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Economic Crime Division
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**SUPPORT TO PROSECUTORS' NETWORK IN SOUTH EASTERN EUROPE
REGIONAL PROSECO PROJECT
CARDS 2006**

1st Progress Report

Project title	Support to Prosecutors' Network in South Eastern Europe
Reference number	2008/153-650
Project starting date	17 April 2008
Project duration	17 April 2008-16 April 2010
Implementation	Council of Europe (Economic Crime Division, Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) and Ministry of Justice of Italy
Project budget	1 666 669 Euros
Date of report	6 February 2009
Reporting period	17 July – 30 November 2008

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This technical report does not necessarily reflect official positions of the Council of Europe or of the European Union.

Executive Summary

This report summarises activities implemented under the Project "Support to Prosecutors' Network in South Eastern Europe" – CARDS 2006 Regional PROSECO Project in the period from 17 July until 30 November 2008.

The project is to strengthen capacities of the CARDS countries to develop and implement judiciary co-operation against serious crime based on the EU acquis and other European and international standards and practices by supporting the Prosecutor's Network.

Important achievements during the reporting period include:

- completion of two Regional Thematic Conferences: Regional Conference on financial investigations and confiscation of proceeds from crime, 25-26 September 2008, Cavtat, Croatia and Regional Conference on cybercrime, 17-19 November 2008, Ohrid "the former Yugoslav Republic of Macedonia";
- completion of two Training Seminars: Training Seminar on international co-operation for prosecutors in Serbia, 18-19 September 2008, Belgrade and Nis, Serbia, and Training Seminar on inter-agency co-operation and data exchange regarding reporting of corruption related offences, 24-25 November 2008, Podgorica, Montenegro;
- completion of two Legislative Reviews and one Legislative Roundtable: Legislative Review of the draft law on international co-operation in criminal matters of Bosnia and Herzegovina, followed by a roundtable on 7 November 2008, and Legislative Review of the draft law on international co-operation in criminal matters of Serbia;
- completion of the first Internship for Prosecutors, 17-28 November 2008, Rome, Napoli and Bari, Italy.

During the reporting period the Project Manager visited Belgrade, Zagreb and Sarajevo to discuss with the Project's Contact Persons about the activities to be organised until the end of year. During these visits the Project Manager met with the EC Delegation representatives in Sarajevo and Belgrade.

Also, during the reporting period the first EC Result Oriented Monitoring (ROM) of the Project was performed. In September the ROM monitors met the Project Manager, representatives of the Ministry of Justice of Italy and relevant stakeholders in all seven project areas.

1 PROJECT

1.1 Project summary

Name of implementing and co-financing organisation

Council of Europe, Directorate General of Human Rights and Legal Affairs.

Name and title of the contact person

Alexander Seger, Head of Economic Crime Division, DGHL, Council of Europe.

Name of partners in the action

Department of Judicial Affairs, Ministry of Justice of Italy.

Title of the action

Support to Prosecutors' Network in South Eastern Europe.

Contract number

2008/153-650.

Start date and end date of the reporting period

Start date: 17 April 2008.

Reporting period: 17 April – 20 November 2008.

Target countries / project areas

Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia" and Kosovo¹.

Target groups

Prosecutors and judges specialised in measures against organised and other forms of serious crime; practitioners and senior officials from the Ministry of Justice and practitioners and senior officials from the Ministry of Interior/Security responsible for international co-operation.

Countries / project areas in which the activities take place

In addition to the countries/project areas listed above, activities will take place in Italy, France and in a number of Member States of the European Union to be selected.

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

1.2 Project objectives

The overall objective of the project is to strengthen the capacities of the CARDS countries to develop and implement judiciary co-operation against serious crime based on the EU *acquis* and other European and international standards and practices by supporting the Prosecutor's Network.

In particular, the project will focus on strengthening the legislation and institutional capacities of General Prosecutors' Offices of South Eastern Europe in view of more effective co-operation against serious crime. It will build on the achievements reached under the 2003 CARDS Regional Judicial Reform project (with a special emphasis on the cross module activities implemented) and the basic elements for future co-operation contained in the Memorandum of Understanding signed on 30 March 2005 by the General Prosecutors of the CARDS countries.

To achieve its objective, the project will implement regional and project area-specific activities under four outputs:

- Output 1 Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border co-operation
- Output 2 Human capacities of prosecutions services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases
- Output 3 Co-operation manual and other tools available for more effective co-operation against serious crime
- Output 4 Contact points for judicial co-operation strengthened.

1.3 Updated work plan

OUTPUT 1	Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation	
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved	
Ongoing		
Activity 1.2	Up to 2 legal reviews per project area (and continuous ad hoc advice) in order to review the existing legislation on investigation, prosecution and co-operation against serious crime August 2008 – March 2010	
1.2.1	▪ Albania	
1.2.2	▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 Completed
1.2.3	▪ Croatia	
1.2.4	▪ Montenegro	
1.2.5	▪ Serbia Review of Draft Law on Mutual Legal Assistance in Criminal Matters	November - December 2008
1.2.6	▪ The Former Yugoslav Republic of Macedonia	November 2008

		- January 2009
1.2.7	▪ Kosovo under UNSCR 1244	
Activity 1.3	2 roundtables per project area (follow up to the legal reviews) and 2 regional workshops	October 2008-April 2010
1.3.1	▪ Albania	
1.3.2	▪ Bosnia and Herzegovina Roundtable on Draft Law on International Co-operation in Criminal Matters	7 November 2008 Completed
1.3.3	▪ Croatia	
1.3.4	▪ Montenegro	
1.3.5	▪ Serbia	
1.3.6	▪ The Former Yugoslav Republic of Macedonia	
1.3.7	▪ Kosovo under UNSCR 1244	
1.3.8	▪ Regional Workshop 1	
1.3.9	▪ Regional Workshop 2	
Output 2	Human capacities of prosecution services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases	
Activity 2.1	4 Regional thematic trainings (e.g. joint investigative teams, use of special investigation means, cybercrime, witness protection, confiscation and assets sharing)	
2.1.1	▪ Regional Thematic Training 1 Financial Investigations and Confiscation of Proceeds from Crime	Dubrovnik, Croatia 25 and 26 September 2008 Completed
2.1.2	▪ Regional Thematic Training 2 Training for prosecutors and judges and Conference on Co-operation under the Cybercrime Convention	Ohrid, FYROM, 17-19 November 2008 Completed
2.1.3	▪ Regional Thematic Training 3	August 2009
2.1.4	▪ Regional Thematic Training 4	January 2010
Activity 2.2	2 Thematic in-country trainings (on issues of priority interest)	
2.2.1	▪ Albania	
2.2.2	▪ Bosnia and Herzegovina	
2.2.3	▪ Croatia	
2.2.4	▪ Montenegro Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange regarding reporting of corruption related offences	Podgorica 24-25 November Completed
2.2.5	▪ Serbia Training on International Co-operation in international instruments	Belgrade 18 September 2008 Nis 19 September 2008 Completed
2.2.6	▪ The Former Yugoslav Republic of Macedonia	
2.2.7	▪ Kosovo under UNSCR 1244	
Activity 2.3	Organisation of two-week internship programme (3 prosecutors per project area) to EU member States (Italy, Portugal and Slovenia)	
2.3.1	▪ Internship 1 – Italy (Rome, Napoli and Bari)	17-28 November 2008 Completed

2.3.2	▪ Internship 2	June 2009
2.3.3	▪ Internship 3	January 2010
Output 3	Co-operation manual and other tools available for more effective co-operation against serious crime	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation	October 2008- January 2009
Activity 3.2	Translation and publication of explanatory reports of relevant conventions and other documents of priority interest in local languages	April 2009
Activity 3.3	Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime	January 2009 – February 2010
Activity 3.4	Creation of web sites on judicial co-operation to be hosted on the existing web sites of prosecutor offices and/or Ministries of Justice and Ministries of Interior / Security	December 2009- April 2010
Output 4	Contact points for judicial co-operation strengthened	
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks for their operating	April 2008 – January 2009
Activity 4.2	Organisation of 2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities	
4.2.1	▪ Regional Meeting 1	Early 2009
4.2.2	▪ Regional Meeting 2	June 2009
Activity 4.3	Organisation of 2 regional meetings of contact points and members of prosecutorial network and heads of organised crime units from each project area to strengthen networking at regional level	
4.3.1	▪ Regional Meeting 1	Early 2009
4.3.2	▪ Regional Meeting 2	July 2009
Activity 4.4	Organisation of a regional conference of prosecutorial network with the aim of amending the Memorandum of Understanding for the Establishment of the Prosecutors' Network	June 2009

2 ACTIVITIES AND RESULTS DURING THE REPORTING PERIOD

The following activities were completed during the reporting period:

Output 1

Activity 1.2.2 - Review of Draft law on international co-operation in criminal matters of Bosnia and Herzegovina

Objective

The objective of this legislative review was to ensure that the provisions of the Draft law on international co-operation in criminal matters are in line with the relevant Council of Europe instruments and that the Law once adopted will make international co-operation, and investigation and prosecution of serious crime cases more effective.

