



**SUPPORT TO PROSECUTORS' NETWORK
IN SOUTH-EASTERN EUROPE (PROSECO)**

Inception Report (second revised version)

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 November 2008
Reporting period	17 April – 17 July 2008

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The views expressed in this technical report do not necessarily reflect official positions of the Council of Europe or the European Commission

List of abbreviations

BiH	Bosnia and Herzegovina
CoE	Council of Europe
DGHL	Directorate General of Human Rights and Legal Affairs
DJA	Department of Judicial Affairs
EC	European Commission
MoI	Ministry of Interior
MoJ	Ministry of Justice
PMU	Project Management Unit
PO	Prosecutor's General Office
SC	Steering Committee
SEE	South-Eastern Europe
SIPA	State Investigations and Protection Agency
UNMIK	United Nations Interim Administration Mission in Kosovo

1 Summary description

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.

Contract number

2008/153-650.

Start date and end date of the reporting period

Start date: 17 April 2008.

Reporting period: 17 April – 17 July 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 Under UNSCR 1244/99; hereafter referred to as 'Kosovo'

2 Objectives to be achieved

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.

3 Activities and results during the inception phase

In order to launch the project and involve counterpart institutions from the very beginning, a series of visits took place to all seven project areas. In addition, a start up conference and the first Steering Committee meeting were organised.

3.1 Meeting with counterpart institutions in Bosnia and Herzegovina

Date and place of the meeting

13 May 2008, State Prosecutor's Office, Sarajevo.

Objective

The objective of the meeting was to present the project and its objectives to the main counterpart institutions, to discuss the activities to be held in Bosnia and Herzegovina, to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives of the State Prosecutor's Office of Bosnia and Herzegovina, Ministry of Justice, Ministry of Security, State Investigations and Protection Agency, Council of Europe and Ministry of Justice of Italy (List of participants is enclosed in Annex 3).

Discussions and results

The background of the project and its objectives were presented, and the importance of a timely appointment of contact persons and definition of priorities for in-project area and regional activities was emphasised by the project manager. The representative from the Ministry of Justice of Italy emphasised the commitment of the Italian partner to the project, its intention to provide expertise and share experience in subject areas covered by the project.

Full agreement was reached on the importance of cross border co-operation against organised and other forms of serious crime.

Representatives of counterpart institutions expressed support to the project. The priority areas as indicated during the meeting were: financial investigations, confiscation of the proceeds from crime, joint investigative teams, co-operation in the pre-trial phase and international co-operation in general. The issue was raised of the possible involvement of the Ministries of Justice of entities of BiH, but the common opinion was that, as the main purpose of the project was to strengthen international co-operation which is the responsibility of state level institutions, that would not be necessary. However, prosecutors working in entity prosecutor's offices, law enforcement officers from entity ministries of Interior, will be involved as much as possible to ensure that the a large number of practitioners benefit from the project's activities.

3.2 Meeting with counterpart institutions in Serbia

Date and place of the meeting

14 May 2008, Ministry of Justice, Belgrade.

Objective

The objective of the meeting was to present the project and its objectives to the main counterpart institutions, to discuss the activities to be held in Serbia, to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives of the Ministry of Justice, Prosecutor's Office, Council of Europe and Ministry of Justice of Italy (List of participants is enclosed in Annex 4).

Discussions and results

The project's background and objectives were presented by the project manager. Co-operation with the counterpart institutions and their active involvement in defining topics for in project area and regional activities were underlined as preconditions for a successful implementation of the project.

The Ministry of Justice and the Office of the Prosecutor General were asked to nominate one person each who will become project's contact persons and members of the

Steering Committee, and to submit, if possible by 5 June, a list of priority topics for Serbia.

Assurances were given by the representative from the Italian Ministry of Justice that the Ministry will support project by providing expertise and sharing its long experience in various fields related to subject matter of the project. The importance of cross-border co-operation in successfully combating organized and other forms of serious crime was emphasized. The project was welcomed by the representatives from counterpart institutions and they expressed their commitment to take part in its activities. Assurances were given that the Contact persons would be nominated and a list of priorities submitted.

Some of the priority topics raised, which might be addressed within the project through legislative advice and training events were:

- introduction of the new role of the prosecutor in the criminal procedure and related changes of the Criminal Procedure Code, Law on Public Prosecutor, Law on Confiscation of Proceeds From Crime, financial investigations and fight against corruption.

The official nomination of Contact persons was communicated to the Council of Europe at the end of May (see Annex 10) and the list of priority topics for Serbia by mid-June (see Annex 11).

