ASEAN Training Program on Trafficking in Persons

Transnational Investigative Cooperation Program

Trainer Manual
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Program Information

Section 1: Introduction, goals and structure

1.1 Introduction

The Transnational Investigative Cooperation Program (TIC) is a five-day, interactive program for current and future Thai and Myanmar specialist investigators and prosecutors that have responsibility for the conduct of transnational trafficking cases. It has been designed to enable the participants to identify and analyse the key legislative, procedural and operational challenges that they will face when working at the transnational level and to develop their ability to meet those challenges.

1.2 Program Goal

To provide the participants with the requisite skills and knowledge to enable them to more effectively conduct transnational trafficking cases.

1.3 Program Learning Objectives

At the end of the program, participants will be able to:

1. Fully understand the rationale for transnational investigative cooperation and describe the range of transnational investigative cooperation options within the context of trafficking cases.

2. Demonstrate sound knowledge of the legislative, procedural and policy context of transnational investigative cooperation and exhibit technical skill in its application.

3. Identify, develop and implement effective transnational investigative cooperation within a range of case scenarios.

1.4 Program Structure

The structure of this five-day program is based upon the following three core modules:

Module 1: Rationale and types of transnational investigative cooperation

Module 2: Legal, procedural and policy framework for transnational investigative cooperation

Module 3: Planning and implementing transnational investigative cooperation

The program is designed to develop the skills and knowledge required for investigators and prosecutors to understand and effectively manage the critical challenges that arise within each module area. The core learning messages are delivered through a combination of interactive plenary and working group sessions based upon a range of case-based scenarios.
The topics to be examined within each of the three modules are set out below, along with each module’s learning objectives:

**Module 1: Rationale and types of transnational investigative cooperation**

**Module outline**

This module will focus on the following topics:

- The structure of trafficking modus operandi and the elements of proof required to establish the crime at the domestic and transnational level.

- The evidence gathering challenges created when investigating TIP at the transnational level and the methods of overcoming them.

- Three levels of cooperation: (i) information exchange in support of transnational investigations; (ii) post-arrest evidence-gathering cooperation and (iii) parallel investigation – distinguishing characteristics.

**Module 1 - Learning objectives**

At the completion of this module, the participants will have developed the knowledge and skills necessary to:

- Describe the activity-means-purpose components of TIP and provide case examples of them.

- Articulate the three inter-linked elements of proof required to establish the offence of TIP.

- Distinguish the different evidence-gathering challenges facing investigators depending on the source-transit-destination structure of TIP and explain how transnational cooperation can help to overcome the challenges.

- Understand the various options for transnational investigative cooperation and explain the rationale attached to each one.

**Module 2: Legal, procedural and policy framework**

**Module Outline**

This module will focus on the following topics:

- International and domestic legislation on TIP in both countries.

- International, regional, bi-lateral and domestic legislation on transnational legal cooperation.

- Relevant regional, bi-lateral and domestic policy and procedural documents, such as bi-lateral Memoranda of Cooperation, ASEAN practitioner guidelines and national action plans.
Module 2 - Learning objectives

At the completion of this module, participants will have developed the requisite knowledge and skills to enable them to:

- Describe and contrast international, regional and domestic legislation on TIP in both countries on TIP and transnational legal cooperation.

- Identify similarities and differences between the laws and explain the potential impact of differences in them on the conduct of transnational investigative cooperation.

- Understand the key elements of relevant regional, bi-lateral and domestic policy initiatives on transnational cooperation on TIP cases.

Module 3: Planning and implementing effective transnational investigative cooperation

Module outline

The module will focus on the following topics:

- Analytical assessment of transnational TIP cases and cooperation options.

- Transnational investigative planning.

- Methodologies for establishing transnational investigative cooperation.

- Specific operational, evidential and risk assessment issues associated with transnational investigations.

- The different roles and specific responsibilities of investigators and prosecutors in the conduct international legal cooperation.

- Ensuring accountability in transnational investigative activity.

- Development of specific bi-lateral operational cooperation agreements between specialist TIP units.

Module 3 - Learning objectives

At the completion of this module, participants will have developed the requisite knowledge and skills to enable them to:

- Analyse and determine the most effective transnational investigative cooperation option to a range of transnational case circumstances.
• Distinguish between police-to-police operational cooperation and international legal cooperation and understand the parameters of both.

• Apply an investigative planning formula to determine the goal, strategy and tactics for the conduct of transnational investigative cooperation case and identify the appropriate legal and operational basis for it.

• Determine the most effective mechanisms for negotiating and implementing transnational investigative cooperation cases with foreign counterparts.

• Identify, assess and manage risk in the conduct of transnational investigative cooperation.

• Understand and manage the complexities around the issues of disclosure, admissibility and confidentiality of evidential material and of their potential implications on the selection of strategy and tactics for the transnational investigative cooperation.

• Develop knowledge of the core requirements of mutual legal assistance and extradition and of their specific role in the effective conduct of both, including the fundamentals associated with investigating, freezing and confiscating the assets of transnational traffickers.

• Describe the range of logistic challenges inherent in all forms of transnational cooperation and identify possible solutions.

• Establish a supervisory and documentary auditable record to ensure complete accountability of all transnational investigative activity and to enable in-depth post-investigation evaluation.

• Developed a detailed and practical operational framework agreement for on-going transnational investigative cooperation between the both countries.

**Section 2: The Legal and Policy Framework of the Program**

The legal and policy framework for this training program is as follows:

- *International Law - as it relates to trafficking in persons*
- *International Human Rights Law - as it relates to trafficking in persons*
- *International Human Rights Law - as it relates to the administration of criminal justice*
- *International, Regional and Bi-lateral Law on international legal cooperation (specifically: Extradition and Mutual Legal Assistance in Criminal Matters)*
- *Domestic Law - as it relates to trafficking in persons*
- *Domestic Law – as it relates to the conduct of international legal cooperation*
- *Domestic Law - as it relates to law enforcement and the deployment of the range of law enforcement investigative techniques*
A number of policy developments at the international and regional levels have also shaped the direction and substantive content of the program. The most important instrument in this regard is:

- **ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases**
- **Myanmar – Thailand Governments Memorandum of Understanding on Cooperation to Combat Trafficking in Persons, especially Women and Children (2009)**

The Handbook and Memorandum have been fully integrated into the curriculum as a good practice reference tools.

Within this legislative and policy framework, two key themes are continuous throughout the modules and the program learning activities and are applied to all of the transnational investigative cooperation topics examined within the curriculum:

- **Adherence to a victim-centered, human rights based approach in respect of both domestic and transnational investigative activity**;
- **Strict compliance with the legality, necessity, proportionality and accountability tests in respect of each of the techniques taught within the curriculum.**

**Section 3: Training Methodology**

This program adheres to adult learning principles and the “learning by doing” approach and requires interactive and full participation on the part of participants. The training methodology comprises a combination the following training techniques:

- **Presentations**
- **Buzz groups**
- **Brainstorming sessions**
- **Group exercises and discussions**
- **Team-based learning exercises**
- **Plenary discussions**

To maximise the interactive, team-based training approach that characterises the program and the potential for sharing of experiences and ideas, the participants should be divided into four teams, comprising two teams per country of equal numbers from the first day of the program onwards. Teams should be positioned at the four desks indicated on the room layout sketch shown below.

To the extent possible, when dividing the participants from each country into two equal teams, the lead trainer-facilitator should try to achieve a representative combination of multi-disciplinary skills, experience and gender balance. The lead trainer-facilitator should try to ensure that the profile of each national team includes balanced mixture of experienced supervisors/investigators from the national ATU or equivalent, together with prosecutors with prior experience of TIP cases and or transnational cases.
### Section 4: Program timetable

#### DAY ONE - MONDAY

<table>
<thead>
<tr>
<th>TIME</th>
<th>ACTIVITY</th>
<th>PRESENTER</th>
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</table>
| 0900 - 1000| **Program Opening**  
Administration, Methodology and Expectations | AAPTIP                          |
| 1000 - 1015| **Coffee**                                          |                                |
| 1015 - 1100| **Brief Overview Presentation**  
ATU Role, Structure and Capacity  
Current TIP Modus Operandi | Head of Unit  
Thailand  
Myanmar |
| 1100 - 1200| **Transnational Investigative Cooperation**  
**Plenary Discussion**  
Challenges and solutions – what is possible? | Head of Unit  
Thailand  
Myanmar |
| 1200 - 1300| **Module 1 Presentation**  
Rationale, Types and Criteria for TIC | AAPTIP                          |
| 1300 - 1400| **Lunch**                                           |                                |
| 1400 - 1500| **Module 1 Presentation**  
Rationale, Types and Criteria for TIC | AAPTIP                          |
| 1500 - 1515| **Coffee**                                          |                                |
| 1515 - 1600| **Module 2 Presentation to national teams**  
Relevant TIP Legislation in each country | Pros  
Thailand  
Myanmar |
| 1600 - 1700| **Module 2 Plenary Presentation**  
Relevant TIP Legislation in each country | Pros  
Thailand  
Myanmar |
## DAY TWO - TUESDAY

