



Strasbourg, 17 September 2008

CCPE-GT(2008)2

**WORKING GROUP MEETING OF THE
CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
(CCPE-GT)**

**Report of the 2nd meeting of the Working Group
Strasbourg, 10 – 12 September 2008**

Secretariat document, prepared by the
Directorate General of Human Rights and Legal Affairs

I. INTRODUCTION

1. The Working Group of the Consultative Council of European Prosecutors (CCPE-GT) held its 1st meeting in Strasbourg on 10 - 12 September 2008. The meeting was chaired by Mr. Harald RANGE (Germany).
2. The agenda and the list of participants appear in the Appendices I and II.

II. COMMUNICATION BY THE PRESIDENT OF THE CCPE AND THE SECRETARIAT

3. The Secretariat informed the Working group members about the possible organisation in Vienna of Conference of General prosecutors of the EU member states on the same dates as the plenary meeting of the CCPE. Despite the efforts from the Secretariat to coordinate the dates of the events (the dates of the CCPE were decided and made public through the internet in November 2008), no solutions was found to solve this problem. Nevertheless, it was decided to keep the dates of the plenary meeting (15 – 17 October) as agreed since November 2008 by the plenary meeting of the CCPE.
4. The President informed the CCPE-GT about his recent participation at Conference: “Building a Europe for and with Children: towards a strategy for 2009-2011”, organised by the Council of Europe in Stockholm on 8 – 9 September within the Swedish Chairmanship of the Committee of Ministers, and as a follow up to the 28th Conference of the European Ministers of Justice (Lanzarote, October 2007). The President proposed to the Working group to consider the possibility of integrating in the future work of the CCPE the following questions: how to deal with juveniles? Juveniles as witnesses and victims in a criminal case; alternatives to prosecution for juveniles; tasks of the prosecutors outside the criminal field where juveniles are involved and power of prosecutor vis-à-vis custody.
5. The President will also represent the CCPE at Eurojustice Conference (the themes of the Conference are: “The Prosecutor’s Role in Securing Public Confidence in the Criminal Justice System” and “The Development of Information Communications Technology (ICT) by Prosecutors and Lessons Learned from Experience”) to be held in Edinburgh on 30 September – 1 October 2008.
6. The Secretariat told the Bureau that Opinion No. 1 of the CCPE on “Ways to improve international co-operation in the criminal justice field” was transmitted by the CDPC to the Committee of Ministers which took note of it.
7. Mr Stéphane LEYENBERGER informed the Bureau about his participation in a Colloquy on international and European judicial cooperation in Paris on 7 April 2008 to make a presentation on the Opinion N°1. The participants at the conference: lawyers, judges and prosecutors appreciated the pragmatic approach of the CCPE as reflected in this Opinion. The proceedings of this Colloquy will be published in the Series “Gazette du Palais” (Paris).

III. DRAFT OPINION N°2 ON ALTERNATIVES TO PROSECUTION

8. The Draft Opinion N°2 resulting from the comments made by the experts following the last expert meeting (February 2008) was discussed by the members of the Working Group. Some minor changes in particular of style and languages were included. The

Working group decided to forward the draft¹ for adoption to the 3rd plenary meeting of the CCPE.

