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CCPE(2007)25

**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS  
(CCPE)**

**Opinion N° (2007) 1 of the Consultative Council of European Prosecutors on  
"Ways of improving international co-operation  
in the criminal justice field"**

adopted by the CCPE at its 2nd plenary meeting  
(Strasbourg, 28 – 30 November 2007)

## INTRODUCTION

1. The Consultative Council of European Prosecutors (CCPE) was set up by the Committee of Ministers on 13 July 2005 to prepare opinions on issues related to the prosecution service and promote the effective implementation of Recommendation Rec(2000)19 of 6 October 2000 on the role of public prosecution in the criminal justice system. The rule of law and respect for human rights constitute basic underlying principles for public prosecutors, as "*... public authorities who, on behalf of society and in the public interest, ensure the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system*"<sup>1</sup>.
2. The Warsaw Declaration and the Plan of Action adopted by the third Summit of Council of Europe Heads of State and Government of the member states of the Council of Europe<sup>2</sup> highlighted, at the highest political levels, the Council of Europe's role in promoting human rights, democracy and the rule of law and its commitment to combating terrorism, corruption and organised crime and to further develop the Council of Europe's legal instruments and mechanisms of legal cooperation. The Warsaw Summit also included a commitment to strengthening cooperation and interaction with the European Union, particularly in the field of human rights<sup>3</sup>, democracy and the rule of law.
3. Paragraphs 37 to 39 of the Recommendation Rec(2000)19 include a number of provisions on international co-operation in criminal matters, which are expanded on in the subsequent Explanatory Memorandum. In particular, the Committee of Ministers notes that "*given the number of existing international instruments and recommendations and the fact that this field is under specific scrutiny within the Council of Europe itself, the committee concentrated on identifying practical measures for improving the current situation, bearing in mind the important role normally played by the public prosecutor in international judicial co-operation on criminal matters.*" The Committee of Ministers is aware of the obstacles to international cooperation that exist in institutional practice and of the need for coordination mechanisms, above all within each country. In the Recommendation, it indicates that public prosecutors "*participate ....., either directly or by submitting memoranda, in all procedures relating to the execution of requests for mutual legal assistance*". In most national systems public prosecutors have responsibilities both as active participants in international cooperation and when their countries received requests for cooperation, whether in the form of extraditions, arrest warrants or rogatory commissions. This dual responsibility implies a range of knowledge geared to all aspects of cooperation and of the possibilities of coordination at a more general level.
4. This Opinion has been prepared according to the Framework overall Action Plan for the work of the CCPE adopted by the Committee of Ministers on 29 November 2006<sup>4</sup>. It aims to underline the essential elements which contribute to strengthening international cooperation in criminal matters and judicial mutual assistance from the point of view of prosecutors, as legal practitioners and main players of such cooperation.
5. The CCPE is aware that the issues of international cooperation in criminal matters are not important matters of concern only for the prosecutors. Extradition, arrest warrants and the gathering of evidence abroad are mainly the responsibility of our colleagues, the judges, who have their own representative body in the Council of Europe, the Consultative Council of European Judges (CCJE). There are other committees in the Council of Europe, like the European Committee of Crime Problems (CDPC), namely through the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) which

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<sup>1</sup> Paragraph 1 of Recommendation Rec(2000)19.

<sup>2</sup> Warsaw, 16 – 17 May 2005 – see documents CM(2005)79 final and CM(2005)80 final.

<sup>3</sup> The CCPE will address the issue of the human rights training for public prosecutors at a later stage.

<sup>4</sup> CCPE(2006)05 Rev final.

have a pre-eminent role to play in this field<sup>5</sup>, as well as the European Commission for the efficiency of Justice (CEPEJ).