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<tr>
<th>TIME</th>
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<tbody>
<tr>
<td>0900 - 1000</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Presentation and brainstorming</strong>&lt;br&gt;Information Sharing – Communication Methodology</td>
<td>AAPTIP</td>
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<tr>
<td>1000-1015</td>
<td><strong>Coffee</strong></td>
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<tr>
<td>1015-1100</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Presentation and brainstorming</strong>&lt;br&gt;Establishing a TIC plan&lt;br&gt;Step 1: Goal, strategy and tactics</td>
<td>AAPTIP</td>
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<tr>
<td>1100 - 1200</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Presentation and brainstorming</strong>&lt;br&gt;Establishing a TIC plan&lt;br&gt;Step 2: Legislative issues</td>
<td>AAPTIP</td>
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<tr>
<td>1200 - 1300</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Presentation and brainstorming</strong>&lt;br&gt;Establishing a TIC plan&lt;br&gt;Step 3: Operational issues</td>
<td>AAPTIP</td>
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<tr>
<td>1300 - 1400</td>
<td><strong>Lunch</strong></td>
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<tr>
<td>1400 - 1500</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Presentation and brainstorming</strong>&lt;br&gt;Establishing a TIC plan&lt;br&gt;Step 4: Supervision and accountability</td>
<td>AAPTIP</td>
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<tr>
<td>1500 - 1515</td>
<td><strong>Coffee</strong></td>
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<tr>
<td>1515 - 1600</td>
<td><strong>Module 2</strong>&lt;br&gt;<strong>National teamwork</strong>&lt;br&gt;International Judicial Cooperation - Extradition and MLA</td>
<td>Pros/CA Thailand, Myanmar</td>
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<tr>
<td>1600 - 1700</td>
<td><strong>Module 2</strong>&lt;br&gt;<strong>National teamwork and Plenary discussion</strong>&lt;br&gt;International Judicial Cooperation - Extradition and MLA</td>
<td>Pros/CA Thailand, Myanmar</td>
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| 0900-1000  | **Module 3 Teamwork – TIC Planning**  
Case Study 1                         | Team work       |
| 1000-1015  | **Coffee**                                                               |                 |
| 1015-1100  | **Module 3 Teamwork – TIC Planning**  
Case Study 1                         | Team work       |
| 1100-1200  | **Module 3 Teamwork – TIC Planning**  
Case Study 1                         | Team work       |
| 1200-1300  | **Module 3 Plenary discussion – TIC Planning**  
Case Study 1                         | AAPTIP          |
| 1300-1400  | **Lunch**                                                                |                 |
| 1400-1500  | **Module 3 Plenary discussion – TIC Planning**  
Case Study 1                         | AAPTIP          |
| 1500-1515  | **Coffee**                                                               |                 |
| 1515-1600  | **Module 3 International Legal Cooperation Teamwork – Case Study 1**  
Practical requirements and drafting - Extradition warrants and Letters of Request | Pros/CA Thailand Myanmar |
| 1600-1700  | **Module 3 International Legal Cooperation Teamwork and plenary discussion – Case Study 1**  
Practical requirements and drafting - Extradition warrants and Letters of Request | Pros/CA Thailand Myanmar |
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<tr>
<td>0900 - 1000</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Teamwork – TIC Planning</strong>&lt;br&gt;Case Study 2</td>
<td>Team work</td>
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<td><strong>Coffee</strong></td>
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<td>1015-1100</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Teamwork – TIC Planning</strong>&lt;br&gt;Case Study 2</td>
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<td>Team work</td>
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<tr>
<td>1200 - 1300</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Plenary discussion – TIC Planning</strong>&lt;br&gt;Case Study 2</td>
<td>AAPTIP</td>
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<td>1300 - 1400</td>
<td><strong>Lunch</strong></td>
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<tr>
<td>1400 - 1500</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Plenary discussion – TIC Planning</strong>&lt;br&gt;Case Study 2</td>
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<td>1500 - 1515</td>
<td><strong>Coffee</strong></td>
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<tr>
<td>1515 - 1600</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Teamwork – TIC Planning</strong>&lt;br&gt;National and transnational assets recovery</td>
<td>AMLO Thailand Equivalent Myanmar</td>
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<tr>
<td>1600 - 1700</td>
<td><strong>Module 3</strong>&lt;br&gt;<strong>Plenary discussion – TIC Planning</strong>&lt;br&gt;National and transnational assets recovery</td>
<td>AMLO Thailand Equivalent Myanmar</td>
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DAY FIVE - FRIDAY

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<th>TIME</th>
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<tr>
<td>0900 - 1000</td>
<td><strong>TIC Focal Points and bi-lateral Cooperation Agreements</strong></td>
<td>AAPTIP</td>
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<td><strong>Presentation and national team work</strong></td>
<td>ATU Focal Points</td>
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<td><strong>Structure, content and application</strong></td>
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<td>1000-1015</td>
<td><strong>Coffee</strong></td>
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<tr>
<td>1015-1100</td>
<td><strong>Bi-lateral Cooperation Agreements</strong></td>
<td>National Team work</td>
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<td><strong>Structure, content and application</strong></td>
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<tr>
<td>1100 - 1200</td>
<td><strong>TIC Focal Points and bi-lateral Cooperation Agreements</strong></td>
<td>AAPTIP</td>
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<td><strong>Plenary discussion</strong></td>
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<td></td>
<td><strong>Structure, content and application – next steps</strong></td>
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<tr>
<td>1200 – 1300</td>
<td><strong>Program evaluation and closure</strong></td>
<td>AAPTIP</td>
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<tr>
<td>1300 - 1400</td>
<td><strong>Lunch</strong></td>
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**Section 5: Participant profile and attendance**

**5.1: Participant Profile**

The program is aimed at specialist TIP criminal justice practitioners who are currently involved in or who may reasonably be expected to be involved in the future in the conduct of transnational investigative cooperation in trafficking cases.

This bi-lateral program is designed for a total of 28 participants comprising 14 nominees from each country. To ensure a maximum return on the training investment, the following criteria should be applied as far as possible to the nomination of participants:

**Thailand**

If feasible, the Thai delegation should comprise the following:

**Law Enforcement**

**RTP – ATPD:** 6 participants comprising:

1. Head of Unit or Representative
2. Deputy Head of Unit or Representative
3. HSU Focal Point
4. Senior supervisor
5. Senior supervisor
6. Senior supervisor

**DSI:**

4 participants comprising:

1. Head of the TIP Section or Representative
2. Deputy Head of TIP Section or Representative
3. Senior supervisor
4. Senior supervisor

**Prosecutors:**

4 prosecutors comprising:

1. Prosecutor from OAG Investigation Unit
2. Prosecutor from OAG Investigation Unit
3. Senior criminal prosecutor with day-to-day responsibility for TIP cases and preferably with prior experience of prosecuting transnational TIP cases
4. Senior criminal prosecutor with day-to-day responsibility for TIP cases and preferably with prior experience of prosecuting transnational TIP cases

**Myanmar**

If feasible, the Myanmar delegation should comprise the following:

**Law Enforcement**

**MPF:**

10 participants comprising:

1. Head of ATIPD or Representative
2. Deputy ATIPD or Representative
3. 4 senior ATTF supervisors
4. Senior investigative representative of ATIPD
5. Senior investigative representative of the Department of Transnational Crime
6. 2 appropriate Investigating Officers from local stations with prior experience of TIP cases and collaboration with the ATTF

**Prosecutors:**

4 prosecutors comprising:

2 criminal prosecutors with prior experience of TIP cases
2 appropriately experienced prosecutors from central governmental departments that hold responsibility for the conduct of transnational investigative cooperation

The following important points in relation to the selection of the participants for this program should be noted:

**NB1:** Ideally, operational heads of unit/section/departments and their deputies should attend the training, but where it is only possible for one or the other to attend, the resulting
vacant place should be allocated to another suitable senior supervisor. The key requirement for nominees is prior experience of handling TIP cases within their specific roles.

**NB2:** The law enforcement heads of unit/section/department or their deputies will be required to deliver the presentation on the ATU and current modus operandi that is scheduled for the first morning of the program.

**NB3:** The prosecutorial representatives from each country will be required to deliver presentations to the group on national TIP legislation and on extradition and mutual legal assistance matters that are scheduled for the first two days of the program.

**NB4:** When selecting the most appropriate senior supervisors to attend the program, the heads of unit/section/department should give due consideration to the objective of appointing at least two of them as unit/section/departmental Transnational Investigative Cooperation (TIC) Focal Points that will be designated as the first point of contact in respect of all elements of TIC on TIP cases.

**NB5:** The program contains complex subject matter and the learning objectives are delivered by use of two, inter-connected case studies. Therefore, to achieve the maximum outcome from the program, it is essential that selected participants are available to attend all sessions on all five days of the program. Potential nominees who, by reason of foreseeable duty or leave abstractions, would be unable to fulfil this requirement should not be considered as suitable.

**In all cases, careful consideration should be given to nominating only those officials that are expected to remain in post for the medium to long-term future. Officials that are expected to leave their units or posts in the immediate or short-term future should not be considered as eligible for this program.**

**Section 6: Program materials and logistics**

**6.1: Program materials**

Each participant will be supplied with the following materials: (these are itemised in full under each learning activity listed below)

To be provided at the start of the program:

One binder per participant containing copies of the following:

- Program Timetable
- Extracts of domestic law on TIP, financial investigation, money laundering and assets confiscation
- ASEAN Handbook on International Legal Cooperation in TIP cases
- Memorandum of Understanding on Cooperation on TIP cases between Governments of Myanmar and Thailand dated 24th April 2009
- Terms of Reference for MPF-DSI Cooperation Agreement dated 6th November 2012

To be distributed as the program unfolds as per the Daily Lesson Plans shown below:
• Handouts number 1 to 5
• Two TIC case studies
• Two TIC case study model answers

**Section 6.2: Program logistics - venue and equipment**

The following logistical arrangements are required to deliver this program:

- A plenary training room of adequate size to accommodate up to 28 participants, lead trainer-facilitators, interpreters for two languages and one technician – as required
- Break out spaces to accommodate four working groups
- Table name badges for each participant and the lead trainer-facilitators
- One PPT projector and screen
- One laptop computer
- Roving microphones for the lead trainer-facilitator
- One table microphone for each of the four team tables
- 4 Flipcharts, spare flipchart paper, easels and pens;

The plenary training room should be laid out as per the below diagram:
5 participants each table (Can be circular)

Technical equipment - microphones/technician

12 – 15 metres

8 – 10 metres
Section 7: How to deliver the Program

This section of the trainer manual provides the lead trainer with all of the necessary guidance on how to deliver the program.

7.1: Preparatory Steps

The lead trainer will need to complete the following steps prior to delivering the program:

1. Study and develop an in-depth knowledge of all of the program materials;

2. Determine which two countries will participate in this bi-lateral program; in doing so, the lead trainer must ensure that each country is committed to providing:
   - Participants as per the Participant Profile as set out at Section 5.1 above
   - Four expert guest presenters to deliver sessions on the four following topics:
     - Structure and Capacity of the ATU and modus operandi
     - TIP Legislation
     - International Legal Cooperation – Extradition and MLA
     - National and Transnational Assets Recovery

NB1: Wherever possible, the preferred option is for the Head of the ATU or deputy to deliver the first presentation and for a suitably qualified prosecutor who is also a participant on the program to deliver the second one.

