

Driving an uplift in capability to undertake enhanced CT investigations, improved prosecutions and ‘fair and just’ judicial outcomes in key CT partner countries is the requirement of this programme. Torchlight has extensive experience supporting HMG in this capacity, this has centered on our ability to deliver solutions that increase local agencies’ capacity to gather, review, assess, and utilise relevant material for evidential purposes, particularly digital material. To achieve this, it is essential, not only, that beneficiary agencies have appropriate technical systems, capabilities and skills, but that material can be assimilated into a manageable and legally admissible format to present to court for use in trial procedures. Essentially, providing a greater diversity of evidence, reducing dependency on uncorroborated confessional evidence to achieve convictions and thereby mitigating the risk of human rights violations. Achieving this requires an enhanced capability, underpinned by integrated management systems across more than one institution in the criminal justice chain. It requires collaborative efforts from investigators, prosecutors and judiciary

Based on operational in-field experience, we understand that enhancing the digital capability of investigators is only one component of the required solution. It is partly a question of capacity building of the investigators: through essential training and equipment, however, success is equally dependent on understanding the legal, cultural, political, procedural, and incentive constraints which may inhibit a shift towards a more comprehensive use of a broader range of evidence in CT casework. It is therefore necessary to work in parallel with other Criminal Justice sector actors to ensure project work addresses these constraints, incrementally aligning management incentives, working practices and institutional culture to achieve desired outcomes and impact.

In this context, we propose a Theory of Change which is informed by a close understanding of project environments, risks and constraints, reflecting and realistic to those constraints. In particular:

1. In all three countries, the investigative, prosecutorial and judicial authorities are under powerful political and public pressure to ‘get the job done’ quickly and effectively; and processes which are perceived to make that job more difficult, protracted or complex are likely to be resisted by actors across the criminal justice continuum.
2. All three territories have strong pre-existing investigative and judicial cultures in which physical and other evidence is often deemed subsidiary and a secondary requirement, with the focus of investigations relying on ocular or verbal evidence in the form of witness statements or confessions, sometimes alleged to have been coerced. Shifting the system to encompass digital evidence involves a change in attitude and culture, which in turn requires close attention to the incentives of key actors to encourage them to embrace that change.
3. Therefore, the most effective approach is to recognize the drivers of both the ‘supply side’ and the ‘demand side’ of the system, ensuring that judges not only understand, but increasingly *require* digital evidence and exhibits from prosecutors, and prosecutors therefore *request* digital evidence be provided by investigators to secure submission of cases to trial; while at the same time enhancing the capacity of investigators to produce compelling, high quality and accountable digital evidence, and rewarding them through management incentives for doing so.

Our proposed Theory of Change is as follows:

If we design bespoke programmes, based on a solid understanding of the digital evidence capability baseline, needs and aspirations of the CT investigative, prosecutorial and judicial authorities in Lebanon, Morocco and Maldives; and supply equipment and training in line with these programmes to address key capability gaps; and support sustainability and accountability by helping design and propagate policy, procedure and management systems for digital exploitation and evidential practice [OUTPUTS – supply side]

And prosecutorial and judicial authorities are equipped with the understanding, processes and incentives to understand and use digital evidence aligned to domestic legal requirements which meet internationally recognised standards in processing CT cases through the court system [OUTPUTS – demand side]

Then casework will demonstrate the value of digital exploitation, increasing the demand in the criminal justice systems of Lebanon, Morocco and Maldives for use of digital evidence in CT cases [INTERMEDIATE OUTCOME]

Thereby improving the quality of the investigation, increasing the number of CT cases in which digital evidence forms a component of the prosecution case [OUTCOME]

Contributing to better quality investigations and fairer, higher quality, more human rights compliant CT justice outcomes [IMPACT].