6. Within the framework of this Opinion, the CCPE has taken into account universal and regional legal instruments, and in particular the relevant conventions of the Council of Europe which appear in the Appendix. It refers also to the Opinion N°(2006) 9 of the Consultative Council of European Judges (CCJE) on the role of national judges in ensuring an effective application of international and European law.
7. The CCPE has taken into account the work and conclusions of various fora where political and law enforcement authorities and representatives of public prosecution offices have addressed issues related to international cooperation in the field of criminal justice, and in particular the 1st pan-European Conference of public prosecutors specialised in cases relating to organised crime (Caserte, 2000)<sup>6</sup>, the 7<sup>th</sup> European Conference of General Prosecutors (Moscow, 2006)<sup>7</sup> and the High level Conference of the ministers of Justice and the Interior (Moscow, 2006)<sup>8</sup>.
8. To prepare this Opinion, the CCPE analysed, with the support of a scientific expert<sup>9</sup>, the answers by 30 member states to a questionnaire<sup>10</sup> drafted for this purpose. The subsequent report was discussed at the European Conference of prosecutors on international co-operation in the criminal field (Warsaw, 4-5 June 2007)<sup>11</sup>, in the presence of representatives of the public prosecution services of most of the member states and judicial cooperation bodies of the European Union (Eurojust and the European Judicial Network in criminal matters).
9. In its approach, the CCPE also wanted to be consistent with the Council of Europe - EU Memorandum of Understanding<sup>12</sup>, whose "*shared priorities and focal areas for co-operation*" include "*human rights and fundamental freedoms; rule of law, legal co-operation and addressing new challenges*".

## PRESENT SITUATION AND EXISTING SHORTCOMINGS

10. Strengthening international co-operation in the criminal justice field is essential as the community of states' answer to the attacks levelled at society by international crime, terrorism and corruption. Although the Resolution of the Committee of Ministers in 1997<sup>13</sup> was related specifically to corruption, it is worth mentioning it here because it also has a more general application: "*corruption represents a serious threat to the basic principles and values of the Council of Europe, undermines the confidence of citizens in democracy, erodes the rule of law, constitutes a denial of human rights and hinders social and economic development*".
11. The Recommendation Rec(2000)19 was enriched by a number of significant achievements in the field under consideration:

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<sup>5</sup> See in particular the decisions by the CDPC on international cooperation in the criminal field taken at its 56th plenary meeting (Strasbourg, 18 – 22 June 2007).R

<sup>6</sup> Organised by the Council of Europe, in conjunction with the national anti-Mafia office and Naples University II, and held in Caserta (Italy) on 8-10 September 2000.

<sup>7</sup> 7th session of the Conference of Prosecutors General of Europe (Moscow, 5 - 6 July 2006) organised by the Council of Europe in cooperation with the Office of the Prosecutor General of the Russian Federation on: "The role of public prosecutors in the protection of individuals".

<sup>8</sup> High level Conference of the Ministries of Justice and of the Interior (Moscow, 9-10 November 2006): "Improving European cooperation in the criminal justice field".

<sup>9</sup> Ms Joana GOMES-FERREIRA, Public Prosecutor, General Public Prosecutor's Office (Portugal). See report in CCPE-BU(2007)12.

<sup>10</sup> Document CCPE-Bu (2006) 06

<sup>11</sup> The conclusions appear in document CPE(2007)Concl1.

<sup>12</sup> Signed in Strasbourg on 23 May 2007.

<sup>13</sup> Resolution (97) 24 on the twenty guiding principles for the fight against corruption, adopted by the Committee of Ministers on 6 November 1997.

- major conventions have been adopted within the Council of Europe, such as the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS No 182), the Convention on Cybercrime (CETS No 185) and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS No 189), the Protocol amending the European Convention on the Suppression of Terrorism (CETS No 190), the Convention on the Prevention of Terrorism (CETS No 196), the Convention on Action against Trafficking in Human Beings (CETS No 197) or the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No 198). Moreover, the UN Palermo Convention against Transnational Organised Crime<sup>14</sup>, the UN Convention against corruption<sup>15</sup>, the International Convention for the Suppression of Acts of Nuclear Terrorism<sup>16</sup>, the Convention on Mutual Assistance in Criminal Matters between the member states of the European Union<sup>17</sup> and the CIS Convention on judicial assistance and legal relations in civil, family and criminal matters<sup>18</sup> have also served to strengthen judicial cooperation. However it must be noted that not all the states concerned have yet become party to these Conventions and some of them have not entered into force so far. This minimizes their impact and slows down their effective implementation by legal practitioners. Furthermore, shortcomings in the existing relevant Council of Europe's instruments were underlined in the above mentioned European Conference of General Prosecutors in Moscow.
- within the European Union, new instruments such as the Council's Framework Decision of 2002 on the European arrest warrant and the surrender procedures between member states of the European Union were adopted, and new bodies such as Eurojust, liaison magistrates and the European Judicial Network in criminal matters were set up, which give effect to the principle of mutual recognition.
- direct contacts in the field of judicial mutual assistance, through bilateral, regional or international agreements between judicial bodies<sup>19</sup> of the various member states are becoming increasingly frequent.