Results

The Council of Europe engaged for this activity Mr Simon Regis (United Kingdom) who made an analysis of the Draft Law and assessed its compatibility with the following Conventions: European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols, European Convention on Extradition and its Additional Protocols, European Convention on the Transfer of Sentenced Persons and the Additional Protocol and European Convention on the Transfer of Proceedings in Criminal Matters.

The Draft Law was found to be very comprehensive and contemporary, as it took into account provisions from the most recent Council of Europe Conventions in the field of international co-operation. It was drafted with the assistance of an expert from Austria under a USAID project, but results of domestic consultations and training seminars where the draft was discussed were taken into consideration as well. Therefore it reflects both the opinions of international experts as well as of domestic practitioners which is important for ensuring the proper implementation of the Law.

If the responsible authorities in Bosnia and Herzegovina take recommendations into account and adopt the Draft Law in line with the expertise, the Law will provide an effective legal tool for the appropriate authorities to carry out their tasks in the sphere of international co-operation, being provision or execution of international co-operation requests.

Activity 1.2.5 – Review of Draft law on international co-operation in criminal matters of Serbia

Objective

The objective of this legislative review was to ensure that the provisions of the Draft law on international co-operation in criminal matters are in line with the relevant Council of Europe instruments and that the Law once adopted will make international co-operation, and investigation and prosecution of serious crime cases more effective.

Results

The Council of Europe engaged for this activity Mrs Lorna Harris (United Kingdom) and Mrs Anna Adamiak (Poland) who made a detailed analysis of the Draft Law and assessed its compatibility with the following Conventions: European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols, European Convention on

Extradition and its Additional Protocols, European Convention on the Transfer of Sentenced Persons and the Additional Protocol and European Convention on the Transfer of Proceedings in Criminal Matters.

Mrs Harris provided, in addition to an opinion, a revised version of the Draft law with comments and changes included in the text of the Draft with function "track changes", so that all proposed amendments are clear to those who will be finalising the Draft.

Both experts found a Draft law to be well prepared, and that its drafters took into consideration relevant CoE conventions. It is considered that Draft law guarantees a proper level of international co-operation in criminal matters, facilitating efficient fight against trans-border crime.

However, some parts which could be improved were identified. The experts in those cases proposed alternative wording of articles or paragraphs in question trying to ensure that the above-mentioned Conventions are as fully covered in the Draft law as possible.

Subject to a will of responsible authorities of Serbia to incorporate changes as suggested in the expert opinion and adopt the Draft law in such a form, the Law will become a useful legal tool for officials working in the field of international co-operation to carry out their tasks (sending and receiving the mutual legal assistance requests) in manner which would ensure efficient fight against trans-border crime.

Activity 1.3.2 – Roundtable on Draft law on international co-operation in criminal matters of Bosnia and Herzegovina

Objective

The objective of this activity was to provide advice to the working group of the State Prosecutors Office of Bosnia and Herzegovina for drafting comments on Draft law on international co-operation in criminal matters, which it was supposed to be submitted to the Ministry of Justice for consideration and possible inclusion into the Draft.

Results

Following provision of the expert opinion on Draft law on international co-operation in criminal matters of Bosnia and Herzegovina, a Roundtable was held in Sarajevo on 7 November 2008 at the State Prosecutor's Office (SPO). The Roundtable was organised upon request of the working group of the SPO with the purpose of assisting its members in drafting their comments on the Draft law.

Mr Simon Regis, the CoE expert who provided expert opinion reviewed with the working group his expert opinion in detail, and thereafter answered specific questions related to each chapter of the Draft law, as well as related to specific mutual legal assistance issues.

The working group members made it clear that they agreed with the substantive points of the expert opinion and they incorporated most of its suggestions, compatible with the legal system of Bosnia and Herzegovina, into their own opinion. The working group submitted their own opinion with the attached expert opinion of Mr Regis to the Ministry of Justice which is preparing Draft law for Parliamentary procedure. In addition, the members of the working group benefited from direct discussions and experience exchange with the Council of Europe expert regarding various international co-operation issues.

Output 2

Activity 2.1.1 – Regional Thematic Conference on Financial Investigations and Confiscation of Proceeds from Crime

Objective

The objective of the Thematic Conference was threefold:

- to present to the participants practical examples and relevant provisions of international instruments in the field of international co-operation when it includes financial investigations, confiscation of proceeds from crime and assets sharing;
- to assess progress achieved in the field of financial investigations in project areas in the period following the signature of the Brijuni Strategy on tools against organised and economic crime²;
- to assess needs for future assistance in the field of financial investigations and confiscation of proceeds from crime.

Results

The first Regional Thematic Conference took place on 25 and 26 September in Cavtat, Croatia. There were 33 representatives from all project areas from the following institutions: Prosecutor's Offices, Ministry of Interior, Ministry of Justice and Ministry of Finance. The Council of Europe experts and the UNODC representative made presentations on the following topics: legislative and technical conditions for financial investigations; cross border financial investigations and confiscation of proceeds from crime and agencies for handling confiscated proceeds. Representatives from each project area gave an overview of the implementation status of the Brijuni Strategy on tools against organised and economic crime in the field of financial investigations and confiscation of proceeds from crime.

The participants actively contributed to discussions with the CoE experts. Based on information from the participants a significant progress was noted in nearly all project areas in the field of financial investigations and confiscation of proceeds from crime since signature of the Brijuni Declaration. However, the participants also recognised a need to further improve legislative frameworks, enhance capacities of judicial and law enforcement institutions through specialised training as well as cross border co-operation, and to ensure effective implementation of the Brijuni Strategy.

During the two day conference the practitioners improved their knowledge of specific instruments and procedures in relation to financial investigations and confiscation of proceeds from crime. They agreed upon conclusions which clearly sets forth areas in which further efforts are needed. These conclusions were presented at the EU Western Balkans Ministerial Forum on Justice and Home Affairs, which took place in November 2008 in Zagreb Croatia.

Agenda, list of participants and conclusions are enclosed in Annexes 1, 2 and 3.

Activity 2.1.2 – Regional Thematic Conference on cybercrime

Objective

The objectives of this double event were:

² Brijuni Strategy on tools against organised crime was signed by the Ministers of Interior/Security of the South Eastern Europe countries at the ministerial meeting organised within the CARDS Police Project in Brijuni, Republic of Croatia in September 2005.

- to provide training on cybercrime for prosecutors and judges;
- to enhance the effectiveness of international co-operation against cybercrime (urgent, provisional measures and judicial co-operation).

Results

The Conference took place from 17 to 19 November 2008, in Ohrid, "the former Yugoslav Republic of Macedonia". 27 participants, judges and prosecutors from all project areas, took part in the first part of the Conference – Training for prosecutors and judges.

