

Questionnaire on ways to improve international co-operation in the criminal field

I. INTRODUCTION

The Committee of Ministers in 2006 set up the CCPE¹ which has the task in particular to prepare opinions concerning issues relating to the prosecution service and to promote the implementation of Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system.

The necessity to strengthen and ensure the security of European citizens was indicated in the Declaration and the Action Plan adopted by the Third Summit of Heads of state and Government (Warsaw, 16 – 17 May 2005).

In conformity with the instruction of the CCPE (see document CCPE (2006) 06, Part II), its Bureau, during its meeting in Strasbourg on 18-20 December 2006, decided the order of priority for the actions of the CCPE in the framework of the implementation of the framework overall action plan for the work of the CCPE.

Consequently, the first task of the CCPE will be to study ways and means to improve international co-operation between public prosecutors in Europe, on the basis of articles 37-39 of Recommendation Rec (2000) 19 (see Chapter VII of the action plan). In carrying out its work the Bureau will take account of the work of the Committee of experts on the operation of European Conventions on co-operation in criminal matters (PC-OC)² and the work of the High-Level Conference of the Ministries of Justice and of the Interior on improving European co-operation in the criminal justice field (Moscow, 9 – 10 November 2006)³.

In order to facilitate the preparation of the opinion for the attention of the Committee of Ministers on this topic, the Bureau of the CCPE prepared the questionnaire below. The questions refer to the functioning of international co-operation (extradition, mutual legal assistance and other measures) in the light of the Council of Europe treaties in the criminal field.

II. ACTION REQUIRED

The CCPE will carry out work to promote and improve international co-operation between prosecutors. To prepare an opinion on this important issue we need to update the experience and expertise of practitioners, both in the field of treaties of the Council of Europe and in the field of international co-operation.

Delegations of the CCPE are invited to answer this questionnaire by 31 January 2007.
 Replies should be sent, in English or in French, to the following address: dg1.ccpe@coe.int. When preparing their replies to the questionnaire, delegations are invited to consult their relevant national bodies which could make a useful contribution to this request for information.

¹ See website : www.coe.int/ccpe/

² See website : www.coe.int/tcj/

³ See website : www.coe.int/minint/

III. QUESTIONNAIRE ON WAYS TO IMPROVE INTERNATIONAL CO-OPERATION IN THE CRIMINAL FIELD

1. Please give examples of criminal cases, without personal data, where public prosecutors in your country have experienced significant difficulties when working with public prosecutors or other judicial bodies in other European countries. In your opinion, what are the reasons of these difficulties (e.g. types of cases which raise special difficulties linked to domestic laws or foreign legislation or procedures, lack of knowledge of the steps to be taken, lack of direct contacts, insufficient knowledge of languages or legal instruments, or problems linked to translation, undue delay, gaps or inappropriate provisions of the relevant European Conventions and bilateral agreements or other texts, etc...).
2. Please give examples of criminal cases, without personal data, where public prosecutors in your country were satisfied with the co-operation with public prosecutors or other judicial bodies in other European countries. In your opinion, what are the reasons for this successful co-operation (e.g. types of cases which can be dealt with without difficulty, national or foreign good practices, practical measures contained in the provisions of the relevant European Conventions and bilateral agreements or other texts, etc...).
3. Please give details of any suggestions made by public prosecutors and other judicial bodies in your country concerning the steps which could be taken to improve co-operation between prosecutors in Council of Europe member states, including proposals for an improvement of the relevant European treaties.
4. Any other comments.