12. However, the real innovation lies in the further option provided for in these agreements. The agreements referred to provide for the spontaneous transmission of information from one national judicial authority<sup>20</sup> to that of another country. Legal instruments that are fully operative in most of the Council of Europe member states authorise national judicial authorities to report criminal offences and transmit the relevant information. This practice was advocated by the Committee of Ministers in Recommendation Rec(2000)19, according to which *"lastly, the possibility should be considered of extending existing mechanisms facilitating spontaneous exchange of information between public prosecutors of different countries"*<sup>21</sup>.

13. Consideration should now be given to the practical responses to these innovations, namely whether the international agreements concerned have led to significant changes in the member states' domestic law and practice and, at least, whether, and to what extent, public prosecutors use these new instruments and are aware of the recent changes that have taken place.

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<sup>14</sup> United Nations Convention against Transnational Organised Crime, signed at the Palermo Conference of 12-15 December 2000.

<sup>15</sup> Signed at the High level political Conference in Merida (Mexico) on 9 – 11 December 2003.

<sup>16</sup> Adopted on 13 April 2005 during the 91st plenary meeting of the UN General Assembly by Resolution A/RES/59/290.

<sup>17</sup> Established by Council Act of 29 May 2000, on the basis of Article 34 of the Treaty on European Union.

<sup>18</sup> Signed in Chisinau (Moldova) on 7 October 2002.

<sup>19</sup> The expression "judicial bodies" is to be taken here in the broad sense to include judges, public prosecutors and senior law enforcement authorities who are responsible for international judicial cooperation in criminal matters.

<sup>20</sup> Idem as in the footnote above.

<sup>21</sup> Commentary on recommendation 39.

14. The preliminary study by the CCPE<sup>22</sup> shows that international cooperation has been improved since the nineties, sometimes thanks to pragmatic solutions implemented through cooperation and the setting up of direct contacts between the players in the process concerned. Some states underline an increased specialisation of the relevant players and smoother internal information regarding the opportunities offered within the framework of the mutual legal assistance system.
15. However, many elements are stressed as hampering the necessary development of mutual legal assistance in criminal matters and as being the cause of excessive length in international cooperation procedures today, in particular:
- pan-European mechanisms of legal cooperation are not always in line with the today's challenges and demands;
  - the drafting of requests for assistance (e.g. too brief or with too many details, not signed or poorly researched, incorrectly translated, not precise or not following the proper procedure, etc.) can undermine the cooperation process; the lack of training, the complexity of procedures, the shortage of resources provided can mostly explain these shortcomings;
  - the transmission of requests remains too often linked only to diplomatic channels, though the European Convention on mutual judicial assistance in criminal matters (CETS N° 30) and its Second Additional Protocol (CETS N° 182) make possible direct contacts between competent judicial authorities to submit and execute requests; the lack of information (details of the competent authorities) often forces requests to go through central authorities; moreover, the simultaneous use of different channels of communication is a disruptive factor for the smooth implementation of the cooperation procedure;
  - the increase in the number of mutual assistance requests is a factor contributing to the paralysis of the procedures, requested authorities being repeatedly bogged down by the execution of requests sometimes relating to minor cases;
  - as regards the execution of the requests, the lack of a European culture of judicial cooperation and a degree of resistance in practical terms result in cooperation procedures being systematically relegated by internal procedures.
16. But serious difficulties arise from the differences between legal systems. The means by which evidence is obtained, the problem of dual criminal liability or *ne bis in idem*, the competence of the requesting authority or the system of judgments *in absentia* are main examples of concepts and procedures which would benefit from being more coherent with each other at international level to facilitate the cooperation between the systems. A better mutual knowledge of these systems would also enable to favour this cooperation.
17. Such difficulties are increased when addressing extradition. For example cases of extradition procedures aborted after political grounds were mentioned, interpretation of the same legal concept differed or the impossibility of extraditing nationals reiterated.
18. Another generally criticised negative aspect is that of delays for no objective reason. Here, one is no longer talking about structural or legal problems but simply about professional dysfunctions with no legal complications.
19. Therefore measures and tools should be developed so as to build a genuine culture of international judicial cooperation in criminal matters, both at the level of central authorities and at the level of individual players in this cooperation.
20. In that regard, the CCPE recalls that the First pan-European Conference of public prosecutors specialising in cases relating to organised crime<sup>23</sup> formulated recommendations in this way and proposed "*to organise contacts and exchanges of information between public prosecutors, in a more structured way*" and invited "*the Council of Europe to set up a liaison group, made up of*