During this part of the Conference a type of training for judges and prosecutors on cybercrime was identified, which should cover the issues contained in the draft training manual that is being finalised by the Council of Europe. Some of these issues are: role of judges in investigating and prosecuting cybercrime, co-operation between law enforcement agencies and private business, computer forensics and electronic evidence. It was noted that a stronger focus should be given to international co-operation. It was suggested that the future training sessions should be institutionalised in each project area through judicial training institutions. During discussions it became clear that the countries which have ratified the CoE Convention on cybercrime (Albania, Bosnia and Herzegovina and "the former Yugoslav Republic of Macedonia") need to improve their national legislation to meet its requirements.

At the second part of the Conference – Review of effectiveness of international co-operation against cybercrime there were 39 participants. With regard to 24/7 points of contact, it was noted that although such contact points exist in most countries they have not been effective.

The Council of Europe experts at this Conference were: Ms Ioana Albani, Prosecutor from Romania, Ms Bojana Paunovic, Judge from Serbia, Ms Cristina Schulman, Official of the Ministry of Justice of Romania, Dr Marco Gercke, Professor of Criminal Law from Germany and Ms Carmen Lazaro, Lawyer from Spain.

During the conference a checklist for the preservation of computer data was prepared and a directory of contact points was updated for 14 countries. Also, prosecutors and judges improved knowledge of cybercrime and of international co-operation through 24/7 contact points.

Agenda and lists of participants are enclosed in Annexes 4, 5 and 6.

Activity 2.2.4 – Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange and reporting of corruption related offences

Objective

The objective of the Training Seminar was to enhance capacities of the prosecutor's offices, police, institute for auditors and accountants to trace and report corruption related offences with the special emphasis on inter-agency co-operation.

Results

The Training Seminar was completed on 24 and 25 November 2008 in Podgorica. The total number of participants was 51.

It was organised in co-operation with the Directorate for Anti-corruption Initiative of Montenegro and with logistical support from the Council of Europe Office in Podgorica.

The Council of Europe expert engaged for this activity was Mr Mirjan Hren (Slovenia) who made presentations regarding detection of corruption, its reporting and inter-agency co-operation. He made two case studies on practical issues in dealing with criminal offences of corruption. The representatives from the Institute of Accountants and Auditors, Directorate for the Prevention of Money Laundering and Terrorism Financing, Supreme State Prosecutor's Office and State Auditing Institute also made presentations. On the basis of presentations and discussions the participants made the recommendations.

This activity helped Government of Montenegro to directly implement GRECO³ recommendation 23 from the 1st and 2nd round evaluation report on Montenegro. A wide range of practitioners (prosecutors, accountants, auditors and police officers) from all regions of Montenegro have improved knowledge of tracing, reporting and inter-agency co-operation of corruption related offences.

Agenda, list of participants and recommendations are enclosed in Annexes 7, 8 and 9.

Activity 2.3.1 – Internship for Prosecutors to Italy

Objective

The objective of the Internship for prosecutors was to increase their knowledge about Italian criminal justice system, institutions, instruments and mechanisms for international co-operation in criminal matters.

Results

The Internship took place from 17 to 28 November 2008 in Rome, Napoli and Bari. The total number of prosecutors who took part was 18 (3 per project area). Montenegro has not nominated prosecutors for Internship.

The Ministry of Justice of Italy has ensured all organisational support.

During the Internship in Rome, Napoli and Bari the prosecutors were hosted at the following institutions:

- Ministry of Justice (Directorate General for Criminal Justice, Department for Legislative Matters and Department for International Co-operation);
- Anti-mafia Bureau;
- Superior Council of Judiciary;
- Court of Appeal;
- Prosecutor's Office;
- Carabinieri - Regional Headquarters in Bari.

The officials from the above-mentioned institutions provided the in-depth presentations on following topics:

- Organisational structure, roles of each particular institution and their inter-relations;
- Instruments and mechanisms of international judicial co-operation in European Union;
- Instruments and mechanisms for bilateral co-operation in criminal matters;
- European arrest warrant;
- Transfer of sentenced persons;

³ Group of States Against Corruption, for more information please see:

http://www.coe.int/t/dg1/Greco/Default_en.asp

- International searches;
- Extradition;
- Implementation of the European Union Law into Italian national legislative system;
- Practical application of SIDDA and SIDNA⁴ data banks;
- Interceptions;
- Joint investigation teams.

The entire Internship was very interactive, the participants asked their Italian colleagues specific questions and initiated discussions about concrete criminal cases.

Based on feedback forms completed by majority of participants it can be concluded that the Internship achieved its objective, as participants acknowledged that their knowledge about Italian criminal justice system and specific mechanisms for international co-operation in criminal matters have increased. This was due to a high quality of speakers who shared long experience and expertise in various fields. The participants were confident that they will be able to apply knowledge gained during the internship in their everyday work as prosecutors. Another important achievement of the Internship is establishment of direct contacts between prosecutors from South Eastern Europe with their Italian counterparts and also between delegations. This directly contributed to strengthened co-operation and networking.

Agenda and list of participants and are enclosed in Annexes 10 and 11.

⁴ SIDDA – Sistema informativo Direzione Distrettuale Antimafia (District Intelligence Information Data Base) and SIDNA – Sistema infromativo Direzione Nazione Antimafia (National Intelligence Information Data Base).

3 ANALYSIS: PROGRESS TOWARDS OBJECTIVES AND EXPECTED RESULTS

Project's achievements during the reporting period, towards specific project objective - *to strengthen the legislation and institutional capacities of Prosecutor's Offices of South-eastern Europe in view of more effective co-operation against organised and other forms of serious crime* - can be assessed as positive, notwithstanding the fact that at this stage it is not possible to apply a precise indicators of success.

Namely, the indicators of success as defined in project's logframe require an analysis of statistical data on numbers of direct requests for international co-operation sent/received from prosecutor's offices and of statistical data on numbers of prosecutions of serious crime cases.

Collection of relevant statistical data for 2007 and 2008 is foreseen for the beginning of 2009 and the Project Management counts of readiness of prosecutor's offices to provide the data which will be requested. To measure the project's success on basis of these indicators will be possible only shortly before the end of the project, as the analysis / comparison needs to be done taking into consideration the statistical data for the year 2009. The statistical data for the year 2009 will not be available before the beginning of the year 2010. Assumption is that these statistical data are actually kept in each general prosecutor's office and available.

In relation to project's Output 1 - *draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border co-operation* - during the reporting period two legislative reviews and one legislative roundtable were completed and these activities assisted the authorities of Bosnia and Herzegovina and Serbia to upgrade the quality of draft laws on international co-operation in criminal matters and bring it to the level which would fully satisfy the requirements of relevant Council of Europe Conventions.

The achievement of success under this output is directly linked to political commitment of governments in project areas to improve quality of their legislation. In case that this commitment exist, it is necessary that relevant pieces of legislation (being laws, draft laws or amendments) are submitted, along with a request for expertise, to the Council of Europe. Judging on minimal number of such requests during the reporting period, there is a concern that the project might not fully meet this particular objective.

In relation to project's Output 2 - *human capacities of prosecution services* strengthened - during the reporting period the project organised two regional conferences, two training seminars and one internship which enhanced capacities of significant number of practitioners, mainly prosecutors, in the fields of international co-operation, financial investigations, cybercrime and efficient co-operation and data exchange of fighting corruption related offences. All these activities provided the participants with information and knowledge which they will be able to apply in their everyday work, under condition that their national legislation allows for it. It is important to note that apart from internship in Italy, at which Montenegro has not sent any prosecutors, at all other regional events all the project areas had their representatives. These regional activities also provided an opportunity to prosecutors, officials from Ministries of Justice and other practitioners to establish direct contacts with their colleagues from other project areas, as well as with Council of Europe experts, who in most of the cases were practitioners in their countries of origin.

In relation to project's Output 3 - *co-operation manual and other tools available for more effective co-operation against serious crime* - only the activity 3.1 was foreseen to commence during the reporting period, i.e. October 2008. Namely, this activity is a preparation of an inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation. An official request is planned to be sent before 15

December 2008 to the project's Contact Persons from Ministries of Justice to submit lists of bilateral and multilateral agreements already signed by their countries.

In relation to project's Output 4 - *contact points for judicial co-operation strengthened* - no activities were foreseen to take place during the reporting period.