NB2: The third presentation should be delivered by a legal official from the Central Authority or equivalent from each country and it is important to note this representative will be required for presentations on the third and fourth days of the program.

NB4: The fourth presentation requires a representative from whichever agency in each country has the mandate for undertaking financial investigation and assets recovery.

3. Based on the decision at 2 above, research the legal, policy and operational context of transnational investigative cooperation between the two countries

4. Determine which agency in each country has the mandate for international legal cooperation (usually referred to as the Central Authority) financial investigation and assets recovery.

5. Ensure that relevant texts, such as extracts of the domestic TIP laws, financial investigation, money laundering and assets confiscation laws, bi-lateral extradition treaties, Memoranda of Cooperation and any other relevant texts are added to the participant binder.

6. The main inter-active work of the program relies upon the use of two case studies. The first study is entirely generic and does not need to be amended in any way.
7. The second case study shown on this document is specific to the Myanmar-Thailand program and is based upon a true case history between the two countries and this will need to be changed. The lead trainer will need to research and utilise a new case history that is relevant to the participating countries and which provides the platform for the same learning tasks as set out herein; if not, the chosen case will need to be adapted accordingly.

8. At least two months in advance of the date of delivery of the program,

- Issue the program invitation and secure the nomination of 28 participants that fit the participant profile set out at Section 5 above;
- Forward the Guidance Notes to the four guest presenters and confirm their participation.
  - In the case of the Central Authority lawyer, a copy of Case Study 1 must accompany the Guidance Note.
  - In the case of the representative of the Assets Recovery Agency, a copy of Case Study 2 must accompany the Guidance Note.

9. Identify and prepare the training venue, logistics and training materials as described above.

7.2: Daily step-by-step session delivery guide

The section is laid out on a session-by-session, day-by-day basis and contains the following documents for each day:

- **Daily Timetable** - setting out the topics and activity for each training session
- **Daily Lesson Plan** - setting out the topic, activity and materials required for each training session
- **Learning Activity Sheets** - providing detailed instruction on how to conduct each of the learning activities
- **Learning materials** - copies of the materials required for each session, activity and day

The lead trainer should deliver the program in accordance with the step-by-step, session-by-session guidance shown below on the Learning Activity sheets and the relevant Daily Lesson Plans. Please note the following points:

- The Daily Lesson Plans shown below specify the training methodology and materials required for each session of the daily timetable and cover all five days of the program.
- The Learning Activity Sheets specify the objective, timeframe, training methodology and materials required to conduct each of the thirteen Learning Activities contained in this curriculum.
- The program relies on the use of a range of training techniques: presentation, buzz groups, brainstorming, group discussions, team exercises and plenary feedbacks.
Please note that the following abbreviations are used on the Timetable, the Daily Lesson Plan and Learning Activity documents:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>TIC</td>
<td>Transnational investigative cooperation</td>
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<tr>
<td>TIP</td>
<td>Trafficking in Persons</td>
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<tr>
<td>M</td>
<td>Module</td>
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<td>LA</td>
<td>Learning Activity</td>
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<td>GP</td>
<td>Guest presenter</td>
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<td>GN</td>
<td>Guidance Note</td>
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<td>Slide</td>
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<td>CS</td>
<td>Case Study</td>
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## Transnational Investigative Cooperation Program

### Timetable

**DAY ONE**

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<tr>
<th>TIME</th>
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<td><strong>Coffee</strong></td>
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<td>1015 - 1100</td>
<td><strong>Brief Overview Presentation</strong></td>
<td>Head of Unit</td>
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<td></td>
<td>ATU Role, Structure and Capacity</td>
<td>Thailand, Myanmar</td>
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<td>Current TIP Modus Operandi</td>
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<td>1100 - 1200</td>
<td><strong>Transnational Investigative Cooperation</strong></td>
<td>Head of Unit</td>
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<td><strong>Plenary Discussion</strong></td>
<td>Thailand, Myanmar</td>
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<td>Challenges and solutions – what is possible?</td>
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<td><strong>Module 1 Presentation</strong></td>
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<td><strong>Coffee</strong></td>
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<td>1515 - 1600</td>
<td><strong>Module 2 Presentation to national teams</strong></td>
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<td>Relevant TIP Legislation in each country</td>
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<td>1600 - 1700</td>
<td><strong>Module 2 Plenary Presentation</strong></td>
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<td>Relevant TIP Legislation in each country</td>
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<td>TIC Challenges and Solutions</td>
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<td>1600-1700</td>
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<td>Relevant TIP Legislation</td>
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**NB1:** The guest presenter for this session should be the head or deputy head of the ATU. This individual may or may not be a participant. At least two months prior to the delivery of the program, the lead trainer will need to provide the presenter with the relevant Guidance Note document (shown below) and establish the methodology to be used for the presentation.
**NB2:** The guest presenter for these last two sessions should be an experienced prosecutor, preferably with prior exposure to TIP cases. The same comments as at NB1 above will need to be applied in respect of this presenter.
Transnational Investigative Cooperation Programme

Guidance Note for Expert Guest Presenters

Topics:

ATU Structure and Capacity

Current overview of TIP modus operandi
**Topic:** ATU structure and capacity and overview of current TIP modus operandi

**Timetable:** 1015am to 1100am – Day 1 of the program

**Time allowed:** 45 minutes (30 minutes presentation and 15 minutes questions)

**Presenter profile:** Operational Head or Deputy of the ATU or equivalent

**Content:** Structure and capacity of the ATU

Please cover the following core points:

- **Geographical structure** of the ATU – central and provincial
- **Deployment structure** of the ATU - staff numbers, rank and gender of the current staff of the ATU, roles and responsibilities
- **ATU Mandate** – central or national responsibility for TIP cases; investigative, advisory and or supervisory mandate for TIP cases; summary of the case-load over the past 12 months
- **ATU Capacity:** ability to conduct pro-active investigation, intelligence gathering and financial investigation capacity, extent of financial and technical resources

**Overview of current modus operandi**

- **Current assessment** of the scale of TIP based on intelligence estimates and recorded allegations
- **Scale of domestic and transnational TIP**
- **Main types of exploitation**;
- **Brief profile** of victims and suspects
- **Brief overview** of the modus operandi of recruitment, transportation and exploitation
- **Specific assessment** of current TIP modus operandi between the two participating countries

**Brief summary of current challenges in respect of TIC**

Highlight any current problems the ATU encounters in the conduct of TIC

**NB:** The need to adhere to the programme timetable means that the time limit of 45 minutes will be strictly enforced. It will be important for you to confine the presentation on the issues above to the main points as there will not be sufficient time to explore the finer details on this program.

Your key objective is to give the participants from both countries an overview of the current situation.

Please feel free to utilise presentation slides and or hand-outs to assist you with your presentation on these issues, but please keep in mind that if you do use presentation slides they will additionally need to be translated into the English language prior to the program.
Transnational Investigative Cooperation Programme

Guidance Note for Expert Guest Presenters

Topics:

TIP legislation and related criminal offences
**Topic:** TIP Legislation and related criminal offences

**Timetable:**
1: National Presentation - 1515hours to 1600hours – Day 1 of the program

**Time allowed:** 30 minutes (30 minutes presentation and 15 minutes for questions)

**Timetable:**
2: Plenary presentation – 1600hours to 1700hours – Day 1 of the program

**Time allowed:** 45 minutes (30 minutes presentation and 15 minutes questions)

**Presenter profile:** Experienced prosecutor – preferably with TIP experience

**Content:** TIP legislation and related criminal offences

Please cover the following core points:

- Specific articles dealing with TIP as a criminal offence
- Elements of proof that need to be established
- Conspiracy, attempt and aid and abet the commission of TIP
- Penalties
- Compensation and or restitution for victims
- Qualifying offence for extradition and MLA
- Extra-territorial provisions
- Predicate offence for financial investigation and assets confiscation
- Summarise related offences – such as physical, sexual and psychological violence, offences relating to organised crime structures and money laundering
- Brief overview of major challenges to successful prosecution

**NB:** Your presentation has been divided into two parts. The first session will be delivered to your national colleagues and should form more of a review and discussion of the legislation in your country relating to TIP ands TIP-related crimes, accompanied by a discussion on major challenges to successful prosecution of traffickers.

You will share the second session with your counterpart prosecutor from the other country and jointly brief the audience in a plenary session on the topics itemised above. The objective is to ensure that all participants have a clear and agreed picture on the legislative situation in respect of TIP in both countries.

The need to adhere to the programme timetable means that the time limits of 30 and 45 minutes for the presentations will be strictly enforced.

It will be important for you to confine the presentation on the issues above to the main points as there will not be sufficient time to explore the finer details on this program.

Please feel free to utilise presentation slides and or hand-outs to assist you with your presentation on these issues, but please keep in mind that if you do use presentation slides they will additionally need to be translated into the English language prior to the program.
**Learning Activity 1 - Program Opening Exercise - General - Program Expectations and Rules (60 minutes)**

**Timetable**  
Day 1 - 0900 - 1000

**Method**  
Plenary discussion and individual work

**Reference materials**  
Program timetable  
Presentation slides 1 to 4 – Program goal and objectives

**Objective**  
1. To explain the goal, objectives and methodology of the program  
2. Establish the expectations of the participants  
3. Establish the rules for the conduct of the program

**Trainer’s notes**  
1. Brief the participants on the program contents and methodology and instruct them to consult the program timetable (**10 minutes**)  
2. Ask them to individually write down at least three expectations that they have for the program - e.g. what they wish to learn about - and ask them to place the three in order of priority. Ask them to also consider any rules that should be observed on the program - e.g. no audible mobile phones, punctuality, no personal or disrespectful remarks to colleagues etc.  
3. Go around the group and ask each individual to give his or her first priority - write them on the flip chart - tell the participants that if their first priority has already been written up, they should go to their second and or third expectation as necessary  
4. When the list is complete, tear off the flip chart entries and tape them to the training room wall - inform the participants that they can add or amend to the list as the program unfolds (**40 minutes**)  
5. Repeat the process in respect of the program rules - tape onto the wall (**10 minutes**)  
6. **NB:** Ensure that the expectations are retained because they will be reviewed as the last exercise of the program on the last day.
Presentation Slides – Text Version Only

Slide 1: Opening Title

ASEAN Training Program on Transnational Investigative Cooperation

Date and Venue

Slide 2: Program Goal

• To provide the participants with the requisite skills and knowledge to more effectively conduct transnational trafficking cases.