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<sup>22</sup> Report CCPE-BU(2007)12, mentioned above.

<sup>23</sup> See above.

*a small number of public prosecutors, informally to organise contacts and exchanges of information between public prosecutors in general, supplementing existing arrangements, and, in particular, between public prosecutors specialising in cases involving organised crime" while specifying that "contacts should be established between the Council of Europe's liaison group and Eurojust (...)"*.

21. Similarly, the European ministers of Justice and of the Interior who met in Moscow in November 2006<sup>24</sup> supported the idea that *"a network of national contact points be developed in order to facilitate contacts between those responsible for international judicial co-operation, notably in the areas of combating terrorism, corruption and organised crime, trafficking in human beings and cybercrime"*.

## **RECOMMENDATIONS BY THE CCPE**

22. The CCPE stressed the major improvements in international cooperation in criminal matters, as regards the European and international instruments adopted in the recent years, the institutional structures set up to facilitate exchanges between the players of this cooperation as well as the effective contacts developed between the practitioners. The CCPE encourages relevant bodies of the Council of Europe and member states to pursue and intensify their efforts so as to set up the institutional, normative and inter-personal conditions for the development of a genuine European legal culture of cooperation in the criminal field between the various member states, and even beyond.

### ***Acting on the normative framework of international cooperation***

23. To strengthen the normative framework of international cooperation and allow the improvement of the day to day work of judicial practitioners entrusted with the concrete application of mutual assistance, the CCPE recalls that it is essential that the relevant Conventions, namely those mentioned under paragraph 11 above, are swiftly ratified and effectively applied by the states concerned, and in particular the Council of Europe's member states.
24. Furthermore, the CCPE fully supports the ongoing work within the PC-OC which aims to modernise the relevant Council of Europe's instruments. Following the conclusions of the 7th European Conference of General Prosecutors (Moscow, 2006)<sup>25</sup>, the CCPE invites the Committee of Ministers and the relevant committees of the Council of Europe to keep priority on the work of updating instruments on extradition, mutual assistance and transfer of criminal proceedings in order to set up more flexible cooperation procedures, based on mutual trust and confidence between the systems to speed up a procedure for handing persons over, by simplifying it, on the basis of the consent of the individual whose extradition is requested and whose fundamental rights would obviously remain fully guaranteed.
25. In this regard the CCPE recommends the Committee of Ministers to think about the preparation of a comprehensive Council of Europe convention on international co-operation in criminal matters.<sup>26</sup>
26. The CCPE also invites the legislature in the member states to study the possibility of simplifying national procedures targeted to the effective functioning of international cooperation, so that the weight of these procedures does not hamper the application of

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<sup>24</sup> See above.

<sup>25</sup> See above.

<sup>26</sup> On 18 June 2007 in his speech opening the 56th session of the European Committee on Crime Problems (CDPC) the Secretary General of the Council of Europe T. Davis suggested reviving this initiative from some ten years ago: "The aim would be to update, make more efficient and bring under a single "roof" all our existing conventions on international co-operation in criminal matters. I know that this is a long-term, ambitious and possibly also controversial project, but I do not think that we can be too ambitious when it comes to the fight against crime". Such a draft Convention was elaborated several years ago but was put aside at that time.

cooperation requests, in particular as regards extradition procedures. In any case, such simplified procedures would have to respect fully the rights of the persons concerned.