4 CONCLUSIONS AND RECOMMENDATIONS

Overall assessment of project implementation following the inception phase is satisfactory, as a number of important events have taken place. Moreover, the project management received a positive feedback from the participants, in particular related to the substance of presentations and expertises provided.

As long as the work plan is concerned the activities as planned in work plan submitted with the Revised Inception Report were implemented.

Concerning the submission of due monthly reports for the period since the beginning of the project in April until October 2008, the reports were submitted to the EC Project Manager in November 2008, and after receiving the approval disseminated and placed on the project's web page.

Regarding the co-operation with the implementation partner the Ministry of Justice of Italy it has to be noted that the persons who were involved in the project in its inception phase and appointed as a Steering Committee Member are no longer involved in the project's implementation. The Project Management in Strasbourg has a good co-operation with staff from the Ministry when it concerns logistical and operational matters, such as in the case of the organisation of the internship, but the project would benefit more if the Ministry would make available an official /expert involved preferably in international co-operation who would be available to offer regular expert input on substantial issues, for which the partnership was primarily made.

Regarding the involvement of Kosovo into the project's implementation, during the reporting period representatives from Kosovo took part in all the regional activities.

Co-operation with Contact Persons from project areas remains good, but a more proactive approach on their side would be needed in the future period.

On one hand there are reasons for satisfaction with the project's achievements in the period from 17 July to 30 November 2008.

On the other the following issues are to be resolved in the period of the next 3 months:

- Finalisation of the work plan for period 2009 to 2010 in particular concerning Outputs 1 and 2;
- Obtaining of nominations for Kosovo Contact Persons;
- Gathering, for the first time after the CARDS 2002 Judiciary Project, of the Prosecutor's Network and assessment of its current status;
- Assessment of status of other prosecutorial co-operation networks;
- Increase of involvement of experts from the Ministry of Justice of Italy and
- More proactive co-operation and co-ordination on the side of the Contact Persons.

5 ANNEXES

Annex 1

Support to Prosecutors' Network in South Eastern Europe
PROSECO Regional Project

**Regional Thematic Seminar
Financial Investigations and Confiscation
of Proceeds from Crime**

Hotel "Croatia" Cavtat, CROATIA
25-26 September 2008

Agenda

24 September	Arrival of Participants in Cavtat
25 September	First Day of the Conference
09:00-10:00	Opening and Welcoming Remarks <ul style="list-style-type: none">▪ Mrs Tatjana Vucetic, Ministry of Justice of Croatia, PROSECO Project Contact Point▪ Mr Przemyslaw Musialkowski, Council of Europe▪ Mr Pierre-Christian Soccoja, Embassy of France in Croatia▪ Ms Gina Ferrazzano, Ministry of Justice of Italy
10:00-10:30	Achievements of CARDS POLICE project Brijuni Strategy, Manual on Financial Investigations and Report on Financial Investigations and Confiscation of Proceeds from Crime <ul style="list-style-type: none">▪ Ms Vesna Efendic, Council of Europe
10:30-11:00	Coffee Break
11:00-12:30	Implementation of the Brijuni Strategy on tools against organised and economic crime in the field of financial investigations and confiscation and presentation by project areas of developments/changes in legislation or in practice Albania Bosnia and Herzegovina Croatia Montenegro Serbia "the Former Yugoslav Republic of Macedonia" UNMIK/Kosovo Moderator: Mr Vesna Efendic
12:30-14:00	Lunch Break
14:00-14:30	Legislative conditions for financial investigations (good practices, international instruments)

	<ul style="list-style-type: none"> Ms Olga Zudova, UNODC <p>Technical conditions for financial investigations (availability of data bases of police, tax administration, access to bank records, etc)</p> <ul style="list-style-type: none"> Mr Maxence Delorme, Ministry of Justice, France
14:30 – 15:45	<p>Practical problems in financial investigations</p> <ul style="list-style-type: none"> Mr Vincent Bleriot, National Gendarmerie, France <p>Presentations by project areas Question and answers</p> <ul style="list-style-type: none"> Moderator: Mr Przemyslaw Musialkowski, Council of Europe
15:45-16:15	Coffee Break
16:15 – 17:30	<p>Agencies for handling seized and confiscated proceeds from crime</p> <ul style="list-style-type: none"> Mr Nicolas Bottinelli - Swiss Central Authority Mr Vincent Bleriot, National Gendarmerie, France
20:30 OFFICIAL DINNER	
26 September	Second Day of the Seminar
09:00-10:30	<p>Cross border financial investigation and confiscation of proceeds from crime</p> <p>Practice in executing MLA requests in relation to financial investigations, seizure and confiscation of proceeds from crime</p> <ul style="list-style-type: none"> Mr Nicolas Bottinelli - Swiss Central Authority <p>UNODC practical tools in the area of international co-operation with the purpose of confiscation</p> <ul style="list-style-type: none"> Mrs Olga Zudova – United Nations Office on Drugs and Crime <p>Italian legislation on translational crime investigations and equivalent confiscation of proceeds from crime</p> <ul style="list-style-type: none"> Mrs Francesca Nanni – Anti-Mafia Bureau, Italy Moderator: Ms Vesna Efendic, Council of Europe
10:30 – 11:30	<p>Time for the Delegations from project areas to define their priorities/needs in this field which should be addressed through the project</p>
11:15-11:45	Coffee Break
11:45-13:30	<p>Conclusions and recommendations for follow up with the Project Closing statements</p> <p>Moderators: Moderator: Mr Przemyslaw Musialkowski and Ms Vesna</p>

	Efendic, Council of Europe
13:30-14:30	Lunch Break
27 September	Departure Day

Annex 2

Support to Prosecutors' Network in South Eastern Europe
Regional PROSECO Project

Regional Thematic Conference on financial investigations and confiscation of proceeds from crime 25-26 September, Cavtat, Croatia

List of Participants

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Mr Elion MUSTAJ	Judicial Police Officer Prosecution Office of Tirana
Mr Afrim SHEHU	Judicial Police Officer Prosecution Office of Tirana
Mr Adnan XHOLI	Prosecutor Prosecution Office for Severe Crimes
Mr Aurel ZARKA	Judicial Police Officer Prosecution Office for Severe Crimes
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Ms Maja ILIĆ-STUPAR	Prosecutor The Prosecutor's office of BiH
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Ms Adelina ALBRAHIMI	Albanian Interpreter
Ms Ivana DULČIĆ	Croatian Interpreter
Mr Neven PAJDAŠ	Croatian Interpreter
Ms Valentina APOSTOLOVA	Macedonian Interpreter

Name	Function
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**All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.*

Annex 3

Regional Thematic Conference

Financial Investigations and Confiscation of Proceeds from Crime

Cavtat, Croatia, 25-26 September 2008

CONCLUSIONS

Serious crime is largely driven by acquiring economic benefits. Targeting proceeds from crime is therefore an integral part of any comprehensive strategy against corruption, organised crime, cybercrime, money laundering and other forms of economic and serious crime.

The Council of Europe's strategy against economic crime includes the strengthening of financial investigations aimed at the search, seizure and confiscation of crime proceeds through:

- Standard setting – conventions and recommendations
- Monitoring – MONEYVAL and GRECO (countries of South-eastern Europe participate in both monitoring mechanisms)
- Technical cooperation activities.

A number of technical cooperation projects supported countries of South-eastern Europe in the strengthening of their capacities for more effective financial investigations, including:

- The PACO proceeds project for countries of South-Eastern Europe (2001)
- The CARDS Regional police project for South-Eastern Europe (CARPO project)
- The PACO Serbia Project against economic crime.

The following tools have been produced:

- A best practice survey on the confiscation of proceeds and the reversal of the burden of proof (1998; republished in 2004)
- A regional strategy on tools against economic and organized crime (the Brijuni Strategy, 2005)
- A training manual on financial investigation and confiscation (2006)
- A Memorandum of Understanding on regional co-operation related to financial investigations among countries of South-eastern Europe (2007)
- A report providing an overview of legislation for the confiscation of proceeds from crime in South-Eastern Europe (2007)

The European Commission and the Council of Europe have been cooperating intensively in many of these activities.