Slide 3: Program Learning Objectives

• Fully understand the rationale for transnational investigative cooperation and describe the range of transnational investigative cooperation options
• Demonstrate sound knowledge of the legislative, procedural and policy context of transnational investigative cooperation and
• Plan and implement effective transnational investigative cooperation within a range of case scenarios

Slide 4: Program Modules

Module 1: Rationale and types of transnational investigative cooperation
Module 2: Legal, procedural and policy framework for transnational investigative cooperation
Module 3: Planning and implementing transnational investigative cooperation
Learning Activity 2: Topic: TIC – Challenges and Solutions (60 minutes)

Timetable
Day 1 – 1100hours to 1200hours

Method
Group work, plenary discussions based on Participlan training technique

Reference materials
1. Slide number 6
2. Four sets of different coloured paper (one each for expectations, challenges, solutions and implementation)

Objective
To determine the nature and extent of the current impediments to effective transnational international cooperation and to explore a range of possible solutions

Presenter’s notes
1. Instruct the teams to appoint a spokesperson and discuss and prepare responses on the following four questions:
   • What does your country expect of TIC?
   • What are the challenges that impede more effective TIC?
   • What are the possible solutions to these impediments?
   • How could these solutions be implemented – how, by whom and by when?
2. Instruct the teams to discuss and record their responses within each of the four respective questions in accordance with colour-coded paper.
4. Teams to complete the exercise in their working groups (30 minutes)
5. Divide the whiteboard (or flipcharts) into four sections according to the four questions specified above.
6. Re-convene in plenary and in turn, invite the spokesperson from each of the four teams to come to the whiteboard and display and explain their responses in respect of the four categories.
7. Continue this process until all of the responses in respect of the four questions have been put on the wall or whiteboard. (20 minutes)
9. At the conclusion of the exercise, highlight the range of responses and contrast the different approaches within each of the respective topics.
10. Summarise the exercise and emphasise the key points. (10 minutes)
Presentation Slides – Text Version Only

Slide 6 - TIC – Challenges and Solutions

• What has been the TIC experience so far?
• What does each ATU expect of TIC?
• What are the current challenges?
• What are the possible solutions?
• How could they be implemented: by whom, when, and by what means?
## Learning Activity 3: Topic: Rationale, Types and Criteria for TIC (60 minutes)

**Timetable:** Day 1 – 1200hours to 1300hours

**Method**
Initial buzz groups - followed by plenary discussions

**Reference materials**
1. Slide number 7
2. Hand-out 1

**Objective**
1. **Develop the understanding of the participants of the range of factors that provide the rationale for TIC, the three different options for TIC and criteria for its use.**

**Presenter's notes**
1. Divide the participants of each team into pairs and ask them to discuss the following question: **Why bother with TIC?** **(20 minutes)**
2. Convene a plenary discussion and record on the flipchart the responses of each pair in respect of the rationale for TIC **(30 minutes)**
3. Highlight similarities and contrast the differences in the responses and seek to determine a common agreed list of factors that establish the essential need for TIC
4. Distribute Hand-out 1 and summarise its contents. **(10 minutes)**
Presentation Slides – Text Version Only

Slide number 7 - TIC – Rationale

• Transnational capacity for transnational crime
• Reflects the structure of the modus operandi
• Increased victim safety – better access to justice
• Reduces impunity of traffickers within the whole network
• Better quality investigations and prosecutions
• Evidential challenges – elements of proof
• Accessing evidence of means, exploitation and guilty knowledge
• Confiscation of hidden profits derived from TIP
<table>
<thead>
<tr>
<th>TIME</th>
<th>ACTIVITY</th>
<th>PRESENTER</th>
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<tbody>
<tr>
<td>0900 - 1000</td>
<td>Module 3 Presentation and brainstorming</td>
<td>AAPTIP</td>
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<td>Information Sharing – Communication Methodology</td>
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<td>1000-1015</td>
<td>Coffee</td>
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<td>1015-1100</td>
<td>Module 3 Presentation and brainstorming</td>
<td>AAPTIP</td>
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<td>Establishing a TIC plan</td>
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<td>Step 1: Goal, strategy and tactics</td>
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<td>Step 2: Legislative issues</td>
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<td>Step 3: Operational issues</td>
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<td>Step 4: Supervision and accountability</td>
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<td>1515 - 1600</td>
<td>Module 2 National team work</td>
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<td>Module 2 Plenary discussion</td>
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<td>Information Sharing and Communication Methodology</td>
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**NB1:** The guest presenter for this session should an experienced Central Authority lawyer or equivalent thereof, preferably with prior experience of TIP cases. This individual may or may not be a participant. At least two months prior to the delivery of the program, the lead trainer will need to provide the presenter with the relevant Guidance Note document and establish the methodology to be used for the presentation.
Transnational Investigative Cooperation Programme

Guidance Note for Expert Guest Presenters

Topics:

International Legal Cooperation (ILC)

Topic 1:
Extradition

Mutual Legal Assistance in Criminal Matters (MLA)

Topic 2

Good practice in drafting and executing extradition warrants and MLA requests
**Topic 1:** International Legal Cooperation – Extradition and Mutual Legal Assistance in Criminal Matters (MLA)

**Timetable:**
- 0900am to 1000am – Day 2 of the program
  - Presentation to national colleagues
- 1015 – 1100 – Day 2 of the program
  - Plenary presentation to bi-lateral counterparts

**Time allowed:**
- **National presentation** - 60 minutes (45 minutes presentation and 15 minutes for questions)
- **Plenary presentation** – 45 minutes (30 minutes presentation and 15 minutes for questions)

**Presenter profile:**
- Central Authority or equivalent lawyer – preferably with experience of TIP cases

**Content:**
- **Basic principles**

Please cover the following core points:

- Basic principles of extradition and MLA under domestic law
- Specific requirements in respect of extradition in TIP cases – bi-lateral treaties
- Applicability of Article 16(4) of the UN Convention against Transnational Organised Crime to extradition in the absence of bi-lateral treaties
- Specific requirements in respect of MLA under domestic law and ASEAN Regional Treaty
- Overview of the structure and procedures for conducting international legal cooperation
- Different roles and responsibilities of the investigator, prosecutor and Central Authority lawyer in relation to extradition and MLA

**NB:** The first presentation will be delivered to your national colleagues and the objective will be to ensure that they learn the basic ILC legal principles and procedures as practiced in your country. It can be assumed that the level of knowledge on the subject is likely to be low. The second presentation session will be jointly shared with your counterpart from the other country and the objective is to end the session with all 28 participants having a clear overview of the fundamental requirements of ILC within and between both countries.

The need to adhere to the programme timetable means that the time will be strictly enforced. It will be important to confine the presentation on the issues above to the main points of the law and procedure, as there will not be sufficient time to explore the finer and more complex details during the program.

The overall objective is to give the participants from both countries an insight into the basic principles, structure and procedures concerning international legal cooperation in general terms and in specific terms in relation to the conduct of bi-lateral ILC between the two countries represented on the program.
In this first presentation, it will be important to focus more on the law and restrict the amount of information relating to practical issues around extradition and MLA as this will be dealt with in greater depth in the second presentation, the details of which are set out below.

**Topic 2:** Good practice tips on the drafting and execution of extradition warrants and MLA requests

**Timetable:**

1515 hours to 1700 hours – Day 3 of the program

(First session - 1515 hours to 1640 hours – facilitated teamwork)

(Second session – joint plenary discussion – 1640 to 1700 hours)

**Presenter profile:**

As above

**Content:**

Practical guidance tips to investigators and prosecutors on the procedures and methodology for drafting and executing extradition warrants and MLA requests.

Please note that this double session on the timetable is given over to a teamwork session in which the participants will continue on-going program work on a practical, case-study based exercise that requires them to play their respective parts in seeking extradition and MLA in relation to the characters and activities portrayed in the case-study. Your role in this first session will be to facilitate the discussions and assist the team in producing an outline draft of a request for extradition and a letter of request in respect of evidential material. In overall terms, the aim is to provide the participants with the benefit of your expertise in the form of practical tips that facilitate effective ILC.

In the second, short facilitated plenary session, your role together with your counterpart presenter from the other country is to jointly summarise the main issues and highlight any major differences in approach.

A copy of the case study that the participants will be working on and which you will assist them with is attached for your reference so that you can gain an insight of the context of the exercise and the tasks that the participants have to complete.

Please feel free to utilise presentation slides and or hand-outs to assist you with your presentation on these issues, but please keep in mind that if you do use presentation slides they will additionally need to be translated into the English language prior to the program.
**Learning Activity 4: Topic – Information sharing and Communication Methodology (60 minutes)**

**Timetable** 0900 – 1000 – Day 2

**Method**

Brainstorm and plenary discussion

**Reference materials**

Slide 14

Hand-out 3

**Objective**

*Develop the capacity of the participants to identify the range of information sharing possibilities and to apply a standardised methodology for managing it*

**Presenter’s notes**

1. Facilitate a brainstorming session by instructing each of the four teams to appoint a spokesperson and to discuss in situ the following three questions:
   - **What type of information should ATUs share between themselves?**
   - **What is the purpose of information sharing?**
   - **How should information sharing be managed and why?** (20 minutes)

2. Convene a plenary discussion and ask each spokesperson to summarise the responses of his or her team in relation to each of the three questions. Record the responses on the flipchart

3. Summarise the responses and highlight the similarities and differences (20 minutes)

4. Using Slide 14 and Hand-out 4, explain current good practice to the participants

5. To conclude, summarise the exercise and emphasise the key learning points. (20 minutes)
### MESSAGE FORMAT

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<th>Unit Ref: No:</th>
<th>Status:</th>
<th>Timeframe</th>
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**Message Text:**
(If applicable, quote the originator’s reference number here at the start of the text)

**Requested Action:**

**Risk Assessment:**

**WARNING:** The information contained in this message is for police operational co-operation purposes only. It is NOT authorised for DISCLOSURE BEYOND THE SPECIFIED DISSEMINATION LIMIT OR FOR USE AS EVIDENCE in criminal proceedings without prior reference to the sender.