### ***Acting on the quality of international cooperation***

27. Relying namely on Recommendation Rec(2000)19 (in particular Article 38), on the Opinions of the Consultative Council of European Judges (CCJE) N° 4 (2003) on appropriate initial and in-service training for judges at national and European levels<sup>27</sup> and n° 9 (2006) the role of national judges in ensuring an effective application of international and European law<sup>28</sup>, as well as on the conclusions of the European Conference of prosecutors in Warsaw<sup>29</sup>, the CCPE recommends that the training of prosecutors engaged in international judicial cooperation as well as other players in such cooperation is strongly developed. Improved professional training on international cooperation should take account not only of existing conventions on the subject but also operational information collated by existing organisations and systems. It should equip practitioners with the necessary skills to better draft their requests for assistance and better understand and execute the requests that are addressed to them. Efforts for raising awareness of the international judicial cooperation players could also be undertaken in order to develop their skills so as to formulate their request for assistance more precisely and to avoid overloading third systems with misdemeanour requests.
28. It might not be necessary or even possible that every prosecutor or judge should be well aware of the relevant international instruments and channels. But it is essential that some of them are specialists on this issue and thus specifically trained. Therefore the CCPE recommends that each member state sets up an appropriate structure by which this specialisation should be guaranteed.
29. This training focused on international cooperation in the criminal justice field must include human rights training for judges and prosecutors, as well as for defence lawyers where specifically appropriate. In addition to the general overview of the fundamental elements of human rights law, it is essential to explicitly identify those basic rights and relevant standards which concern directly individuals in criminal proceedings related to the execution of requests for international assistance in criminal matters. This should result in commentaries on each of the relevant law sources, as the applicable rights and standards differ according to the cooperation forms. Such commentaries or specialised documents should also rely on the prevailing practice and case-law.
30. This knowledge must be disseminated by appropriate means, and by training organisations, in particular judicial and prosecutorial national training institutions. The relevant European bodies for judicial and prosecutorial training such as the Lisbon Network of the Council of Europe and the European Judicial Training Network could also play a leading role in this context.
31. This training should also be completed by training in foreign languages, namely to contribute to improve direct contacts between practitioners, the quality of their assistance requests and a better understanding of the requests addressed to them.
32. Furthermore, the CCPE recommends that necessary information tools for practitioners are developed by the competent national authorities. It underlines in particular the usefulness of setting up a handbook on mutual judicial assistance containing a wide range of information on

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<sup>27</sup> See in particular paragraphs 43 and 44 of Opinion N° (2003) 4 of the Consultative Council of European Judges (CCJE).

<sup>28</sup> See in particular paragraphs 7, 8 and 11 of Opinion N° (2006) 9 of the Consultative Council of European Judges.

<sup>29</sup> "Given that the human factor is crucial in improving and making full use of international co-operation, the Conference, drawing attention to the importance which Recommendation Rec(2000)19 affords the training of prosecutors, strongly emphasises that appropriate training must be provided, in particular in order to keep pace with developments in international crime".

national investigation systems, like the so-called *Fiches belges*<sup>30</sup>, which the European Judicial Network in criminal matters uses as a working tool and which facilitate the understanding of the states' legal systems. Circulars or guidelines summarising the applicable machinery, compendia of good practices and multilingual forms aimed at making uniform and facilitating the implementation of the most usual assistance measures could be developed, updated and disseminated among the practitioners, including through the Internet.

Where appropriate, this should be done with the support of the CCPE. In this context, the CCPE recalls that the European ministers of Justice and the Interior encouraged in Moscow in November 2006<sup>31</sup> "*the establishment of a database of procedures in force in the member states concerning the various types of co-operation which would allow for easier access to this information*" and reiterates its support of this proposal. The above mentioned tools could be transmitted to the Council of Europe in order to enrich such a data base.

33. As regards professional training and information of prosecutors, the CCPE could also play a role in organising meetings of specialised prosecutors from member states, such as the above mentioned Caserta conference, where appropriate in cooperation with other interested bodies within the Council of Europe, and in partnership with other relevant European and international institutions and organisations.
34. The efficiency of the transmission of assistance requests and the way they are addressed depend also on the development of the transmission methods. The CCPE underlines that the opportunities offered by the new information technologies could thus be widely used to facilitate namely the exchanges through secure electronic channels provided that the principle of confidentiality and the authentication of documents are fully guaranteed.