Participants of the Regional Conference on financial investigations and confiscation of proceeds from crime

Recalling the objectives and provisions of European and other international standards against economic crime, money laundering, corruption, cybercrime, trafficking in human beings, smuggling of persons, and other forms of organised and serious crime

Agreeing that the targeting of proceeds of crime through financial investigations, including identification, seizure and confiscation, is an integral part of any comprehensive strategy against serious crime

Believing that serious transnational crime is not a challenge that countries can meet alone and that international co-operation in criminal matters plays a key role in the general framework of relations between countries and jurisdictions both at the international and regional level

Acknowledging that future efforts should build on achievements and activities of projects carried out to date

Recognising a need to further improve legislative frameworks, enhance capacities of judicial and law enforcement institutions through specialised trainings as well as cross border co-operation, and to ensure effective implementation of the Brijuni Strategy

Discussed the following issues and reached the following conclusions:

The countries of South-Eastern Europe since 2001 and in particular following the signature of the Brijuni Declaration and Strategy on Tools against Organised and Economic Crime in 2005 have made important progress in relation to financial investigations and confiscation of proceeds from crime. In particular, the following has been achieved by individual project areas:

- *Albania:* Development of a scientific research manual; establishment of an intergovernmental investigative unit and adoption of a Law on the establishment of an agency for handling seized and confiscated proceeds; establishment of a data processing centre to be used by all law enforcement agencies; formation of an investigative unit in the Tax Administration. Albania started the implementation in practice of the Law on the prevention and fight against organised crime, which resulted in a significant amount of assets seized and confiscated. Thus it appears that Albania has made important progress

- *Bosnia and Herzegovina*: Enhanced co-operation between the State Investigation and Protection Agency and law enforcement agencies of the entities; commencement of activities on the establishment of a unified data base which would be accessible to all law enforcement institutions. Further efforts are required to implement the actions agreed upon in earlier projects
- *Croatia*: Awareness raised among police, prosecutors and judges on the concept of integrated financial and criminal investigations; specialised training on conducting financial investigations institutionalised in police and judicial academies; ad-hoc inter-agency teams of the State Attorney Office (including USKOK) and Ministry of Interior established; extended confiscation and reversal of burden of proof introduced for organised crime in amendments to the Criminal Code in 2006; New Law on Prevention of Money Laundering and Financing of Terrorism, which comes into force on 1 January 2009, increased scope of measures to be implemented by institutions obliged to apply it; by coming into force of the Law on Financial Inspectorate (29 July 2008) the former Foreign exchange inspectorate of the Republic of Croatia became the Financial inspectorate of the Republic of Croatia, which has, among other responsibilities, responsibility, in accordance to a risk assessment and along with other specialised supervising bodies, to oversee compliance with the Law on the Prevention of Money Laundering and Financing of Terrorism. Thus, important progress has been made in Croatia
- *Montenegro*: Parallel financial and criminal investigations implemented in practice; specialised trainings on financial investigations continued; the concept of extended confiscation and reversed burden of proof introduced in the Draft Criminal Procedure Code; Law on corporate liability adopted; an Amendment to the Law on State Prosecutor's Office of Montenegro from June 2008 widened jurisdiction of the Department for suppression of organised crime within the Supreme State Prosecutor's Office of Montenegro, to criminal offences of corruption, terrorism and war crimes. Jurisdiction for suppression of organised crime, corruption, terrorism and war crimes is now concentrated in the Department for suppression of organised crime, corruption, terrorism and war crimes. Significant progress and efforts can thus be noted in Montenegro
- *Serbia*: Specialised training on integrated financial investigations continued; Draft Law on Agency for handling seized and confiscated proceeds from crime prepared; Draft Law on confiscation of proceeds from crime which introduces extended confiscation and reversal of burden of proof prepared, specialised unit for financial investigation within Ministry of Interior established and it institutionalises financial investigations; specialised departments for corruption and economic crime established in the Republic Prosecutor's office and in four regional offices; Draft Law on corporate liability prepared and Draft Law on MLA prepared. Important progress has thus been made in Serbia
- *"The former Yugoslav Republic of Macedonia"*: Amendments to the Criminal Code from 2006 introduced confiscation from legal entities, Law on management of confiscated proceeds adopted that foresees the establishment of an Agency; amendments to the Criminal Code have introduced extended confiscation and reversal of burden of proof; inter-agency teams established to provide closer co-operation and joint investigations; specialised trainings on financial investigation and confiscation continued with the assistance of international organisation. Progress has thus been made in "the former Yugoslav Republic of Macedonia"

- Kosovo: Training continued with the assistance of the FBI and EU experts; initiatives undertaken to draft amendments to the Criminal Procedure Code and to Draft a New Law on Confiscation of Proceeds from Crime. Efforts are thus underway to implement earlier recommendations.

Nevertheless, participants concluded that further efforts are necessary in the following areas:

Regional

- Strengthening cross border co-operation in the field of financial investigations, confiscation, disposal of and sharing of assets
- Institutionalisation of co-operation (including joint investigative teams) by concluding bilateral and/or multilateral agreements and Memoranda of Understanding
- Establishing a legal framework to enable direct co-operation of prosecutors in the region and the use of joint investigative teams; such legal framework should ensure that evidence collected in such actions is admissible by the courts
- Enhancing co-operation based on the Memorandum of Understanding for Regional Co-operation and Exchange of Information related to identification, seizure and confiscation of proceeds from crime from 2007
- Capacity building through the organisation of regional training events and training of trainers
- Organisation of a regional training on the new role of prosecutors in investigations
- Regional Training of staff of the agencies responsible for the management of seized and confiscated proceeds
- Strengthening capacities for financial investigations on the internet and in relation to cybercrime
- Unification of money laundering definition in legislation of the countries of the region, in line with the international standards

In specific project areas for example

- Support to technical infrastructure for financial investigation and management of seized and confiscated proceeds in Albania
- Setting up a financial investigation unit within the State Prosecutor's Office in Bosnia and Herzegovina, composed of officers from relevant law enforcement agencies
- Adoption of the Law on confiscation of proceeds from crime in Bosnia and Herzegovina
- Setting up of an agency to handle the confiscated proceeds from crime in Bosnia and Herzegovina
- Continuation of specialised training on financial investigation for all law enforcement agencies in Bosnia and Herzegovina
- Setting up of an agency for managing seized and confiscated proceeds from crime in Croatia
- Introduction of the offence of illicit enrichment into the Criminal Code in Croatia
- Organisation of specialised training on financial investigation for the Ministry of Finance in Croatia
- Strengthening of co-operation within Montenegro by concluding inter-agency Memoranda of Understanding
- Strengthening of training capacities in Montenegro
- Training of staff of the Agency for handling seized and confiscated proceeds in "the former Yugoslav Republic of Macedonia"

- Continuation of specialised training on financial investigations for all involved law enforcement agencies in Serbia
- To expand the Manual on financial investigation published under CARDS Police project in line with recent legislative changes in Serbia
- Provision of technical and professional support to financial investigation units in line with the new Law on confiscation in Serbia
- Adoption of the Law on confiscation of proceeds of crime in Kosovo
- Strengthening of more efficient and rapid contacts between prosecutors and law enforcement agencies in Kosovo
- Enhancing of technical capacities for financial investigations in Kosovo
- Provision of specialised training for all law enforcement agencies in Kosovo.

Since 2001, countries of this region have made important progress with regard to financial investigations and the confiscation of proceeds from crime. Technical cooperation projects – such as those of the Council of Europe and the European Commission – and their participation in MONEYVAL and GRECO have been instrumental to support efforts undertaken by public authorities in each country or project area. As further measures are required, the Council of Europe is prepared to continue its support to countries the region.