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</tbody>
</table>
Hand-out 3: Explanatory Notes on Evaluation Codes

Category

1. Victim rescue
2. Other forms of victim-related operational co-operation, such as victim repatriation, witness tracing, witness protection
3. Pro-active operational co-operation
4. Investigative enquiries in support of criminal proceedings
5. Specific and thematic intelligence exchange.

Unit Reference Number

A reference number allocated by the ATU that creates the message and which uniquely identifies the message, case and content.

Status

X Request for action.
Y Reply to request.
Z No action required – intelligence purposes only.

Timeframe

A Very Urgent – immediate victim rescue or the prevention of trafficking of potential victims who are at imminent risk of being trafficked
B Urgent – immediate apprehension of suspects, or seizure of evidence or criminal assets to prevent imminent destruction or loss
C As soon as practicable – pro-active operational co-operation, investigative support or other forms of victim-related enquiry
D No urgency – no specific action required – such as in the transfer of criminal intelligence

Message Evaluation Codes – S I D

S Evaluation of the reliability of the source of the information contained in the message
I Evaluation of the accuracy of the information contained in the message
D Evaluation of the extent to which the contents of the message can be disseminated

Risk assessment

1. Assessed risk to victims
2. Assessed risk to suspects
3. Assessed risk to police officers or others
### Hand-out 3: Message Content – Intelligence Evaluation Matrix

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<tr>
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<th>B</th>
<th>C</th>
<th>D</th>
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<td>Mostly reliable</td>
<td>Sometimes reliable</td>
<td>Unreliable</td>
<td>Untested source</td>
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<td>3</td>
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<td>5</td>
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<td></td>
<td>Known to be true without reservation</td>
<td>Known personally to the source but not to the official</td>
<td>Not personally known to the source but corroborated</td>
<td>Cannot be judged</td>
<td>Suspected to be false</td>
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<td>Information may be disseminated to other prosecutorial agencies within the State to which the material is sent</td>
<td>Information may be disseminated to other law enforcement units within the State to which the material is sent</td>
<td>Information not to be disseminated outside of the receiving ATU Special conditions apply</td>
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Slide 14: TIC – Information Sharing and Communications

- Use of Interpol i24/7 – EADS system
- ATU recording formats
- Categories and evaluations
- Role and responsibilities of the TIC Focal Points
- Security
- Supervision
**Learning Activity 5: Topic – Establishing a TIC Plan – Step 1: Goal, Strategy and Tactics**

(45 minutes)

**Timetable**
1015 – 1100 – Day 2

**Method**
Brainstorm and plenary discussion

**Reference materials**
Slide 15

**Objective**

*Develop the capacity of the participants to identify the key structural elements of a TIC plan and to distinguish between goals, strategies and tactics*

**Presenter’s notes**

1. Facilitate a brainstorming session by instructing each of the four teams to appoint a spokesperson and to discuss in situ the following two questions:
   - *What are the different strategies and tactics that can be employed with TIC?*
   - *What differentiates strategy from tactics?* (20 minutes)

2. Convene a plenary discussion and ask each spokesperson to summarise the responses of his or her team in relation to each of the two questions. Record the responses on the flipchart

3. Summarise the responses and highlight the similarities and differences (15 minutes)

4. Using Slide 15; explain current good practice to the participants.

5. To conclude, summarise the exercise and emphasise the key learning points. (10 minutes)
Step 1: TIC Planning—Goal, Strategy and Tactics

**Goal:**

- Victim safety, arrest and prosecution of offenders, confiscation of assets, dismantling of TIP networks?

**Strategy:**

- Post-arrest TIC or parallel investigation; use of MLA provisions?

**Tactics:**

- Reactive, pro-active or financial investigative techniques or a combination of them?
## Learning Activity 6: Topic – Establishing a TIC Plan – Step 2: Legislative Issues

*(60 minutes)*

### Timetable

1100 – 1200 – Day 2

### Method

Brainstorm and plenary discussion

### Reference materials

Slide 16

### Objective

*Develop the analytical ability of the participants to identify the key legislative issues relating to TIC and relate them to the goals of an investigation plan.*

### Presenter’s notes

2. Facilitate a brainstorming session by instructing each of the four teams to appoint a spokesperson and to discuss in situ the following question:

   - *What are the key legislative issues that need to be considered when developing a TIC plan? (30 minutes)*

2. Convene a plenary discussion and ask each spokesperson to summarise the responses of his or her team in relation to each of the three questions. Record the responses on the flipchart

3. Summarise the responses and highlight the similarities and differences *(20 minutes)*

4. Using Slide 16, explain current good practice to the participants

5. To conclude, summarise the exercise and emphasise the key learning points. *(10 minutes)*
In respect of each country involved:

- Is TIP an extra-territorial offence?
- Is TIP a predicate offence for assets confiscation?
- Do extradition powers exist for TIP and TIP-related crimes?
- Are MLA provisions available for TIP and TIP-related crimes?
- Are pro-active techniques possible?
- What are the criminal procedure rules on confidentiality, admissibility and discovery?
Learning Activity 7: Topic – Establishing a TIC Plan – Step 3: Operational Issues

(60 minutes)

Timetable
1200 – 1300 – Day 2

Method
Brainstorm and plenary discussion

Reference materials
Slide 17

Objective
Develop the analytical ability and operational skills of the participants to identify the key operational issues relating to TIC and align them to the goals, strategy and tactics of the plan.

Presenter’s notes
3. Facilitate a brainstorming session by instructing each of the four teams to appoint a spokesperson and to discuss in situ the following question:

- **What are the key operational issues that need to be considered when developing a TIC plan?** (30 minutes)

2. Convene a plenary discussion and ask each spokesperson to summarise the responses of his or her team in relation to each of the three questions. Record the responses on the flipchart

3. Summarise the responses and highlight the similarities and differences (20 minutes)

4. Using Slide 17, explain current good practice to the participants

5. To conclude, summarise the exercise and emphasise the key learning points. (10 minutes)
Slide 17 - Step 3: TIC Planning – Operational Issues

- Identify appropriate counterparts – capacity and security
- Convene face-to-face planning meeting wherever possible
- Agree goal, strategy and tactics – techniques and timeframe
- Conduct risk assessment and management – victims, personnel
- Compliance: legality, necessity, proportionality and accountability
- Determine resources: financial, human and technical
- Agree media strategy
- Ensure adequate communications capacity
### Learning Activity 8: Topic – Establishing a TIC Plan – Step 4: Supervision and Accountability

**(60 minutes)**

**Timetable**
1400 – 1500 – Day 2

**Method**
Brainstorm and plenary discussion

**Reference materials**
Slide 18
Hand-out 2

**Objective**
Develop the capacity of the participants to recognise the acute sensitivity attached to TIC and to identify methodologies to ensure that all TIC activity is supervised, documented and accountable.

**Presenter’s notes**
1. Facilitate a brainstorming session by instructing each of the four teams to appoint a spokesperson and to discuss in situ the following two questions:
   - **Why is it necessary to ensure that TIC is supervised, documented and accountable?**
   - **What are the key methods necessary to provide supervision and accountability?** (20 minutes)
2. Convene a plenary discussion and ask each spokesperson to summarise the responses of his or her team in relation to each of the three questions. Record the responses on the flipchart
3. Summarise the responses and highlight the similarities and differences (20 minutes)
4. Distribute Hand-out 2 and together with Slide 18, explain current good practice to the participants
5. To conclude, summarise the exercise and emphasise the key learning points. (20 minutes)
Hand-out 2

Four Step Process for TIC

**TIC Criteria**
Before initiating TIC, evaluate the following:

- **Rationale:** what value would TIC bring to the case?
- **Objectives:** what are the objectives of it?
- **Necessity:** can the objectives be secured by means other than TIC?
- **Type:** what form of TIC would be required in this case?
- **Viability:** is it legally and operationally possible?

---

**Step 1**
**Rationale**
Identify the following issues:
- **Goals**
  - Victim rescue
  - Arrest
  - Prosecution
  - Assets confiscation
  - Network disruption
  - Combination

- **Strategy**
  - Post-arrest TIC
  - Parallel investigation
  - Police-to-police
  - Judicial – MLA

- **Tactics**
  - Reactive
  - Pro-active
  - Financial
  - Disruptive

---

**Step 2**
**Law**
Establish the legal platform:
- **Law**
  - Extradition
  - MLA
  - Extra-territoriality
  - Predicate offence

- **Techniques**
  - Operational techniques

- **Rules**
  - Evidential and procedural rules on confidentiality, admissibility and discovery

---

**Step 3**
**Operational**
Consider the following:
- **TIC partners**
- Counterpart unit capacity and security
- Planning meeting
- **Planning issues**
  - Objectives
  - Timeframe
  - Risk management
  - Compliance
  - Media strategy

- **Resources**
  - Personnel
  - Financial
  - Technical

- **Communications**
  - Security
  - Stability

---

**Step 4**
**Supervision**
Consider the following issues:
- **Supervision**
  - Structure
  - Leadership
  - Roles
  - Responsibilities
  - Changes in plan
  - Disagreement
  - Hierarchy
  - Intervals

- **Accountability**
  - Document trail
  - Audit trail
  - Security
  - De-brief
Slide 18 - Step 4: TIC Planning – Supervision and Accountability

- Investigative structure – leadership roles and responsibilities
- Supervisory hierarchy
- Supervisory intervals
- Changes to operational goals and resolution of disputes
- Documentary audit trail
- Post-TIC de-brief
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### DAY THREE - DAILY LESSON PLAN

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**NB1:** The same Central Authority lawyer that acted as the guest presenter on Day 2 is required to facilitate this session. His or her role has been fully explained in the Guidance Note attached at Day Two.
Learning Activity 9: Topic – TIC Planning – Case Study 1

(4 hours 45 minutes)

Timetable
0900 – 1500 – Day 3

Method
Teamwork and plenary discussions

Reference materials
Slides 14 to 18
Hand-outs 1 to 3
ILC Manual
Case Study 1

Objective
Develop the ability and skills of the participants to analyse a case scenario and then develop a detailed TIC plan in response to a set series of TIC tasks

Presenter’s notes
1. Distribute and summarise Case Study 1. Instruct each team to appoint a new spokesperson and to then develop a detailed TIC plan that addresses the series of challenges set out in Case Study 1 (2 hours 45 minutes)

2. Convene a plenary discussion and select one team spokesperson to summarise the responses of his or her team in relation to each of the tasks. Record the responses on the flipchart

3. In turn, ask each of the other three spokespersons to summarise those parts of their respective plans that are in anyway different or additional to what has been summarised by the first team.