#### ***Extending exchanges between legal practitioners***

35. At the level of the Council of Europe, the CCPE invites the Committee of Ministers to reflect on the relevance of setting up structured cooperation and information exchange along the lines of the European Judicial Network in criminal matters and Eurojust, which would in particular enable the member states which are not party to such bodies of the European Union to benefit from similar services, on the basis of the relevant Council of Europe's instruments.
36. Based on the arguments and undertakings in the "Memorandum of Understanding between the Council of Europe and the European Union"<sup>32</sup>, one possible approach could be to assign a formal or informal mediation role to the Council of Europe wherever problems arise concerning cooperation within the criminal justice field.
37. Without challenging the direct and decentralised ways of transmission, the member states could also consider the issue of identifying in each country, at an appropriate level according to the national legal system, a "specialised unit" entrusted with assisting to solve the difficulties met by practitioners of the requesting and requested states regarding judicial assistance requests. This unit would be entrusted in particular to deal with problems that impede or slow down assistance procedures.
38. The CCPE also calls member states to strengthen the willingness as regards international cooperation in the criminal justice field and to facilitate the full and direct participation of legal practitioners. The CCPE invites member states to compile a list of contacts and addresses giving the names of the relevant contact persons, as well as their fields of specialisation, their areas of responsibility, etc., and to publish this list on a restricted web site which might be administered by the Council of Europe. This list should be regularly updated by the states, so

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<sup>30</sup> The so-called "*Fiches belges*" give to the practitioners of mutual judicial assistance all the useful information on the legislation and organisation in the states of the European Union with which an action of judicial cooperation is envisaged.

<sup>31</sup> See above.

<sup>32</sup> See paragraph 29 of this Memorandum.

as to ensure the efficiency of the system. This would enable, while respecting the relevant Conventions, direct exchanges between practitioners, without going through the diplomatic channels which might be heavy procedures.

39. Moreover, the CCPE considers that the exchange of liaison judges / prosecutors between states, as encouraged by Article 38 of Recommendation Rec(2000)19, constitutes good practice which should be developed as far as possible, as it facilitates contacts between national justice systems, fosters a better mutual knowledge of these systems and therefore contributes to enhancing mutual trust and confidence between the international cooperation players.
40. The CCPE recommends that the prosecution services foster mutual cooperation also at the stage of drafting and executing requests, where appropriate.

### ***Fostering cooperation with third countries and criminal international courts***

41. Within the framework of the Council of Europe's activity, as regards international cooperation in criminal matters, an increased attention should be given to the problems arising from the cooperation with international criminal courts. Such an approach should also consider the necessary efforts for ensuring the full cooperation of member states with international criminal courts, subject to legal recognition of the competence of these courts by the member states concerned.
42. It should also be taken into consideration more increasingly that the relevant conventions of the Council of Europe are also applicable to some non-European countries.
43. In order to widen the legal basis for cooperation of the member states with third countries, the CCPE recommends that the Committee of Ministers considers the issue of inviting some states outside Europe to accede to the European Convention on Extradition and the European Convention on Mutual Legal Assistance in Criminal Matters, and the protocols thereto.

### ***Acting on the resources allocated to international cooperation***

44. The CCPE recommends that the member states' governments allocate appropriate financial, material and human resources so that international cooperation in criminal matters can be increased both in quantity and in quality, namely at the level of courts and prosecution offices. Such efforts should mostly be targeted at considering the appointment within the courts concerned specialised judges and prosecutors for judicial mutual assistance in criminal matters. These efforts should also allow practitioners to dedicate the necessary time for addressing properly the requests, both as regards the way they are drafted and the way they are answered. Resources should finally be allocated for improving the linguistic quality of international cooperation, giving to courts and prosecution services the appropriate translation and interpretation means.

