The Gambia Project. The Joint Project endeavors to implement a holistic and comprehensive program which addresses both the supply and demand sides of justice delivery. The Joint Project seeks to strengthen rule of law institutions to deliver quality services, to empower citizens in the exercise of their rights and to increase access to justice.

The Joint Project's implementing partners are the Ministry of Justice, the Judiciary, The Gambia Police Force, The Gambia Prisons Service, the National Agency for Legal Aid (NALA), CSOs, the ADR Secretariat and The Gambia Bar Association. The Project has three outcomes and these are: improved access to justice especially for women and children who are victims of serious human rights violations; establish community policing initiatives for the prevention of serious human rights violations and protection of survivors; strengthened justice service delivery system for citizens, particularly victims of human rights abuses.

The Gambia is undergoing a transitional process, which include public hearings on human rights violations committed between July 1994 and January 2017, through the Truth, Reconciliation and Reparations Commission (TRRC) and there are some prosecutions on serious human rights violations that are on-going in the national courts. The role of the Ministry of Justice in the transitional process in prosecution of possible international crimes cannot be over emphasized. It is against this background that the Ministry, through UNDP support, seeks to equip its prosecutors with practical skills for the prosecution of international crimes.

II. SCOPE OF THE WORK

To develop training materials on the prosecution of international crimes with particular attention being made to The Gambia's legal context, and to deliver trainings on the following areas:

- Basic principles of international criminal law and their application and interpretation in The Gambia context.
- Application of elements of crimes and modes of liability using Gambian examples informed by TRRC proceedings, with particular attention to sexual violence, torture and cruel and inhuman treatment and enforced disappearance.

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- Developing effective case selection and prioritization criteria/policies in line with international best practices to effectively manage large-scale international crimes.
- Practical case management (file management, disclosure practices, evidence preservation).
- Evidentiary issues in international criminal law and domestic law, including issues of admissibility.
- Rights of parties to international crimes, including victims and the accused.
- Witness protection approaches and measures.
- Defences, Immunities, Amnesties and Plea Bargaining.
- Drafting of charges/indictments and submissions.
- Such other related topics as will be deemed necessary during the consultations with the Ministry.

III. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration Complete to	Review and Approvals Required
1	Inception report incorporating a comprehensive training plan and schedule	_5 Working days	UNDP CTA RoL & Solicitor General & Legal Secretary
2	Training Manual covering all the highlighted key areas.	_20 Working days	UNDP CTA RoL & Solicitor General & Legal Secretary
3	Conduct series of trainings for Ministry of Justice Prosecutors	_12 Working days	UNDP CTA RoL & Solicitor General & Legal Secretary
4	Submission of final training report and training manual	_3 Working days	UNDP CTA RoL & Solicitor General & Legal Secretary

IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

- The consultant will be reporting to the UNDP Chief Technical Advisor for the Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in The Gambia joint project on a day to day basis and work closely with the Solicitor General and Legal Secretary at the Ministry of Justice.

V. LOGISTICS AND ADMINISTRATIVE SUPPORT TO PROSPECT IC

- UNDP will provide to the prospect IC: **Office Space; Equipment; recording services, arrangement of workshop(s)**. Where the session is done remotely, the prospect IC is to provide recordings of the sessions.

VI. DURATION OF THE WORK

- The duration of the consultancy is 40 working days spread over a period of 60 days from the date of appointment. The work modality would be both in person and remote depending on the nature of assignment being carried out.



VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)

a. Academic Qualifications:

- Master's in law, preferably in International Criminal Law or Public International Law.

b. Years of experience:

- At least 10 years of experience in international criminal law practice, practical experience with Gambia legal context will be an added advantage.
- Prior working experience in conducting trainings of a similar nature.
- Past experience with the UN agencies will be an additional advantage.

c. Language & other Skills

- High level written and oral communications skills in English.
- Demonstrate excellent interpersonal and professional skills
- Excellent skill in research and in facilitation of trainings/workshops
- Capacity to communicate fluently with senior Government Officials; and
- Computer skills: full command of Microsoft applications (word, excel, PowerPoint) and common internet applications will be required.

d. Competencies:

- Must be result-oriented, a team player, exhibiting high levels of enthusiasm, tact, diplomacy, and integrity.
- Knowledge of national and international legal systems particularly of The Gambia.
- Knowledge and understanding of gender issues, inequality, injustices, discrimination, gender-based violence in The Gambia including its application in the transitional justice process.

e. Compliance of the UN Core Values:

- Demonstrates integrity by modelling the UN's values and ethical standards
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

Important Note:

The Consultant is required to have the following professional and technical qualifications.

Only the applicants who hold these qualifications will be shortlisted and contacted.

VIII. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly, Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals is:
 - a. Technical Criteria weight is **70%**
 - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
Technical Competence (based on CV, Proposal, and interview (if required))	70%	100
<ul style="list-style-type: none"> ▪ Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal 		50*
<ul style="list-style-type: none"> ▪ Criteria b. Technical competence 		10__**

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▪ Criteria c. Relevant Experience		10__**
Financial (Lower Offer/Offer*100)	30%	30
Total Score	Technical Score * 70% + Financial Score * 30%	

IX. PAYMENT MILESTONES AND AUTHORITY

The qualified consultant shall receive his/her service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 st Installment	Submission of inception report incorporating a comprehensive training plan	DRR	10%
2 nd Installment	Training Manual covering all the highlighted key areas and proposed trainer/topic	"	30%
3 rd Installment	Submission of final training report and final training manual	"	60%

XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

- The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.

XII. ANNEXES TO THE TOR

- Strengthening Rule of Law Project Document

This TOR is approved by:

Signature: *Nana Chinbuah*

Name and Designation: Nana Chinbuah, DRR

Date of Signing: 05-May-2021