4. Highlight the similarities and contrast the differences (1 hour 40 minutes)

5. To conclude, summarise the exercise and emphasise the key learning points. (20 minutes)
Case Study 1

You are part of the specialist TIP criminal justice response unit of your country and you hold responsibility for the investigation and prosecution of TIP cases.

Situation

Yesterday morning, a human rights lawyer that does advocacy work for a non-governmental organisation (NGO) whose goal is to represent the rights of migrant workers came to your unit, together with two foreign adult males.

The lawyer explained to your colleagues that the two foreign males were nationals from a foreign state that borders your country and that both had been involved in the fishing industry that operates from the port sector of the city in which you work. The first foreign male, an older man named Aran, has legal status in your country and has worked in the fish market of the port for a number of years. Over time, he has become well known amongst both the trawler-owners and the workers and has come to be seen as an unofficial representative of the migrant workers.

The second male, a man named Bali, is the nephew of Aran and he gave your colleagues the following account:

He illegally entered your country approximately 3 months earlier together with 4 other adult males. All of them were from the same small town in the neighbouring country. They had all been recruited by the same two men, Chan and Kim who act as recruiting agents for an employment broker who resides and has a small office in the same nearby town that Chan and Kim come from. Chan and Kim had promised them well-paid work in a food-processing factory in your city. Each of the five recruits had in turn agreed to the proposal and been taken by Chan and Kim to meet the broker, a man named Perak, at his office in the nearby town. Perak is a national of your country. Each of the five recruits had paid him sums of money as agency fees for the job opportunity. The five had then been brought into your country concealed in the back of pick-up trucks driven by the Males Chan and Kim.

On arrival in your city, instead of being taken to a factory premises, they were taken to the port area where Males Chan and Kim handed them over to another male, a man named Sayen who is the brother of Perak). Chan and Kim then left the port and returned back to their country. Sayen told Bali and the others that he and his brother Perak now effectively owned them and that they now owed substantial sums of money to cover their transportation costs and other fees. He said that they would have to repay their debts by working as fishermen for the owner of two deep-sea fishing trawlers. Sayen, who is a local man, born not far from the port, stated that he was the recruitment agent for the owner of the two boats.

From this point onwards, Bali and the other recruited workers were put on board one of the trawlers, where they were accommodated and guarded by the trawler skipper and members of the crew. Bali went onto to describe the last three months
of his life at sea. He stated that he and the others were forced by the skipper to work very long hours as fishermen, were kept prisoner and not allowed to leave the boat at any stage. He stated that if any of them were sick or failed to work hard or fast enough, they would be punched and kicked, or threatened with knives and that at least one of the workers had been injured with a device used for applying electric shocks. He said that these assaults were either carried out by the skipper of the boat or by the members of the crew acting under his orders. In the 3 months that he had been on the trawler, he had not been paid any money for his work and nor had the others.

He went on to say that the average fishing trip into the Gulf of Thailand and South China Sea would last between 15 to 20 days and that when the trawler returned to port, he and the others were either made to sleep below decks on the boat or kept prisoner in a small hut located on the jetty. The recruiting agent, Male F, and other men that worked for him guarded them at all times while they were in port to ensure that they could not escape.

Bali also stated that his main job was to sort the catch before it was deposited into the refrigeration hold of the trawler and that this meant that he would spend the majority of his time with his exposed skin soaked in seawater as he sorted the catch. This had caused damage to his skin and he had appealed to the skipper on a number of occasions for long rubber gloves and waterproof boots to cover his hands and feet but was refused. On the last occasion that he asked, one of the crew had beaten him around the head for complaining too often.

Bali went on to say that three days ago, when the trawler was unloading in port, he had managed to speak secretly to his Uncle Aran, while he was working on the quay alongside the trawler and had begged him to help him and the other victims to escape from the situation. The skipper had seen this and ordered Bali back below deck.

Bali stated that the following day, while they were still in port, the skipper had ordered him back on deck and had handed him over to his Uncle Aran. His uncle had taken him away from the port and since that time had been in the care of the NGO that the lawyer represented.

When questioned by your colleagues, the uncle, Aran, explained that after his nephew had alerted him to the situation on the trawler, he approached Sayen and negotiated with him to pay off the debt of his nephew and secure his release. Sayen had agreed and had received a substantial payment from Aran. When Bali was released, his uncle took him to NGO premises for his safety. Following discussions with the NGO staff, it had been agreed that Aran would go back to the dock and try to negotiate for the release of the other four workers still on the trawler.

Aran returned to the dock the same evening and spoke with Sayen. He said he was prepared to listen to offers as long as he was able to find replacement workers. He went onto to say that everything would have to wait because the trawler had gone
back to sea that afternoon and would not return to port for at least 15 days. Sayen told Aran that he was travelling back to the neighbouring country the next day (yesterday) to see his brother Perak and to organise the recruitment of more workers but that he would be back in time for the return of the trawler. He told Aran to come and see him then to resume the negotiations for the release of the other four workers on the boat.

Following further discussions with the NGO, Aran had decided that, as he had suspected for a long time that Sayen, together with the owner and the skipper of the trawler were abusing the workers, he could no longer remain silent about it, especially in light of what had been done to his nephew. He went on to say that on the last two occasions, when males Chan and Kim had arrived in the port with other workers for other trawlers, he had argued with them about the way workers they brought to the port were being mistreated but that they just ignored him and told him to keep his mouth shut or suffer the consequences.

Aran stated that he was prepared to cooperate as a witness with any investigation.

During the course of yesterday, Aran and Bali made and signed outline statements to your colleagues. Bali named the males Chan, Kim and Perak and provided the address of the small office he usually operated from in the nearby town. Bali knew the address because he had gone there to pay over his brokerage fee to them. He also provided detailed evidence against Sayen, the skipper of the trawler and three members of the crew in respect of their abuse of him.

Bali was also examined by a medical practitioner whose initial diagnosis showed that Bali was suffering from eczema and psoriasis caused by extensive exposure of his bare skin over a number of weeks to saline seawater.

Finally, the human rights lawyer representing the NGO stated that her organisation had encountered a similar problem approximately 6 months ago with the same trawler and that they had assisted immigration police to repatriate seven illegal workers that had been taken off of the boat. These seven came from the same country of origin as Bali. The lawyer stated that, at that time, the seven workers were in a very poor state of health and two of them bore the marks of electrical burns on their arms and shoulders but had declined to make any complaint against the trawler or any of the suspects. She said that from the information provided at that time by these seven workers, it appeared that the same broker, Perak, had recruited them.

**Task**

To effectively investigate this case to its full extent, transnational investigative cooperation will be required.
NB: Extradition and mutual legal assistance treaties are in place between the two countries and trafficking in persons is a qualifying offence for the purposes of these provisions.

Nominate a spokesperson for your team and then discuss and complete all of the following tasks:

**Part 1**

1. *Specify your reasons for initiating TIC in this case.*

2. *Specify the objectives that you want to achieve.*

3. *Based upon your decisions in respect of 1 and 2 above, specify the legal and evidential issues that need to be established between the investigators and the prosecutors before any approach is made to colleagues in the other country.*

**Part Two**

Having determined your responses to Tasks 1 to 3 above, complete the following tasks:

1. *What issues do you need to evaluate in identifying a suitable counterpart in the neighbouring country?*

2. *What methods would you use to establish contact with the counterpart?*

**Part Three**

Having identified a suitable counterpart, develop a detailed transnational investigation plan that covers the following:

1. *Operational issues*

2. *Legal issues*

3. *Supervision and accountability*

4. *Communications*
Learning Activity 10: Topic – International Legal Cooperation – Extradition Requests and Letters of Request

(1 hour 45 minutes)

Timetable 1515 – 1700 - Day 3

Method
Teamwork and plenary discussions facilitated by Central Authority lawyers from each country

Reference materials
ILC Manual
Case Study 1

Objective
Develop the knowledge and skills of the participants of international legal cooperation by providing them with a practical overview of the technical drafting of extradition request and MLA letters of request

Presenter’s notes
1. Instruct the two teams of each country to appoint a new joint spokesperson and to then work jointly with their respective Central Authority lawyer to develop drafts of outline applications for Extradition and Letters of Request relative to the scenario indicated in Case Study 1 (1 hour 25 minutes)

2. Convene a plenary discussion and ask the Central Authority lawyers from each country to summarise the outcomes and highlight good practice tips

3. To conclude the exercise, highlight the similarities of approach in each country and contrast the differences (20 minutes)
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**NB1:** As set out in the relevant Guidance Note, the representatives of the Assets Recovery (or equivalent) agency are required to facilitate the two sessions individually with the participants from their respective countries, based upon the contents and task set out in Case Study 2 – Phase 2. For the last 15 minutes of the day, the two guest presenters jointly facilitate a plenary review.
Transnational Investigative Cooperation Programme

Guidance Note for Expert Guest Presenters

Topics:

National and Transnational Assets Recovery
**Topic:** National and Transnational Assets Recovery

**Timetable:**
1 – Facilitation Session - 1515 hours to 1640 hours – Day 4 of the program

2 - Plenary joint presentation – 1640 hours to 1700 hours – Day 4 of the program

**Presenter profile:** Experienced financial investigation/assets recovery lawyer from appropriate agency – preferably with TIP experience

**Content:**

Please cover the following core points:

- Basic principles of financial investigation and assets confiscation at the domestic level
- TIP crimes as predicate offences in the context of financial investigation and assets confiscation
- Overview of domestic structure and procedure for financial investigation and assets confiscation – roles and responsibilities
- Basic principles for investigating and recovering the proceeds of crime/assets that are located in other countries
- Brief summary of major challenges to effective financial investigation and assets confiscation in TIP cases

**NB:** Your presentation has been divided into two parts. For the first session, you will facilitate the participants from your country in developing an action plan for financial investigation and assets recovery in the context of a case study on which they are working. As you facilitate the discussion, you are asked to provide them with knowledge of the basic principles, powers and practice in respect of financial investigation powers and assets recovery in national and transnational contexts. (A copy of the case study is attached for your reference).