Annex 4

Support to the Prosecutors' Network in South Eastern Europe Regional PROSECO Project

and

Council of Europe Project on Cybercrime

Workshops on

- **Cybercrime training for prosecutors and judges in South-eastern Europe (17 and morning of 18 November 2008)**
- **International cooperation against cybercrime: review of effectiveness (18 and 19 November 2008)**

17-19 November 2008, Ohrid

Organised by the
Council of Europe
in cooperation with the
Prosecutor's Office of "the former Yugoslav Republic of Macedonia"

Programme

Cybercrime training workshop for judges and prosecutors

(Ohrid, 17 November 2008)

Objectives:

- To train prosecutors and judges from countries of South-eastern Europe in the investigation, prosecution and adjudication of cybercrime
- To identify needs and opportunities for further training of judges and prosecutors

Participants:

- Prosecutors and judges from the seven project areas (4 from each). Ideally these are themselves involved in the training of others judges and prosecutors.

Part 1 Cybercrime and its criminalisation	
9h00	1. Opening session <ul style="list-style-type: none">➤ Macedonian Representatives➤ Alexander Seger, Council of Europe
9h30	2. Cybercrime: phenomena <ul style="list-style-type: none">➤ Overview of current threats (Alexander Seger)

	<ul style="list-style-type: none"> ➤ Case studies: cases prosecuted and before court (Ioana Albani, Romania / Bojana Paunovic, Serbia / speaker from Skopje) ➤ Specific threats in countries of South-eastern Europe (interventions by participants)
<i>11h00</i>	<i>Coffee break</i>
11h15	3. Substantive law: what offence? <ul style="list-style-type: none"> ➤ International standards (Marco Gercke, Germany) ➤ Provisions under national law in South-eastern Europe (Cristina Schulman, Romania, and interventions by participants)
<i>12h45</i>	<i>Break</i>
Part 2	Criminal proceedings and evidence
14h00	4. Investigations and criminal proceedings <ul style="list-style-type: none"> ➤ International standards (Marco Gercke) ➤ Provisions under national law in South-eastern Europe (Cristina Schulman and interventions by participants) ➤ The role of prosecutors and judges (speaker from Skopje / Ioana Albani / Bojana Paunovic)
<i>15h00</i>	<i>Coffee break</i>
15h15	5. Obtaining, preserving, using electronic evidence and adjudicating cybercrime (Marco Gercke / Carmen Lazaro, CYBEX, Spain / Ioana Albani)
16h30	6. Adjudicating cybercrime: issues (interventions by participants)
17h30	7. Closing session <ul style="list-style-type: none"> ➤ Alexander Seger, Council of Europe ➤ Representative of the Macedonian Prosecution Service
Note: participants in this workshop are also invited to participate in the morning session on 18 November on international cooperation	

Programme
International cooperation against cybercrime
(Ohrid, 18-19 November 2008)

Objectives:

- To enhance the effectiveness of international cooperation against cybercrime (urgent, provisional measures and judicial cooperation).

Participants:

- Prosecutors and officials from competent authorities responsible for international cooperation from the seven project areas (2 from each)
- 24/7 points of contact established under the Convention on Cybercrime from the seven project areas and other countries that are parties to the Convention

- Morning of 18 November only: Prosecutors and judges from the seven project areas (4 from each) who participated in the workshop on 17 November.

The afternoon session on 18 November and the full day on 19 November is restricted to 24/7 points of contact and authorities for mutual legal assistance or extradition.

Note:

- This workshop will be primarily based on a questionnaire sent by the Council of Europe to 24/7 points of contact of the then 23 parties to the Convention in July 2008. The results of the workshop will feed into a report on the effectiveness of 24/7 points of contact and judicial cooperation that will be submitted to the Cybercrime Convention Committee (T-CY) in March 2009.

Tuesday, 18 November	
Part 1 (open session)	Cooperation against cybercrime: international standards and good practices
9h00	1. Opening session <ul style="list-style-type: none"> ➤ Marko Zvrlevki, Macedonian 24/7 point of contact ➤ Alexander Seger, Council of Europe
9h30	2. The Convention on Cybercrime <ul style="list-style-type: none"> ➤ Provisions on international cooperation (Alexander Seger) ➤ Implementation in national law (Cristina Schulman, Romania) ➤ Interventions by contact points and competent authorities for international cooperation
11h00	<i>Coffee break</i>
11h15	3. 24/7 points of contact (G8 and Council of Europe) <ul style="list-style-type: none"> ➤ Alexander Seger ➤ Representative of the G8 High-tech Crime Subgroup ➤ Interventions by contact points and competent authorities for international cooperation
12h45	<i>Break</i>
Part 2 (restricted session)	The functioning and effectiveness of 24/7 points of contact (Note: This session will be moderated by representatives of the Council of Europe and the G8 High-tech crime subgroup but rely on contributions by participants. It will be based on the questionnaire and the replies received in Sep/Oct 2008)
14h00	4. The institutional set up of 24/7 points of contact 5. Responsibility and authority

	6. Procedures
15h30	<i>Coffee break</i>
15h45	7. Experience and case studies
17h30	8. Preliminary conclusions
Wednesday, 19 November	
9h00	9. The format used for sending/receiving requests: towards a checklist
Part 3	Judicial cooperation
10h15	10. Competent authorities for mutual legal assistance and extradition in cybercrime matters
11h00	<i>Coffee break</i>
11h15	11. Judicial cooperation against cybercrime: experience
12h45	<i>Break</i>
Part 4	Making 24/7 points of contact and judicial cooperation more effective
14h00	12. Urgent, provisional measures versus judicial cooperation
15h30	<i>Coffee break</i>
15h45	13. Assessment and recommendations <ul style="list-style-type: none"> ➤ Proposals to enhance the effectiveness of 24/7 points of contact ➤ Proposals to enhance the effectiveness of judicial cooperation ➤ Proposals to enhance the cooperation among 24/7 points of contact and authorities for judicial cooperation
17h00	14. Conclusions

Annex 5

Support to the Prosecutors' Network in South Eastern Europe
Regional PROSECO Project

and

Council of Europe Project on Cybercrime

Cybercrime training for prosecutors and judges in South-eastern Europe (17 and morning of 18 November 2008), Ohrid

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Annex 6

Support to the Prosecutors' Network in South Eastern Europe
Regional PROSECO Project

and

Council of Europe Project on Cybercrime

International cooperation against cybercrime: review of effectiveness (18 and 19 November 2008), Ohrid

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⁶ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

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Ms Rima SAFITLI		
Ms Adelina ALBRAHIMI		
Ms Albana LILAJ		

Annex 7

SUPPORT TO PROSECUTOR'S NETWORK IN SOUTH EASTERN EUROPE REGIONAL PROSECO PROJECT

TRAINING FOR PROSECUTORS, ACCOUNTANTS AND AUDITORS ON REPORTING CORRUPTION RELATED OFFENCES, INTER-AGENCY COOPERATION AND DATA EXCHANGE

DRAFT AGENDA PODGORICA, 24 – 25 NOVEMBER 2008 HOTEL CRNA GORA, GREEN ROOM

NOVEMBER, 24, 2008

08:30 – 09:00	Arrival and registration of participants
09:00 – 09:30	Introductory remarks Vesna Ratkovic PhD , Director of the Directorate for Anti-corruption Initiative Representative of the Supreme State Prosecutor's Office (TBC) Representative of the Council of Europe (TBC)
09:30 – 09:45	Coffee break
09:45 – 10:00	Discussion
10:00 – 10:45	Mr Rifat Hadrovic, High State Prosecutor The most common types of corruption criminal offences; legal duty to report criminal offences; innovations in the Draft Law on Criminal Proceedings, international co-operation in prosecuting corruption related offences, financial investigations and confiscation of proceeds from crime (managing investigations, provisions regarding confiscation of criminal proceeds)
10:45 – 11:30	Mr Mirjan Hren, Council of Europe expert Possibility of detecting criminal offences of corruption in the activities of auditors and accountants – International standards and efforts within the Council of Europe, with particular reference to the Resolution 97(24) on 20 Guiding principles in the fight against corruption
11:30 – 11:45	Discussion
11:45 – 12:15	Coffee break
12:15 – 13:00	Mr Mirjan Hren, Council of Europe expert Case study – dealing with practical issues in detecting and reporting suspicions of criminal offences of corruption, and in particular when it includes cross border co-operation and data exchange
13:00 – 13:15	Discussion