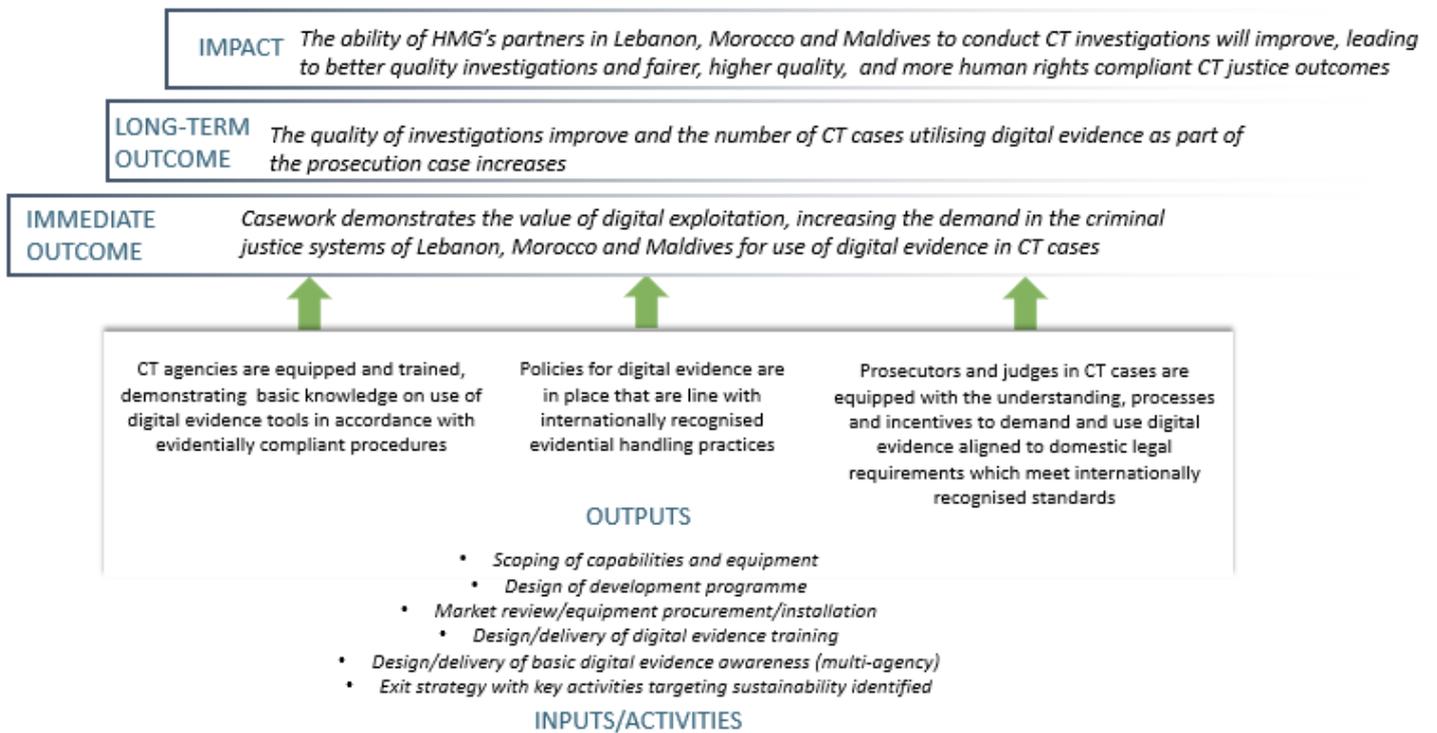


Figure 1: Torchlight's proposed Theory of Change for delivery of this requirement

This Theory of Change underpins measurement in line with a Results Framework as follows (indicators and sources to be refined and finalised in the project inception phase). Our approach to M&E against this Results Framework is set out in more detail in section 1.2.9.

Results Level	Indicative Result
Impact	Fairer, higher quality and more human rights compliant CT justice outcomes
Outcome	Increased use of digital evidence to support prosecutions
Intermediate Outcome	Increased demand for use of digital evidence in CT cases
Outputs	Appropriate, cost effective and sustainable technical solution delivered
	Human Resources have technical and operational skills to use digital investigation techniques and produce high quality admissible digital evidence
	Policy, procedural and management systems in place and functioning
	Increased prosecutors' and judicial authorities' awareness and understanding of the probative value of digital evidence
	Prosecutorial and judicial procedures and management systems in place for use of digital evidence exhibits

In arriving at this ToC and outline Results Framework, we have

1. Integrated all outputs identified within the SoR;
2. Prioritised and emphasised the primary task of delivering the necessary equipment, training and procedures to gather, assess and exploit digital media to support investigations and prosecutions;
3. Allowed for HMG initiatives targeting developing awareness of digital evidence to prosecutors/judiciary to be delivered under the same ToC, delivering an integrated and synergistic effect;
4. Remained realistic, given the abbreviated delivery timeframe;
5. Accounted for the substantive variances between the three territories, requiring an overarching Theory of Change relevant to each location, but which enables project planning to be tailored in line with local factors, e.g. local legal requirements for admissibility, resources, pre-existing capacity, types of evidence, digital environment, etc.

6. Recognised the need to provide evidence within the project lifecycle of increased demand, since for practical reasons an increased number of CT cases supported by digital evidence may be not achieved in the timescale, meaning intermediate measures of effect are required to inform project performance assessment and consideration of further investment;
7. Ensured full alignment at impact level with the UK's compliance, JHRP and human rights goals.

The ToC set out above is designed for relevance to the IDEA project. However, it has the potential to be built upon in future as the beneficiary agencies create an environment and adopt a culture where digital evidence is exploited and used in a criminal justice system that accepts it, enabling and incentivising increased data recovery and use of digital evidence to support investigations and prosecutions. This approach supports HMG national strategies and also complements ongoing HMG support to the focus partner nations.