III. DRAFT OPINION N°3 ON THE ROLE OF PROSECUTORS BEYOND THE CRIMINAL FIELD

9. The Chairman thanked the Russian authorities, and in particular the Prosecutor General Yuri CHAÏKA, for their excellent and generous organisation of the Conference in Saint Petersburg on the role of prosecution services in the non criminal field (2 – 3 July 2008). He recalled that the drafting group, in a meeting held immediately after the end of the conference, entrusted Mr Varga with the drafting of an Opinion in consultation with Mr Peter POLT (Hungary), Mr Joao DA SILVA MIGUEL (Portugal) and Mr Alexander ZVIAGENTSEV (Russian Federation).
10. After recalling the procedure followed since the Saint Petersburg conference for the drafting of the text under examination, Mr POLT explained that a compromise had been reached during a consultation meeting in Budapest which was acceptable for all its contributors.
11. This text, referred to as the “Budapest text”, with some linguistic changes from the secretariat, was used as basis for the discussions (CCPE-GT(2008)3).
12. The preliminary discussion underlined that the text relies on a number of general points drawn from the replies by member states to the questionnaire and from the debates and conclusions of the conference in Saint Petersburg. Whatever the system chosen by a member state for its prosecution service is, it must respect the case-law of the ECHR and enshrine the principle that the protection of human rights ultimately lies with courts. Recommendation Rec (2000) 19 only refers to the criminal sphere and cannot therefore be applied as such to the non criminal competences of prosecution services.
13. The group noted that, although reference is made to the role of the prosecutor in non criminal matters in many documents of the Committee of Ministers, of the Parliamentary Assembly and of the Venice Commission, no specific normative text exists in this area and strongly supported the idea that one should be drafted and adopted by the Committee of Ministers, to complement Recommendation Rec(2000) 19.
14. As for the form, it was agreed to shorten the draft as much as possible, and especially the introductory part.
15. It was agreed that the experts could further comment on the draft Opinion as amended by this meeting (CCPE-GT(2008)3Rev1) until 19 September 2008. The revised draft would then be submitted for adoption to the 3rd plenary meeting of the CCPE (15 – 17 October 2008).

¹ CCPE-BU(2008)1 Rev 7

Appendix I

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Communication by the President, members of the Bureau and the Secretariat
4. Draft Opinion N° 2 on Alternatives to prosecution
5. Draft Opinion N°3 on the role of prosecutors beyond the criminal field
6. Any other business

Appendix II

LIST OF PARTICIPANTS

MEMBERS OF THE WORKING GROUP

Katarína LAIFEROVA, Head of the Office of the Prosecutor General, BRATISLAVA, SLOVAKIA

PETER MC CORMICK, Office of the Director of Public Prosecutors, DUBLIN, IRELAND

Vito MONETTI, Substitut du Procureur de la République près la Cour Suprême de Cassation, ROME, ITALIE

Jerzy SZYMAŃSKI, Public Prosecutor, National Prosecutor's Office, Ministry of Justice, Organised Crime Bureau, WARSAW, POLAND

Raija TOIVIAINEN, State Prosecutor, Head of the International Unit, HELSINKI FINLAND

Antonio VERCHER NOGUERA, Deputy Attorney General, Fiscalía General del Estado, Fortuny 4, MADRID, SPAIN

Alexander Grigorievich ZVYAGINTSEV, Deputy Prosecutor General, Office of the Prosecutor General, MOSCOW, RUSSIAN FEDERATION

MEMBERS OF THE BUREAU

Olivier de BAYNAST, Procureur Général auprès de la Cour d'Appel d'Amiens, France

João Manuel DA SILVA MIGUEL, Procureur Général Adjoint, Procuradoria-Geral da República, LISBONNE, PORTUGAL

Peter POLT, Chief Prosecutor, Head of Criminal Trial Cases, Office of the Prosecutor General, BUDAPEST, HUNGARY (Vice-President of the CCPE / *Vice-Président du CCPE*)

Harald RANGE, Prosecutor General, Generalstaatsanwaltschaft Celle, GERMANY (President of the CCPE / *Président du CCPE*)

OTHER PARTICIPANTS

Vladimir ZIMIN, First Deputy Chief, Prosecutor General's Office, the General Department of International Legal Co-operation, MOSCOW, RUSSIAN FEDERATION

SECRETARIAT OF THE COUNCIL OF EUROPE *SECRETARIAT DU CONSEIL DE L'EUROPE*

**Directorate General of Human Rights and Legal Affairs, Justice Division /
*Direction générale des droits de l'Homme et des affaires juridiques, Division de la justice***

Anna CAPELLO, Secretary of the CCPE, Head of Justice Division / *Secrétaire du CCPE, Chef de la Division de la Justice*

Stéphane LEYENBERGER, Deputy to the Head of Division / *Adjoint au Chef de Division*

Ana RUSU, Co-Secretary of the CCPE / Co-Secrétaire du CCPE
Jean-Pierre GEILLER, Documentation
Sandrine LMAROLLEAU, Communication
Emily WALKER, Assistant / *Assistante*

Interpreters / Interprètes

Mr Nicolas GUITTONNEAU
Ms Chloé CHENETIER
Ms Cynera JAFFREY