13:15 – 14:15	Representative of the Institute of Accountants and Auditors of Montenegro (TBC) Representative of the Institute of Certified Accountants of Montenegro (TBC) Law on accounting and audit as the legal basis for control of financial activities of companies – existing practices regarding detection and reporting criminal offences of corruption and inter-agency co-operation
14:15 – 14:45	Drafting recommendations towards a more active participation of accountants and auditors in the process of detecting and reporting criminal offences of corruption

NOVEMBER, 25, 2008

09:00 – 09:30	Representative of the Directorate for the Prevention of Money Laundering and Terrorism Financing (TBC) Law on the Prevention of Money Laundering and Terrorism Financing– indicators of suspicious transactions as a tool in detecting criminal offences
09:30 – 10:00	Discussion
10:30 – 11:00	Representative of the State Auditing Institution (TBC) External revision of financial activities of public sector as a method of detecting criminal offences of corruption
11:00 – 11:30	Coffee break
11:30 – 12:30	Mr Mirjan Hren, Council of Europe expert State Auditors as guardians of integrity in financial operations of the public sector Case study - dealing with practical problems of detecting and reporting suspicions of criminal offence of corruption
12:30 – 13:15	Discussion
13:15 – 13:45	Adopting the recommendation for more active participation of accountants and auditors in the process of detecting and reporting criminal offences of corruption
14:00	Lunch

Annex 8

"SUPPORT TO PROSECUTORS' NETWORK IN SOUTH EASTERN EUROPE " **REGIONAL PROSECO PROJECT**

"TRAINING SEMINAR FOR PROSECUTORS, AUDITORS AND ACCOUNTANTS ON INTER-AGENCY CO- OPERATION AND DATA EXCHANGE REGARDING CORRUPTION RELATED OFFENCES"

Podgorica, Montenegro, 24-25 November 2008

#	Institution	Name
1.	Anti-corruption Directorate	Dr Vesna Ratković, Director
2.	Council of Europe	Ambassador Vladimir Philipov
3.	State Prosecutor's Office, Bijelo Polje	Mr Rifat Hadrović, Senior State Prosecutor
4.	Council of Europe	Mr Mirjan Hren, Expert
5.	Institute for accounting and auditing of Montenegro	Mr Rade Šćekić, Presidnet of Steering Board
6.	Institute of certified accountants of Montenegro	Mr Momčilo Mihaljević, acting Secretary General
7.	State Audit Office	Mr Dušan Mrdović, Member of Senate
8.	Directorate for prevention of money laundering and terrorism financing	Ms Biljana Nedović, Advisor to the Director
9.	Basic State Prosecutor's Office, Podgorica	Ms Olivera Ražnatović
10.	Basic State Prosecutor's Office, Podgorica	Ms Romina Vlahović
11.	Basic State Prosecutor's Office, Nikšić	Mr Stevo Šekarić
12.	Basic State Prosecutor's Office, Bijelo Polje	Mr Mirko Bulatović
13.	Basic State Prosecutor's Office, Bar	Ms Mirjana Tankosić
14.	Basic State Prosecutor's Office, Rožaje	Mr Milenko Magdalenić
15.	Basic State Prosecutor's Office, Herceg-Novi	Ms Nada Pavlović
16.	Basic State Prosecutor's Office, Ulcinj	Mr Darko Đukić
17.	Institute of accountants and auditors of Montenegro, Podgorica Office	Mr Mašan Boričić
18.	Institute of accountants and auditors of Montenegro, Podgorica Office	Mr Rade Rmuš
19.	Institute of accountants and auditors of Montenegro, Podgorica	Ms Dragica Đekić

	Office	
20.	Institute of accountants and auditors of Montenegro, Berane Office	Mr Rade Kljajić
21.	Institute of accountants and auditors of Montenegro, Bijelo Polje Office	Mr Tufo Lukač
22.	Institute of accountants and auditors of Montenegro, Pljevlja Office	Mr Milojica Tešević
23.	Institute of accountants and auditors of Montenegro, Pljevlja Office	Ms Bojana Kovačević
24.	Institute of accountants and auditors of Montenegro, Ulcinj Office	Mr Gzim Barjaktarević
25.	Institute of accountants and auditors of Montenegro, Bar Office	Mr Tihomir Mazić
26.	Institute of accountants and auditors of Montenegro, Tivat Office	Ms Renata Tasić
27.	Directorate for prevention of money laundering and terrorism financing	Mr Nikola Sekulić
28.	Directorate for prevention of money laundering and terrorism financing	Mr Damir Lekić
29.	Institute of certified accountants of Montenegro	Mr Mladen Ognjenović
30.	Institute of certified accountants of Montenegro	Mr Ibro Šabović
31.	Institute of certified accountants of Montenegro	Ms Ljiljana Milinović
32.	Institute of certified accountants of Montenegro	Ms Nada Guzina
33.	Institute of certified accountants of Montenegro	Ms Vesna Radunović
34.	Institute of certified accountants of Montenegro	Nevenka Todorović
35.	Institute of certified accountants of Montenegro	Ljiljana Vukmirović
36.	Institute of certified accountants of Montenegro	Mr Vladimir Čarapić
37.	State Audit Office	Mr Vladan Perović
38.	State Audit Office	Mr Blažo Savković
39.	State Audit Office	Mr Jadranka Delibašić
40.	State Audit Office	Ms Tanja Bešović

41.	State Audit Office	Ms Ljiljana Boljević
42.	Ministry of Finance	Mr Danko Dragović
43.	Police Administration, Podgorica	Mr Vučina Keković
44.	Police Administration, Podgorica	Mr Božo Bošković
45.	Police Administration, Podgorica	Mr Radovan Radinović
46.	Police Administration, Nikšić	Mr Borislav Bojić
47.	Police Administration, Bar	Mr Siniša Kovačević
48.	Anti-corruption Directorate	Ms Marija Novković
49.	Anti-corruption Directorate	Ms Grozdana Laković
50.	Anti-corruption Directorate	Ms Marita Tomas
51.	Anti-corruption Directorate	Mr Stefan Dašić

Annex 9

SUPPORT TO THE PROSECUTORS' NETWORK IN SOUTH EASTERN EUROPE

REGIONAL PROSECO PROJECT

RECOMMENDATIONS OF THE

TRAINING OF PUBLIC PROSECUTORS, ACCOUNTANTS AND AUDITORS

ON REPORTING CORRUPTION OFFENCES, INTER-AGENCY CO-OPERATION

AND INFORMATION EXCHANGE

PODGORICA, 24 – 25 NOVEMBER, 2008

The Council of Europe's Group of States against Corruption (GRECO), in the process of the Joint First and Second Evaluation Rounds of the legislative and institutional framework of Montenegro in fighting corruption, has addressed **24 binding recommendations**, which Montenegro, as a member State of the Council of Europe, is obliged to implement.

One of the recommendations pertains to **accountants and auditors**, i.e. to their obligation to report to the public prosecutor the cases of corruption that they encounter in their work. This recommendation reads as follows:

"To encourage private auditors and accountants to report suspicions of corruption to the public prosecutor and to organise training on the detection and reporting of corruption."

A seminar entitled as **Training of Public Prosecutors, Accountants and Auditors on Reporting Corruption Offences, Inter-agency Co-operation and Information Exchange** has been organised by the Directorate for Anticorruption Initiative in co-operation with the Council of Europe within Regional PROSECO Project.

Corruption offences as set out in Chapters XXIII and XXXIV of the Criminal Code of Montenegro are motivated by the acquisition of property gain. The catalogue of these offences is provided for in Article 28 of the Law on the Courts, which provides for the subject matter jurisdiction of the **Special Council** of the High Courts in Podgorica and Bijelo Polje. Prosecution of these offences falls within the competence of the **Special Prosecutor for Suppression of Organised Crime, Corruption, Terrorism and War Crimes**. It has been noted that the special nature of these crimes makes them difficult to detect and report, and, in the later stage of the procedure, also aggravates the collection of legally valid evidence.

