Terms of Reference

GENERAL INFORMATION

Title: National Consultant for Coordinating the Delivery of Maritime Crime Simulated Trial
Project Name: Global Maritime Crime Programme (GMCP).
Reports to: Mr. Shanaka Jayasekara (Programme Coordinator for Southeast Asia and the Pacific) and UNODC Indonesia Country Manager.
Duty Station: Home based.
Expected Places of Travel (if applicable): Bogor and Bandung of West Java Province. However, due to Covid19 pandemic and travel restrictions policy, such travels will be conducted after written approval is granted by supervisors. UNODC will arrange and pay the travels of the consultant.
Duration of Assignment: 45 working days within October to December 2021

REQUIRED DOCUMENT FROM HIRING UNIT

TERMS OF REFERENCE

CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select:
(1) Junior Consultant
(2) Support Consultant
(3) Support Specialist
(4) Senior Specialist
(5) Expert/ Advisor

CATEGORY OF INTERNATIONAL CONSULTANT, please select:
(6) Junior Specialist
(7) Specialist
(8) Senior Specialist

APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

✓ CV / P11 with three referees
✓ Copy of education certificate
✓ Completed financial proposal
✓ Completed technical proposal

Need for presence of IC consultant in office:
☑ partial (explain): The contractor will be homebased during his/her consultancy. No requirement to attend daily to the office. However, to be available for any meetings requested by the supervisor.
☐ intermittent (explain):
☐ full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:
Office space: ☐ Yes ☐ No
Equipment (laptop etc.): ☐ Yes ☐ No
Secretarial Services: ☐ Yes ☐ No
If yes has been checked, indicate here who will be responsible for providing the support services: < Enter name>
I. BACKGROUND

Armed robbery, drug trafficking, human trafficking, people smuggling, and other illegal acts committed at sea plague the Indonesian waters with dire economic consequences. The Indonesian waters maritime routes are exploited by perpetrators of maritime crimes who defiantly operate on porous borders, in light of jurisdictional limitations, weak law enforcement and lack of regional cooperation. The fight against maritime crimes therefore triggers innumerable challenges in the region owing to limited and/or absence of technical/enforcement ability and resources.

Consequently, criminal acts such as smuggling of drugs, weapons, and other illegal cargo, exploitation of people through trafficking, slavery, and kidnapping, depletion of the sea’s resources and armed robbery at sea, wildlife trafficking, smuggling of immigrants, IUU fishing etc. are carried out with impunity as these remain undetected, investigations do not lead to prosecutions and often, prosecutions do not culminate into convictions.

Furthermore, Strait of Malacca which located in the western part of Indonesia closed to Sumatera Island contain maritime trade routes are fundamental to the economic development and prosperity. The lack of prosecution related to maritime criminality continues to undermine efforts to combat such crime. It is important for Indonesia to change this trend and ensure that there is no impunity to attacks at sea. The reason why Indonesia are still not at prosecution stage is due to various factors such as limited national maritime capacities, absence of robust legal frameworks, insufficient domestic justice systems, and other factors inhibiting the legal finish of prosecution related to criminal activities at sea.

UNODC GMCP has been promoting legal reform and training maritime criminal justice practitioners on the Law of the Sea and transnational organised maritime crime matters in the region. The support has comprised of legal assessments conducted regarding maritime offences, establishing legal frameworks, and support in developing solid legislation in line with the UN Convention on Law of the Sea (UNCLOS) and other international maritime instruments. The GMCP in Indonesia is currently working to strengthen the capacity of maritime law enforcers including prosecutors to prosecute maritime crime under US-funded project titled “Developing Coordinated Maritime Law Enforcement Capacity and Robust Legal Finishes in Indonesia”.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Scope of Work

The purpose of the consultancy is to provide overall coordination for the delivery of simulated trials in Indonesia. This activity is to strengthen the rule of law and judicial reform activities by assisting the country to put in place the necessary criminal and jurisdictional laws to criminalise maritime crimes. The activity is also to improve prosecutorial skills to effectively prosecute maritime criminality cases.

In this context, the incumbent will be responsible to contact Investigator Advisor to collect case scenarios, investigation report and other necessary case files to be submitted to Prosecutor Advisor. He will make sure all necessary files are complete. In addition, the incumbent will be also responsible to contact Prosecutor Advisor to collect indictment and other documents needed that will be used for simulated trial. Moreover, he should lead and organize meetings between Investigator Advisor and Prosecutor Advisor to discuss on case scenarios, investigation report and
other necessary files for simulated trials.

The incumbent will also organize meetings between Prosecutor Advisor and Prosecution Team to finalize indictment and prosecution strategies that will be used during maritime crime trials.

