

# Terms of Reference

## RE-ADVERTISEMENT



### GENERAL INFORMATION

**Title:** Investigator Advisor

**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

**Duration of the Work** 53 working days within October to December 2021.

### REQUIRED DOCUMENT FROM HIRING UNIT

	TERMS OF REFERENCE
5	<b>CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select:</b>
	(1) Junior Consultant
	(2) Support Consultant
	(3) Support Specialist
	(4) Senior Specialist
	(5) Expert/ Advisor
	<b>CATEGORY OF INTERNATIONAL CONSULTANT, please select:</b>
	(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 is located in the western part of Indonesia and close to Sumatera Island contains 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. Practitioners agree that prosecution can be improved to successfully prosecute criminal elements. However, impediments factors such as limited national maritime capacities, absence of robust legal frameworks, insufficient domestic justice systems, and other factors inhibits successful prosecutorial dispositions related to criminal activities at sea.

The 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 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 a 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 investigator advisory support before and during the 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 prepare and finalize case scenarios, investigation report and other necessary case files which will be later submitted to Prosecution Team, comprised by prosecutors. During the preparation of simulated trials, the incumbent will ensure close coordination with Prosecutor Advisor and Prosecution team, other relevant national maritime law enforcement agencies and identified witnesses or individuals who will act as witnesses.

**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 consultancy is home based while providing in person and remote support to Prosecution Team and Prosecutor Advisor as required - 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:

- Prepare and finalize at least two 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 to plan the activities and identify the specific needs based on domestic legal framework. The specific national legal framework will be considered for each scenario.
- Provide clarification, legal advice and other inputs to Prosecutor Advisor and Prosecution Team in relation to the case scenarios, investigation report, forensic report, statements, chain of custody documents and other case files for the simulated trial in Indonesia.
- During the simulated trial events, actively provide guidance and inputs to Prosecution Team and witness as well as during evaluation or debrief session. Guidance and 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.
- 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**

- At a minimum of two case scenarios developed for simulated trial.
- Investigation report (including evidence collected), forensic report, statements, chain of custody document and other case files for submission to prosecution team to be used for simulated trial are developed.
- Attend meetings to seek advisor's clarifications, legal advice and inputs to prosecutor advisor and prosecution team in relation to the case scenarios, investigation report, forensic report, statements, chain of custody documents and other case files for the simulated trial.
- Participate in the simulated trial events to provide guidance and inputs to Prosecution Team and witness as well as during evaluation or debrief session.
- A final report in English and Bahasa on simulated trial events that describes deficiencies, legislative gaps, and recommendations to improve investigation responses to relevant types of crimes.

### **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.

#### **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:** 53 working days within October to December 2021

<b>Deliverable</b>	<b>Description of task (deliverable)</b>	<b>Working days</b>	<b>To be accomplished by (date)</b>	<b>Reviewed and Monitored By</b>
1	At a minimum of two case scenarios of maritime crime such as trafficking of drugs, smuggling of migrants, trafficking in persons, trafficking of contraband, etc., developed for simulated trial.	5	07 October 2021	NPO and Regional Programme Coordinator GMCP.
2	Investigation report (including evidence collected), forensic report, statements, chain of custody document and other case files for submission to prosecution team to be used for simulated trial are developed.	30	19 November 2021	NPO and Regional Programme Coordinator GMCP.
3	Attended meetings to seek advisor's clarifications, legal advice and inputs to prosecutor advisor and prosecution team in relation to the case scenarios, investigation report, forensic report, statements, chain of custody documents and other case files for the simulated trial.	3	24 November 2021	NPO and Regional Programme Coordinator GMCP.
4	Participated in the simulated trial events to provide guidance and inputs to Prosecution Team and witness as well as during evaluation or debrief session.	10	08 December 2021	NPO and Regional Programme Coordinator GMCP.
5	A final report in English and Bahasa Indonesia on simulated trial events that describes deficiencies, legislative gaps, and recommendations to improve investigation responses to relevant types of crimes.	5	15 December 2021	NPO and Regional Programme Coordinator GMCP.

**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

##### Academic Qualifications:

Minimum of bachelor's degree in law.

##### Working Experience:

- Has minimum 15 years of work experience in the Indonesian criminal justice system. Experience as a former criminal investigator is a plus.
- Experience in investigating transnational organize crime case.
- 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. and
- 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%]*

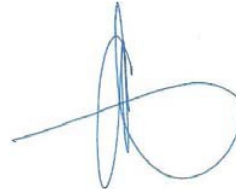
*Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation*

<b>Criteria</b>	<b>Weight</b>	<b>Maximum Point</b>
<b><u>Technical</u></b>		
<b>Criteria A: qualification requirements as per TOR:</b>	70%	70
1. Minimum Bachelor's degree in law.	25 %	25
2. Has minimum 15 years of work experience in the Indonesian criminal justice system. Experience as	20%	20

a former criminal investigator is a plus.	20%	20
3. Experience in investigating transnational organize crime case.	5%	5
4. Experience in dealing with counterparts from various backgrounds.		
<b>Criteria B: Brief Description of Approach to Assignment.</b>	30%	30
<ul style="list-style-type: none"> <li>Understand the task and applies a methodology appropriate to the task as well as strategy in a coherent manner.</li> <li>Important aspects of the task addressed clearly and detailed.</li> <li>Logical, realistic planning for efficient project implementation.</li> </ul>	10%	10
	10%	10
	10%	10
<b>Criteria C: Further Assessment by Interview (if any)</b>	-	-

Prepared by

Approved by

Fatimana Agustinanto  
National Programme Officer

Collie Brown  
Country Manager

Reviewed by



Shanaka Jayasekara  
Regional Programme Coordinator

Southeast Asia and the Pacific