3.3 Meeting with counterpart institutions in Croatia

Date and place of the meeting

15 May 2008, Ministry of Justice, Zagreb.

Objective

The objective of the meeting was to present the project and its objectives to the main counterpart institutions, to discuss the activities to be held in Croatia, to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives of the Ministry of Justice, Prosecutor's Office, European Commission, Council of Europe and Embassy of Italy to Croatia (List of participants is enclosed in Annex 5).

Discussions and results

The background of the project, its objectives and implementation arrangements were presented by the project manager, who explained that the project Management counts on input and direct involvement from the Croatian partners in defining the in project area and regional activities. This is to make sure that the project areas benefit as much as possible and that project helps counterpart institutions in areas they consider of priority interest in line with the objectives of the project. Counterpart institutions were asked to nominate two contact persons. The project was welcomed by the counterpart institutions, but they expressed regret that that it had not started earlier, because of the significant reforms related to the Criminal Procedure Code for which the Croatian authorities might have benefited from the Council of Europe's expertise. Some of the topics mentioned during the meeting for which the assistance might be needed:

- co-operation through the joint investigation teams, video conference hearings, freezing of asset, asset sharing and confiscation of proceeds from crime, recognition of confiscation orders.

The Ministry of Justice and State Attorney's Office were asked to nominate one person each as a Contact Point and a member of the Steering Committee, as well as to provide a list of priorities, preferably by 5 June 2008. The information on Contact persons as well as the list of priorities was submitted mid June 2008.

3.4 Meeting with counterpart institutions in Montenegro

Date and place of the meeting

27 May 2008, State Supreme Prosecutor's Office, Podgorica.

Objective

The objective of the meeting was to present the project and its objectives to the main counterpart institutions, to discuss the activities to be held in Montenegro, to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives of the Ministry of Justice, Prosecutor's Office, Council of Europe and Ministry of Justice of Italy (List of participants is enclosed in Annex 6).

Discussions and results

A project overview, including background, objectives and implementation arrangements, was presented by the project manager. The role of the MoJ of Italy was explained by its representative, who underlined importance of a good and timely co-operation of prosecutors' offices in combating cross border crime. Representatives from the MoJ and PO supported the project and expressed their readiness to take part in its activities. The representative from the MoJ, who was present at the preparatory meeting in October 2007², confirmed that the MoJ has nominated him as the project's Contact Point and member of the Steering Committee. It was confirmed that another Deputy Supreme Prosecutor, also present at the October 2007 meeting, would be the Contact Point and member of the Steering Committee on behalf of the State Supreme Prosecutor's Office. The Start-up Conference was announced and it was requested that the Montenegrin counterparts prepare a list of priority topics for in project area and regional activities prior to this conference.

² During the period of drafting the project proposal, the Council of Europe organised in Strasbourg, on 16 October 2007, a preparatory meeting with the representatives from seven project areas, with the aim of presenting the Call for Proposals and getting input from practitioners of areas of priority interest which should be included in the Proposal. Only the UNMIK/Kosovo representatives did not take part in this meeting.

3.5 Meeting with counterpart institutions in Pristina

Date and place of the meeting

28 May 2008, Council of Europe Office, Pristina.

Objective

The objective of the meeting was to present the project and its objectives to the main counterpart institutions, to discuss the activities to be held in Kosovo, to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives from the UNMIK-Department of Justice, Special Prosecutor's Office, Public Prosecutor's Office, European Union Planning Team, Ministry of Justice of Italy and Council of Europe (List of participants is enclosed in Annex 7).

Discussions and results

The project's background, its objectives and implementation arrangements were presented by the project manager and the role of the Italian Ministry of Justice was explained. The appointment of Contact persons was requested, as co-operation with them is of crucial importance for a smooth implementation of the project. The submission of priorities by the Kosovo counterparts was also requested.

The following topics were raised by the representatives from UNMIK as important to be tackled within the project:

- financial investigations, confiscation of proceeds from crime, handling of seized or confiscated assets, suspects' interview techniques and international co-operation. It was underlined that assistance to improve international co-operation would be very useful as Kosovo does not co-operate much with other countries.

3.6 Meeting with counterpart institutions in Skopje

Date and place of the meeting

29 May 2008, Ministry of Justice, Skopje, "the former Yugoslav Republic of Macedonia".

Objective

The objective of the meeting was to present the project and its objectives to the main counterpart institutions, to discuss the activities to be held in "the former Yugoslav Republic of Macedonia", to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives from the Ministry of Justice, Prosecutor's Office, European Commission, Council of Europe and Ministry of Justice of Italy (List of participants is enclosed in Annex 8).

Discussions and results

Project objectives, implementation arrangements and role of the Italian Ministry of Justice were presented and the importance of timely appointment of contact persons was underlined by the project manager and representative from the Italian Ministry of Justice. The overview of the ongoing reforms was presented by the Minister of Justice, who welcomed the project and offered support for its implementation. The nomination of contact persons was asked for as well as provision of the list of priority topics for project area-specific and regional activities.