During the preparation of simulated trials, the incumbent will ensure close coordination with National Investigator Advisor, International Legal Advisor, Prosecution team and other relevant national maritime law enforcement agencies and identified witnesses.

During simulated trials, he will lead the delivery of simulated trials, prepare an agenda and act as facilitator for all sessions.

Specific task to be performed by the national consultant:

The assignment will be carried out under the direct supervision of the Programme Coordinator of Southeast Asia and the Pacific and in close coordination with National Programme Officer of the GMCP Indonesian Team based in Jakarta. The consultant will be based at her/his place of residence while providing in person and remote support to Investigator Advisor, International Legal Advisor and Prosecutor Advisor as required and travel as and when required to Jakarta, Bandung, or Bogor – if deemed necessary and if possible (taking account of Covid and/or compulsory quarantine reasons). More specifically, during the consultant will perform the following tasks:

- Collect from Investigator Advisor case scenarios, investigation report (including evidence collected), forensic report, statements, chain of custody documents and other case files which then submitted to prosecutor advisor for simulated trial. He will make sure all necessary documents are complete for simulated trials.
- Organize and lead meetings between Investigator Advisor, Legal Advisor and Prosecutor Advisor to clarify case scenarios, investigation report (including evidence collected) forensic report, statement, chain of custody documents and other case files to be used for simulated trials.
- Organize and lead meetings between Prosecutor Advisor and Prosecution Team to develop effective prosecution strategy, finalize indictment and other necessary prosecution documents for simulated trials as well as to finalize the roles and responsibilities to the prosecution team members.
- Collect from Prosecution Team indictment and other necessary prosecution documents to be used for simulated trial. He will make sure all necessary documents are complete and well organized for simulated trials.
- Provide technical inputs to judges regarding the elements of crime, relevant international laws, and principles, also inputs in legal considerations in the judgment. Inputs should be delivered on-sight. Otherwise, it will be delivered remotely if it is impossible to travel to the city where the training is delivered because of Covid and/or compulsory quarantine reasons.
- Conduct final preparation for simulated trial including draft an agenda, provide logistical support to UNODC staffs and coordinate with service providers such as hotel or interpreters.
- Lead delivery of simulated trial as facilitator for all sessions in coordination with International Legal Advisor.
- Prepare and submit a final report on simulated trial events highlighting the legislative and adjudicatory gaps to address the criminal justice systems for Indonesia.
Expected Outputs and Deliverables

- Complete case files and other necessary documents for simulated trial received from investigation advisor they are including but not limited to case scenarios, investigation report (including evidence collected), forensic report, statements, chain of custody documents and other case files which will be used in the simulated trial.
- At least two meetings led and organized between investigator advisor and legal advisor as well as prosecutor advisor to clarify case scenarios, investigation report (including evidence collected) forensic report, statement, chain of custody documents and other case files to be used for simulated trial.
- At least four meetings led and organized between prosecutor advisor and prosecution teams to develop effective prosecution strategy, finalize indictment and other necessary prosecution documents for simulated trials as well as to finalize the roles and responsibilities to the prosecution team members.
- Indictment and other necessary prosecution documents to be used for simulated trial received from Prosecution Team.
- At least one meeting led and organized between the consultant and the judges to discuss elements of crime, relevant international laws and principles also inputs in legal considerations in the judgement.
- Final preparation for simulated trial conducted including but not limited to finalize agenda, provide logistical support to UNODC staffs and conduct coordination with service providers for delivery of simulated trial.
- Act as facilitator, two simulated trials delivered in coordination with international legal advisor.
- A final report in English on simulated trial events highlighting the legislative and adjudicatory gaps to address the criminal justice systems for Indonesia submitted to UNODC.

III. WORKING ARRANGEMENTS

Institutional Arrangement

The consultant will perform his/her work under the supervision of the Regional Programme Coordinator of Southeast Asia and the Pacific of the Global Maritime Crime Programme of UNODC. In addition, the UNODC Country Manager of Indonesia will provide overall guidance and supervision to the consultant. Additional support will be provided under the guidance of National Programme Officer of Global Maritime Crime Programme.

Duration of the Work
45 working days within October to December 2021.