It is fully appreciated that the subject matter is in reality very complex, but please keep in mind that the objective is to provide the participants with an overview of the fundamentals.

You will share the second session with your counterpart assets recovery prosecutor from the other country and jointly brief the audience in a plenary session on the topics itemised above. The objective is to ensure that all participants have a clear picture of the situation in respect of financial investigation and assets recovery in TIP cases in both countries.

Please feel free to utilise presentation slides and or hand-outs to assist you with your presentation on these issues, but please keep in mind that if you do use presentation slides they will additionally need to be translated into the English language prior to the program.
Learning Activity 11: Topic – TIC Planning – Case Study 2

(4 hours 45 minutes)

Timetable
0900 – 1500 – Day 4

Method
Teamwork and plenary discussions

Reference materials
Slides 14 to 18
Hand-outs 1 to 3
ILC Manual
Case Study 2 – Phase 1

Objective
Develop the ability and skills of the participants to analyse a case scenario and then develop a detailed TIC plan in response to a set series of TIC tasks

Presenter’s notes
1. Distribute and summarise Case Study 2. Instruct each team to appoint a new spokesperson and to then develop a detailed TIC plan that addresses the series of challenges set out in Case Study 2 (2 hours 45 minutes)

2. Convene a plenary discussion and select one team spokesperson to summarise the responses of his or her team in relation to each of the tasks. Record the responses on the flipchart

3. In turn, ask each of the other three spokespersons to summarise those parts of their respective plans that are in anyway different or additional to what has been summarised by the first team.

4. Highlight the similarities and contrast the differences (1 hour 40 minutes)

5. To conclude, summarise the exercise and emphasise the key learning points. (20 minutes)
Case Study 2

You are part of the specialist TIP criminal justice response unit of your country and you hold responsibility for the investigation and prosecution of TIP cases.

Phase 1

Situation

Yesterday evening, three adult Myanmar nationals – two men and a woman - attended the offices of the MPF ATTF in Yangon. These three persons made detailed allegations that they were victims of trafficking in persons for the purposes of labour exploitation. ATTF officers interviewed the three alleged victims to ascertain the outline of their story.

The victims alleged that some months ago, in their local community in a district of Yangon, a Myanmar woman named Chit and her daughter, a woman named Mya, had approached them. Two of the victims already knew of Chit and Mya because they were often seen in the local community and were known as people that could obtain jobs in Thailand.

Chit and Mya told the victims that they were representatives of an employment agency based in Thailand and that they could get them jobs as production line workers in a food processing factory located in Kanchanaburi province, Thailand.

Chit promised them good wages, together with reasonable accommodation and working conditions. She had also told them that they would be assisted to send some of their wages home to help support their families. When the victims stated that they did not possess passports to enable them to travel into Thailand, Chit stated that the company she represented would deal with all of the logistic issues. She said that the company would be able to obtain passports for them, arrange their travel and also provide their accommodation in Kanchanaburi. When the victims stated that they did not have money for passports or travel, Mya reassured them that this did not matter, as the company would cover all of the costs up front and that the victims would then repay their debts from their wages.

On the basis of this offer, the three victims agreed to the proposal. Chit then told the victims that she was looking for more workers for the same factory. The female victim then told Chit that her two brothers would be interested as they were both unemployed. The following day, Chit and Mya spoke with the two brothers and they also agreed to Chit’s offer.

According to the victims, all five of them travelled to Kanchanaburi province the next day with Chit in a covered pick-up truck that was driven by a Myanmar male named Aye who was in fact Mya’s husband. When they asked about their passports, Chit told them that they would be allowed to enter Thailand temporarily with border permits but that Chit’s company would finalise the arrangements for their passports.
after they started work. However, when they crossed the border into Thailand, they were not stopped or spoken to by any officials and no documents of any description were ever produced.

Eventually, they arrived at a large compound of single-storey huts where three Myanmar males named Arun, Khin and Maung met them. Arun was Chit’s husband and Maung was his brother. The five victims were all made to share one small hut as their accommodation. The next day, after Aye left to go back to Yangon in the pick-up truck, Chit and Arun walked the victims to the nearby factory where they started work processing a range of fruit and vegetable products. The factory was only a short walk as it was on the edge of the compound where they were accommodated. The victims stated that there were at least 6 other Myanmar workers there that had already been working at the factory for some months. These 6 had also been recruited by Chit and Mya and also lived on the same compound.

The three victims then summarised their experiences during the weeks that followed. They stated that they were forced to work between 14 and 16 hours a day without any break and were only supplied with one full meal a day which was provided to them by Chit when they returned to the compound.

Between them, Chit, Arun, Khin and Maung kept the victims under constant supervision because they were always in the vicinity of the factory or on the compound. The victims were kept as prisoners and threatened with violence if they tried to leave the compound or the factory. At no stage did any of them receive any of the wages that they had been promised or the passports that Chit had mentioned to them.

When all 11 of the workers got together and complained about the lack of wages, Chit and Arun told them that they each owed the recruitment agency the equivalent of 15,000 Baht for the travel costs and a further 12,000 Baht for their passport applications. Chit and Arun said that until these debts were paid, they would have to work without wages. When the victims asked how long it would take to pay off the debts, Arun declined to answer and threatened to assault them if they refused to work. He told them that if they tried to leave they would be imprisoned in Thailand as illegal aliens as they had crossed the border without documents.

Finally, the three victims explained that they had decided to escape after witnessing Arun and Khin seriously assault two of the 6 workers that were already working in the factory when they arrived. These two workers had again complained about the conditions and lack of wages and had been badly beaten around the head and body with sticks by Arun and Khin. These two injured persons had then been locked up in one of the huts on the compound. Having witnesses the assaults, the three victims managed to escape that evening and eventually made their back home to Yangon.

The three victims stated that they were prepared to cooperate with the authorities because they wanted to secure the release of the other victims and also make Chit and the others pay for what had been done to them. They stated that they finally
decided to speak out after seeing Arun, Mya and Aye sat together in an expensive restaurant in Yangon yesterday.

The three victims lodged formal complaints and made outline statements incriminating Mya, Aye, Chit, Arun, Khin and Maung. The provided the interviewing officers with detailed descriptions of the compound and the factory in which they had been exploited and provided sufficient information to enable police to locate the two premises.

Based upon the formal complaints and statements made by the three victims, the Myanmar Police Force formally opened an investigation and contacted their police counterparts in Thailand.

**Task**

To effectively investigate this case to its full extent, transnational investigative cooperation will be required.

Nominate a spokesperson for your team and then discuss and complete the following tasks:

**Part 1**

1. **Specify your reasons for undertaking TIC in this case.**
2. **Specify the objectives that you want to achieve.**

In terms of those objectives, develop a detailed TIC plan that covers the following points:

1. **Operational issues**
2. **Legal issues**
3. **Supervision and accountability**
4. **Communications**
### Learning Activity 12: Topic – National and Transnational Assets Recovery

**Timetable**
1515 – 1700 - Day 4

**Method**
Teamwork and plenary discussions facilitated by appropriate Assets Confiscation lawyers from each country

**Reference materials**
- ILC Manual
- Case Study 2 – Phase 2

**Objective**
*Develop the knowledge and skills of the participants in the area of financial investigation and assets recovery in transnational cases by providing them with a limited but practical overview of the basic principles, legal powers and good practice on these topics.*

**Presenter’s notes**
1. Instruct the two teams of each country to appoint a new joint spokesperson and to then to work jointly with their respective Assets Confiscation lawyer to develop an action plan as to how they would approach financial investigation and assets recovery in Case Study 2 (1 hour 25 minutes)
2. Convene a plenary discussion and ask the Assets Confiscation lawyers from each country to summarise the outcomes and highlight good practice tips
3. To conclude the exercise, highlight the similarities of approach in each country and contrast the differences (20 minutes)
Case Study 2

Phase Two

Over the course of the following days, as a result of the effective transnational cooperative measures carried out by both sides, the following occurred:

Kanchanaburi

Thai police located and rescued the 8 remaining victims from the compound next to the factory. As had been alleged by the three escaped victims back in Yangon, two of the rescued victims were suffering from serious injuries and one of them has had to be hospitalised for treatment for a suspected fractured skull and a broken cheekbone. The remaining seven victims were now in shelter accommodation in Kanchanaburi province.

The following day, based on information provided by one of these rescued victims, Thai police went to a second nearby compound and rescued a further 12 victims who were under the control of Chit and the others and who were being exploited at a second food-processing factory. Based on the preliminary accounts of these victims, it appears that they had been recruited, transported and exploited by Chit and the others in virtually the same way as alleged by the original three escaped victims back in Yangon. These 12 additional victims are now in shelter care in Kanchanaburi.

On the same day and as part of the same operation, Thai officers located and arrested Khin and Maung at the second factory. Chit was arrested later the same day at her accommodation located within the first compound. Her accommodation was searched and among other items of incriminating evidence, the following was recovered:

- 42,000Baht (found hidden in a concealed space in the roof space of her accommodation)
- A series of Western Union money transfer receipts

(Each Western Union sender form shows the transfer of substantial sums of cash to Western Union branches in Yangon over the course of the last four months. Preliminary enquiries show that in respect of all of the transfer receipts, the beneficiary names shown on the receiver forms are those of the victims. All of the 20 rescued victims have told the Thai officers that they never received any wages and never transferred money via Western Union).

Yangon

Myanmar officers located and arrested Mya and her husband Aye at a guesthouse address in Yangon. Enquiries reveal that Mya and Aye are the legal owners of the
guesthouse and the property is their home. The purchase of it was completed within the last 3 months.

The following items were seized during the course of the search of their guesthouse home:

- A substantial sum of cash
- A quantity of high-value gold jewellery
- A series of Western Union receiver forms showing the transfer of substantial sums of money at regular intervals during the course of the last few weeks
- One covered Toyota pick-up truck

Myanmar officers located and arrested Arun at a separate guesthouse in Yangon. Enquiries reveal that the guesthouse is the home of Arun and Chit and that they are the legal owners of the property. The purchase of it was completed within the last 6 months.