Given that auditors and accountants possess specialised knowledge empowering them to identify fraudulent and other illicit activities and to detect risky areas, their role is of a great significance for reporting suspicious transactions, and then for detecting criminal offences, which is one of the factors of a successful fight against corruption and organised crime.

RECOMMENDATIONS

The participants in the seminar have agreed that it is of major significance to eliminate circumstances conducive to illegal activities. To achieve this goal INTOSAI internal auditing standards are used.

The participants in the seminar have agreed that actions should be taken to detect frauds and other illegal acts at an early stage.

The participants in the seminar have given their full support to all methods aiming at detecting frauds or other illegal acts, or at checking a suspicion of such an act when it arises.

The participants in the seminar have agreed that the application of IAS/IFRS international auditing standards and the codes of ethics should be given a high priority.

The participants in the seminar have agreed that accountants and auditors in their work must deal with accounting documents with due care, having in mind the significance of opinions and findings of accountants and auditors.

The participants in the seminar have agreed that inter-agency cooperation and data exchange between accountants and auditors on one side and law enforcement authorities on the other side should be developed and enhanced.

EXPLANATION

Codes of ethics of a profession must be obeyed both with respect to clients and business partners and with respect to co-workers. A code of ethics provides instruction as to how to act when an employee receives gifts or acts in a way which diminishes his/her objectivity and an impartial attitude. The code must make reference to a procedure to establish responsibility, following which a sanction for violation of an ethical norm is imposed.

Internal acts of authorities or institutions providing for internal organisation and systematisation of these bodies must clearly and explicitly identify the organisation and job distribution as well as procedures for reporting on performance. Internal acts must also be specific about the rights and duties of employees.

Focus is on the application of the INTOSAI standards of internal audit. State auditors may point in the course of their work to deficiencies of the system and formulate proposals aiming at improving the external audit system.

It is desirable to review compliance with the ethical standards set forth by the professional codes of ethics periodically, i.e. once a year.

In case a fraudulent transaction or any other illegal act is established, it is desirable to control the high risk areas and to upgrade control systems and indicators.

Employees should be allowed to report bona fide a suspected illegal act in such a way as to receive protection should they need it.

Annex 10

Support to the Prosecutors' Network in South Eastern Europe
(PROSECO Regional Project)

INTERNSHIP IN ITALY 17-28 November 2008

AGENDA

	Monday 17 November
	Participants' arrivals
	Tuesday 18 November
09.30 - 12.30	Italian Ministry of Justice – SALA VERDE Internship presentation: <ul style="list-style-type: none"> - Chief of the Department of Judicial Affairs (Italo Ormanni) - General Director of Criminal Justice (Antonio Laudati) - Superior Council of Judiciary - National Anti-Mafia Bureau (Giusto Sciacchitano) - Office for the co-ordination of international affairs (Stefano Dambruoso) Ufficio I (Dir. Lorenzo Salazar) - General Directorate of Criminal Justice: Mechanism of the judicial co-operation in the EU
13.00 - 14.30	Lunch
15.00 - 17.00	Ufficio II (Dir. Alberto Pioletti) - General Directorate of Criminal Justice Mechanism of the bilateral judicial co-operation: Mutual Legal assistance
	Wednesday 19 November
09.30 - 12.30	Italian Ministry of Justice – SALA VERDE Ufficio II (Dir. Alberto Pioletti) - General Directorate of Criminal Justice: Mechanism of the judicial co-operation: Alessandro Di Taranto (Magistrate): European Arrest Warrant; Maria Stella Lembo (Expert): International searches; Sandro Cerini (expert): Extradition; Giovanna Palmieri (Magistrate) – Anna Pagotto (Magistrate): Transfer of sentenced person- recognition of judgement.
13.00 - 14.30	Lunch
15.00 - 17.00	Legislative Office (Dir. Augusta Iannini) – Presentation of the Italian Legislation and implementation of EU legislation: instruments and procedures
	Thursday 20 November
09.30 - 12.30	Italian Ministry of Justice – SALA VERDE National Anti-Mafia Bureau – (Giusto Sciacchitano – Anti-Mafia National Prosecutor): Fight against organised crime: <ol style="list-style-type: none"> 1) Italian legislation and its implementation; 2) International co-operation; 3) Palermo Convention of 2000 and Protocols thereto; 4) Trafficking in human beings.
13.00 - 14.30	Lunch
15.00 - 17.00	National Anti-Mafia Bureau Giovanni Melillo– (Anti-Mafia National

	Prosecutor): Drug trafficking activity; Bilateral co-operation.
	Friday 21 November
09.30 – 12.30	Italian Ministry of Justice – SALA VERDE Superior Council of Judiciary : Antonio Patrono (Judge Vice President of the III Commission) Eugenio Albamonte (Judge Secretary to the III Commission) - Organization of the Superior Council and Italian Judicial System
13.00 – 14.30	Lunch
15.00 – 17.00	Superior Council of Judiciary: Antonio Patrono (Judge Vice President of the III Commission) Eugenio Albamonte (Judge Secretary to the III Commission) - Organization of the Superior Council and Italian Judicial System
	Saturday 22 - Sunday 23 November
	Free days
	Monday 24 November
08.00	Transfer to Napoli
11.00 – 12.30	Napoli - Anti-Mafia District Bureau - Giandomenico Lepore (Head of the Prosecuting Office)
13.00 – 14.30	Lunch
15.00 – 17.00	Napoli - Anti-Mafia District Bureau
	Tuesday 25 November
09.30 – 12.30	Napoli - Anti-Mafia District Bureau
13.00 – 14.30	Lunch
15.00 – 17.00	Napoli - Anti-Mafia District Bureau – Visit to Pompei
	Wednesday 26 November
08.00	Transfer to Bari
11.00 – 12.30	Bari - Anti-Mafia District Bureau: Emilio Marzano (Head of the Prosecuting Office)
13.00 – 14.30	Lunch
15.00 – 17.00	Bari - Anti-Mafia District Bureau
	Thursday 27 November
09.00 – 12.30	Bari - Anti-Mafia District Bureau
13.00 – 14.30	Lunch
15.00 – 17.00	Bari - Anti-Mafia District Bureau
18.00	Departure to Roma
	Friday 28 November
10.00 – 12.00	Italian Ministry of Justice – SALA VERDE Final meeting
	Participants departures

Annex 11

Support to the Prosecutors' Network in South Eastern Europe
(PROSECO Regional Project)

**INTERNSHIP IN ITALY
17-28 November 2008**

LIST OF PARTICIPANTS

Name of Participant	Name of Institution
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Ms Elida CELAMI Prosecutor	Prosecutor's Office of Durres Prokuroria e Rrethit Gjyqesor Durres
Mr Genci QANA Prosecutor (Deputy Chief)	District Prosecutor's Office of Tirana
<u>BOSNIA AND HERZEGOVINA</u>	
Ms Jadranka LOKMIC-MISIRACA Deputy Chief Prosecutor	State Prosecutor's Office of BiH
Ms Gordana BOSILJCIC Prosecutor	State Prosecutor's Office of BiH
Ms Biljana SIMEUNOVIC Prosecutor	State Prosecutor's Office of BiH
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Mr Doris HRAST County State Attorney	County State Attorney Office Department Rijeka
Ms Ksenija KRIZMAN Deputy Municipal Attorney	Municipal State Attorney's Office Criminal Department
<u>SERBIA</u>	
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Mr Darko POLOJAC Chief Prosecutor	Prosecutor's Office District of Kragujevac

Name of Participant	Name of Institution
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Ms Sonja SIMOVSKA Public Prosecutor	Public Prosecutor's Office Basic Public Prosecutor's Office Skopje
Ms Suzana MIRCESKA Public Prosecutor	Public Prosecutor's Office Basic Public Prosecutor's Office Skopje
<u>MINISTRY OF JUSTICE OF ITALY</u>	
Mr Marco MANCINI	Segreteria Capo Ufficio Legislativo Ministerio della Giustizia

<u>KOSOVO</u>	
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Mr Basri MORINA Special Prosecutor	Kosovo* Special Prosecutor's Office UNMIK Department of Justice