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Description of task (deliverable)</th>
<th>Working days</th>
<th>To be accomplished by (date)</th>
<th>Reviewed and Monitored By</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Complete case files and other necessary documents for simulated trial received from investigation advisor they are including but not limited to case scenarios, investigation report (including evidence collected), forensic report, statements, chain of custody documents and other case files which will be used in the</td>
<td>3</td>
<td>5 Oct 2021</td>
<td>NPO and Regional Programme Coordinator GMCP.</td>
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<tr>
<td></td>
<td>Event Description</td>
<td>Number</td>
<td>Date</td>
<td>Responsible Party</td>
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<tr>
<td>2</td>
<td>At least two meetings led and organized between investigator advisor and legal advisor as well as prosecutor advisor to clarify case scenarios, investigation report (including evidence collected) forensic report, statement, chain of custody documents and other case files to be used for simulated trial.</td>
<td>4</td>
<td>11 Oct 2021</td>
<td>NPO and Regional Programme Coordinator GMCP.</td>
</tr>
<tr>
<td>3</td>
<td>At least four meetings led and organized between prosecutor advisor and prosecution teams to develop effective prosecution strategy, finalize indictment and other necessary prosecution documents for simulated trials as well as to finalize the roles and responsibilities to the prosecution team members.</td>
<td>6</td>
<td>20 Oct 2021</td>
<td>NPO and Regional Programme Coordinator GMCP.</td>
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<tr>
<td>4</td>
<td>Indictment and other necessary prosecution documents to be used for simulated trial received from Prosecution Team.</td>
<td>5</td>
<td>27 Oct 2021</td>
<td>NPO and Regional Programme Coordinator GMCP.</td>
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<tr>
<td>5</td>
<td>At least one meeting led and organized between the consultant and the judges to discuss elements of crime, relevant international laws and principles also inputs in legal considerations in the judgement.</td>
<td>2</td>
<td>29 Oct 2021</td>
<td>NPO and Regional Programme Coordinator GMCP.</td>
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<td>6</td>
<td>Final preparation for simulated trial conducted including but not limited to finalize agenda, provide logistical support to UNODC staffs and conduct coordination with service providers for delivery of simulated trial.</td>
<td>10</td>
<td>12 Nov 2021</td>
<td>NPO and Regional Programme Coordinator GMCP.</td>
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</tbody>
</table>
Duty Station
The consultant will be home based during this consultancy with periodic meetings in UNODC offices or virtually as requested. There will be some travel involved to two cities where training events will be delivered. However, these travels will be conducted only if it is permitted by supervisor or when travel restrictions due to Covid19 pandemic have been lifted. UNODC will arrange and pay the travel of the consultant.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Qualifications:
Master’s degree in law.

Working Experience:
- Minimum of 8 years of relevant experience in developing and delivering training modules for the judiciary or prosecutor.
- Extensive experiences in applying adult learning methodologies.
- Experience in dealing with counterparts from various backgrounds.

Competencies and special skills requirement:
- Demonstrated ability to work in harmony with person of different ethnicity and cultural background.
- Ability to work under pressure and handle multi-tasking situations.
- Excellent English and national language written and spoken skills.
- Strong motivation and good team player.

V. EVALUATION METHOD AND CRITERIA

Individual consultant will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial
criteria specific to the solicitation.

* Technical Criteria weight; [70%]

* Financial Criteria weight; [30%]

Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weight</th>
<th>Maximum Point</th>
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<tbody>
<tr>
<td><strong>Technical</strong></td>
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<tr>
<td><strong>Criteria A: qualification requirements as per TOR:</strong></td>
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<tr>
<td>1. Master’s degree in law.</td>
<td>25 %</td>
<td>25</td>
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<tr>
<td>2. Minimum of 8 years of relevant experience in developing and delivering training modules for the judiciary or prosecutor.</td>
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<td>20</td>
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<tr>
<td>3. Extensive experiences in applying adult learning methodologies.</td>
<td>20%</td>
<td>20</td>
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<tr>
<td>4. Experience in dealing with counterparts from various backgrounds.</td>
<td>5%</td>
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</tr>
<tr>
<td><strong>Criteria B: Brief Description of Approach to Assignment.</strong></td>
<td>30%</td>
<td>30</td>
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<tr>
<td>• Understand the task and applies a methodology appropriate to the task as well as strategy in a coherent manner.</td>
<td>10%</td>
<td>10</td>
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<td>• Important aspects of the task addressed clearly and detailed.</td>
<td>10%</td>
<td>10</td>
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<tr>
<td>• Logical, realistic planning for efficient project implementation.</td>
<td>10%</td>
<td>10</td>
</tr>
<tr>
<td><strong>Criteria C: Further Assessment by Interview (if any)</strong></td>
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Prepared by
Fatinmana Agustinanto
National Programme Officer

Approved by
Collie Brown
Country Manager

Reviewed by
Shanaka Jayasekara
Regional Programme Coordinator for Southeast Asia and the Pacific