A search of the property uncovered the following items:

- A substantial amount of cash
- One Toyota pick-up truck

(Enquiries reveal that both vehicles were purchased within the last 12 months and that both vehicles are less than two years old).

**Task**

Nominate a spokesperson for your team and then together with your Assets Confiscation colleague, discuss and complete the following tasks:

*What action would you now take in this case in respect of the assets located in Yangon and Kanchanaburi?*
<table>
<thead>
<tr>
<th>TIME</th>
<th>ACTIVITY</th>
<th>PRESENTER</th>
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</table>
| 0900 - 1000 | **TIC Focal Points and bi-lateral Cooperation Agreements**  
  **Presentation and national team work**  
  Structure, content and application | AAPTIP  
  ATU Focal Points |
| 1000-1015 | **Coffee**                                                              |                            |
| 1015-1100 | **Bi-lateral Cooperation Agreements**  
  **National team work**  
  Structure, content and application | Team work |
| 1100 - 1200 | **TIC Focal Points and bi-lateral Cooperation Agreements**  
  **Plenary discussion**  
  Structure, content and application – next steps | AAPTIP |
| 1200 – 1300 | **Program evaluation and closure**                                      | AAPTIP                     |
| 1300 - 1400 | **Lunch**                                                               |                            |
# DAY FIVE - DAILY LESSON PLAN

<table>
<thead>
<tr>
<th>TIME</th>
<th>MOD</th>
<th>SUBJECT</th>
<th>ACTIVITY</th>
<th>MATERIALS</th>
<th>LEARNING ACTIVITY</th>
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<tbody>
<tr>
<td>0900-1000</td>
<td>3</td>
<td>Bi-lateral Cooperation Agreements</td>
<td>GP Team Work</td>
<td>GP-GN Slide 20 Hand-outs 4-5 Thai-Myanmar MOU MPF-DSI ToR</td>
<td>13 NB1</td>
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<td>1015-1100</td>
<td>3</td>
<td>Bi-lateral Cooperation Agreements</td>
<td>Team Work</td>
<td>Slide 20 Hand-outs 4-5 Thai-Myanmar MOU MPF-DSI ToR</td>
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<td>1100-1200</td>
<td>3</td>
<td>Bi-lateral Cooperation Agreements</td>
<td>Plenary discussion</td>
<td>Slide 20 Hand-outs 4-5 Thai-Myanmar MOU MPF-DSI ToR</td>
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<td>1200-1300</td>
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<td>Program Evaluation and Closure</td>
<td>Individual exercise</td>
<td>Learner Reaction Sheets Program Certificates</td>
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</tbody>
</table>

**NB1**: The relevant Focal Points are participants on the program and they should be provided with the Guidance Note on the first day of the program and asked to prepare and deliver a short overview 15 minute presentation as explained on the Note.
Transnational Investigative Cooperation Programme

Guidance Note for Expert Guest Presenters

Topics:

Developing Bi-lateral Cooperation Agreements
**Topic:** Developing bi-lateral cooperation agreements

**Timetable:** 0900am to 1000am – Day 5 of the program

**Time allowed:** 15 minutes (10 minutes presentation and 5 minutes questions)

**Presenter profile:** Focal Points

**Content:** Roles and responsibilities of Focal Points

Please cover the following core points:

- FP Role within your unit
- FP Duties
- Methodology for information sharing and communications
- Supervision and accountability of transnational information sharing

- Brief summary of TIC challenges from the perspective of the Focal Point – and suggested solutions

**NB:** The need to adhere to the programme timetable means that the time limit of 15 minutes will be strictly enforced.

Your main objective is to give the participants from the other units/departments an insight into your work as the Focal Point for your unit and the methodology that you use for transnational cooperation.

Please feel free to utilise presentation slides and or hand-outs to assist you with your presentation on these issues, but please keep in mind that if you do use presentation slides they will additionally need to be translated into the English language prior to the program.
Learning Activity 13: Topic – Bi-lateral Cooperation Agreements

(2 hour 45 minutes)

Timetable 0900hours – 1200hours - Day 5

Method
Teamwork and plenary discussions

Reference materials
Slide 20
Hand-outs 5 to 6
Copy of Myanmar-Thailand Memorandum of Understanding (participant binder)
Copy of MPF-DSI Terms of Reference (participant binder)

Objective
Construct a detailed plan for the development of a Bilateral Cooperation Agreement.

Presenter’s notes
1. Request the Focal Points from each country to briefly summarise their roles and responsibilities and to summarise TIC from their perspective. (15 minutes)
2. Display and discuss the contents of Slide 20
3. Distribute Hand-outs 5 to 6 and also refer the participants to the Myanmar-Thailand MOU and MPF-DSI Terms of Reference documents in their binders
4. Instruct the two teams of each country to nominate a spokesperson and to work jointly on the following task:

   Develop a detailed plan for the establishment of a Bilateral Cooperation Agreement, including specific activities, responsible persons and timelines (90 minutes)

5. Re-convene the participants in plenary session and request the spokespersons of both teams to outline their respective plans. Record the main points on the flipchart.
6. Facilitate a plenary discussion and merge the two sets of proposals into one coherent plan for the future development of a Bilateral Cooperation Agreement (60 minutes)
Developing a Bi-lateral Cooperation Agreement (BCA)

Main Discussion Points

The purpose of a bilateral cooperation agreement is to provide investigators and prosecutors in both countries with detailed, step-by-step guidance on how to conduct transnational investigative cooperation (TIC) between the two countries.

As such, a BCA can be seen as a natural extension to existing bi-lateral Memoranda of Understanding/Cooperation (MOU) and which takes the principles of cooperation set out in the MOU and expands them into a set of practical and operational procedures with which practitioners can more effectively cooperate with each other.

In discussing the value or otherwise of developing a bi-lateral BCA, the following points should be included:

1. Does the existing MOU provide adequate operational guidance for TIC?
2. Is it necessary to develop a BCA?
3. How would it make TIC more effective between the two countries?
4. If developing a BCA is seen as a positive step, what topics should it cover?
5. What level of detail is required to make it effective?
6. What status would the BCA have; would compliance with it be mandatory on both sides or just advisory?
7. If the BCA should be mandatory for both sides, how would such a mandate be secured?
8. How would it be reviewed and updated and by whom?
9. If developing a BCA is seen as a positive step, what needs to happen now, after this program, to bring it about? What structure is needed to develop the BCA; who would undertake the work on each side; what would be the timeframe for completion and how would it be implemented?
# Hand-out 6

## TEMPLATE

Model Standard Operating Procedure

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<tr>
<th>S.O.P NUMBER</th>
<th>TITLE:</th>
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<tbody>
<tr>
<td></td>
<td>INSERT SHORT DESCRIPTION OF THE GOAL OF THE SOP</td>
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<td>SUMMARISE MAIN REQUIREMENTS OF THE ACTIVITY</td>
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<td>SPECIFY PRECISE POINT AT WHICH THE SOP SHOULD BE STARTED</td>
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</table>

<table>
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<th>STEP NO</th>
<th>ACTION</th>
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<tr>
<td>1</td>
<td>INSERT A DETAILED AND SEQUENTIAL SET OF INSTRUCTIONS FOR COMPLETING THE ACTIVITIES</td>
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<td>11</td>
<td>SPECIFY SUPERVISORY RANK FOR EACH STAGE AND THE INTERVALS</td>
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<tr>
<td>12</td>
<td>SPECIFY THE DOCUMENTARY AUDITY TRAIL</td>
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</tbody>
</table>
**Slide 20:** TIC – Bilateral Cooperation Agreement

**Step-by-step operational procedure that goes beyond MOUs:**

- Is it necessary and would it help?
- What should it include?
- How in-depth should it be?
- If seen as useful, how could it be developed?
- How would any such agreement be mandated and implemented?
- Periodic review and updating requirements?
- Action plan – next steps – who, what and by when?
# AAPTIP Training evaluation form

---This part needs to be completed by the trainer or organiser---

Title of training:
Location of training:
Trainer:
Organisation providing the training:
Date:

---This part needs to be completed by the participant---

<table>
<thead>
<tr>
<th>Participant Gender:</th>
<th>Male</th>
<th>Female</th>
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<tr>
<td>Type of organization:</td>
<td>Public servant – police &amp; other law enforcement</td>
<td>Public servant – justice (prosecutor)</td>
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<tr>
<td></td>
<td>Public servant – law official: judge &amp; court official</td>
<td>Public servant – other</td>
</tr>
<tr>
<td></td>
<td>Others – NGO, Private Sector, AAPTIP, Donor</td>
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Age:

### Quality of content and delivery

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<tr>
<th>CRITERIA</th>
<th>Disagree</th>
<th>Agree</th>
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<tbody>
<tr>
<td>1. My participation was encouraged</td>
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<td>2. The topics covered were relevant to me</td>
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<td>3. The content was easy to follow</td>
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<td>4. The materials distributed were helpful</td>
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<td>5. The trainer was knowledgeable about the training topics and well prepared</td>
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<td>6. The time allotted for the training was sufficient to help me learn and practice</td>
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<td>7. The training objectives met my expectations</td>
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### Relevance of the training to current duties

<table>
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<tr>
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<tr>
<td>8. I feel confident to apply the knowledge covered by the training in my work place</td>
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<tr>
<td>9. I feel confident to apply the skills covered by the training in my work place</td>
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<tr>
<td>10. I will be able to perform my responsibilities better as a result of completing this course</td>
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### Indicate your level of confidence on the topics covered in the workshop

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<thead>
<tr>
<th>CRITERIA</th>
<th>Not confident at all</th>
<th>Moderate confident</th>
<th>Fully confident</th>
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<td>11. Before the workshop</td>
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</table>
CRITERIA

Instructions: Please indicate your level of agreement with the statements listed below in #1-10

<table>
<thead>
<tr>
<th>Disagree</th>
<th>Agree</th>
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</table>

12. After the workshop

- Not confident at all
- Moderate confident
- Fully confident

13. What did you like most about this training?

14. What aspects of the training could be improved (improvements may relate to any aspect of the training such as content, delivery, facilities, preparation)?

15. How do you hope to change your practice as a result of this training?

16. Please share any additional comments here:

Thank you for your feedback!