### **CCPE'S AVAILABILITY TO COOPERATE WITH OTHER BODIES**

45. Where appropriate, the CCPE is prepared to cooperate with any such initiative. It reiterates its full availability to work firstly together with the other relevant committees within the Council of Europe, as well as with other relevant European and international institutions and organisations. Public prosecution services that were increasingly well prepared, professionally, to deal with such matters could then become the "*custodians of the interests of international co-operation*" as it is pointed out in Recommendation Rec(2000)19<sup>33</sup>.

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<sup>33</sup> See paragraph 3.

## **SUMMING UP OF THE RECOMMENDATIONS**

In order to improve the institutional, normative and inter-personal conditions for the development of a genuine European legal culture of cooperation in the criminal field, the CCPE recommends to the Committee of Ministers and the Council of Europe's member states:

- **to act on the normative framework of international cooperation in:**
  - keeping priority on the work of updating the existing European conventions in the sphere of criminal justice, especially the European Convention on extradition;
  - accelerating the ratification and effective application of the relevant conventions and in seeking to simplify internal procedures to favour mutual assistance;
  
- **to act on the quality of international cooperation:**
  - in developing appropriate training of prosecutors as well as other players in international judicial cooperation,
  - in setting up in each member state an appropriate structure to guarantee the specialisation of some prosecutors and judges as regards international cooperation,
  - in issuing specialised documents or commentaries on the applicable human rights and standards in international criminal proceedings, to be regularly updated,
  - in giving to practitioners mutual information tools on judicial systems and procedures, including through the establishment within the Council of Europe of a data base,
  - in multiplying the opportunities for practitioners from the various member states to meet and exchange, namely through specialised colloquies and seminars for prosecutors,
  - in improving the transmission of assistance requests and the way they are addressed through new information technologies and the improvement of the quality of the request as regards their drafting and foreign language issues;
  - in facilitating the spontaneous and direct transmission of information;
  
- **to extend exchanges between legal practitioners:**
  - in setting up at the level of the Council of Europe structured cooperation and information exchange properly articulated with the European Judicial Network in criminal matters and Eurojust;
  - in setting up in each country, at an appropriate level according to the national legal system, a "specialised unit" entrusted with assisting to solve the difficulties met by practitioners of the requesting and requested states regarding judicial assistance requests;
  - in compiling a list of contacts and addresses giving the names of the relevant contact persons, as well as their specialist fields, their areas of responsibility, etc. and to publish this list on a restricted web site administered by the Council of Europe;
  - in developing the exchange of liaison judges / prosecutors;
  - in cooperating also that the stage of drafting and executing requests for assistance;
  
- **within the framework of the Council of Europe, to foster cooperation with third countries, international criminal courts and relevant European and international institutions and organisations;**
  
- **to increase budgetary and human resources allocated to international cooperation in criminal matters within the courts and the prosecution offices.**



## Appendix

### Council of Europe's Conventions regarding legal cooperation in criminal matters

024	European Convention on Extradition
030	European Convention on Mutual Assistance in Criminal Matters
051	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders
052	European Convention on the Punishment of Road Traffic Offences
070	European Convention on the International Validity of Criminal Judgments
071	European Convention on the Repatriation of Minors *
073	European Convention on the Transfer of Proceedings in Criminal Matters
082	European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes
086	Additional Protocol to the European Convention on Extradition
088	European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle
090	European Convention on the Suppression of Terrorism
097	Additional Protocol to the European Convention on Information on Foreign Law
098	Second Additional Protocol to the European Convention on Extradition
099	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
101	European Convention on the Control of the Acquisition and Possession of Firearms by Individuals
112	Convention on the Transfer of Sentenced Persons
116	European Convention on the Compensation of Victims of Violent Crimes
119	European Convention on Offences relating to Cultural Property *
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
156	Agreement on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons
172	Convention on the Protection of Environment through Criminal Law *
173	Criminal Law Convention on Corruption
182	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
185	Convention on Cybercrime
189	Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems
190	Protocol amending the European Convention on the Suppression of Terrorism *
191	Additional Protocol to the Criminal Law Convention on Corruption
196	Council of Europe Convention on the Prevention of Terrorism
197	Council of Europe Convention on Action against Trafficking in Human Beings *
198	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism *

**The Conventions followed by \* have not entered into force so far.**