3.7 Meetings with counterpart institutions in Albania

Date and place of the meeting

9 June 2008, Council of Europe Office in Tirana.

Objective

The objective of the meeting was to present the project and its objectives to the project's contact persons, to discuss the activities to be held in Albania, to ask for the appointment of contact persons from the Prosecutor's Office and the Ministry of Justice and to announce the Start-up conference and Meeting of the Steering Committee.

Participants

Representatives from the Ministry of Justice, Prosecutor's Office, European Commission and Council of Europe (the list of participants is enclosed in Annex 9).

Discussions and results

Meetings in Tirana were held separately with the representatives from counterpart institutions who were appointed project's contact persons. The project's background, objectives, implementation arrangements and role of the Italian Ministry of Justice were presented and the importance of close co-operation with the contact persons underlined. It was requested that a list of priority topics for project area-specific and regional activities be prepared prior to the Start-up Conference. The representatives from both counterpart institutions showed interest in project and expressed their readiness to support it and take actively part in activities in Albania, as well as in regional ones.

3.8 Start-up Conference

Date and place of the meeting

25-26 June, Rome, Italy.

Objective

The objective of the Start-up Conference was to present the project to the organisations and institutions involved in its implementation and to share updated information between the contact persons of each project area about the latest development in the field of judicial co-operation.

Participants

Representatives of the Italian Ministry of Justice, Anti-Mafia Bureau of Italy, European Commission, Council of Europe, Ministries of Justice and Prosecutor's Offices from Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and "the former Yugoslav Republic of Macedonia" and Regional Co-operation Council (The List of participants is enclosed in Annex 12 and the Agenda in Annex 13).

Discussions and results

The Conference was opened by the representative of the Italian Superior Council of the Judiciary, whose introduction was followed by addresses from the Council of Europe's Head of the Technical Co-operation Department, the task manager from the Justice and Home Affairs of Directorate General for Enlargement of the European Commission and the Deputy Prosecutor of the Italian National Anti-mafia Bureau.

The project, its objectives and implementation arrangements were presented and an overview of the current situation in project areas with regard to co-operation between prosecutor's offices and ongoing reforms was given by project's contact persons.

The main stakeholders are now fully informed of the project and its implementation arrangements as well as of the reforms underway that the project will support.

3.9 Steering Committee Meeting

Date and place of the meeting

26 June, Rome, Italy.

Objective

The objective of this first Steering Committee Meeting was to agree upon a workplan and calendar of the activities for 2008.

Participants

Steering Committee members and other members of the delegations who took part in the Start-up conference.

Discussions and results

Contact persons from each project area presented the ongoing reforms, laws to be reviewed within the project, and possible topics for regional and in project area activities. The presentations were comprehensive, but in a number of cases were not sufficiently precise to define necessary assistance activities. In this respect, the objective of the first Steering Committee Meeting was only partially achieved. However, it became clear that in many project areas changes of Criminal Procedure Codes are underway and that legislative reviews and other project-area specific activities will be required, especially regarding the co-operation between prosecutors and the police. As a majority of the delegation raised the issue of financial investigations as a priority it was agreed that the first regional thematic conference would focus on this topic. Also, the issue of international co-operation was accepted by members of the Steering

Committee as a topic of the second regional thematic conference.³ The Steering Committee agreed that its next meeting take place in November with the location yet to be determined. The Steering Committee agreed to have a next meeting in November 2008, which location to be subsequently determined.

4 Validation of the workplan

The intervention logic describing the nature of activities and the outputs, as presented in the Contribution Agreement, was confirmed – to a large extent – during the inception phase and used for preparation of the workplan. However, it became evident that there might be some differences due to the fact that some project areas have progressed more in judiciary reforms than others, and might not find it useful to take part in some activities as planned.

With regard to particular activities the regional meetings for contact persons for judicial co-operation will be slightly postponed since the process of assessment of existing co-operation networks, contact persons and legal frameworks for their operating will take at least 2 to 3 months. The contact persons do not have an overview of all the existing network structures, and the PMU will have to collect the information by making direct inquiries with relevant judicial and police institutions.

Updated workplan

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 Partially completed May – June 2008	Assessment with aim of identifying legislation to be reviewed and improved (by visiting each project area during the inception phase)	
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 Mutual Legal Assistance in Criminal Matters	October 2008
1.2.3	▪ Croatia	
1.2.4	▪ Montenegro	
1.2.5	▪ Serbia Review of Draft Law on Mutual Legal Assistance in Criminal Matters	November 2008
1.2.6	▪ "the former Yugoslav Republic of Macedonia"	
1.2.7	▪ Kosovo	
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	7 November 2008

³ Following the Start-up Conference agreement was furthermore reached by email to organise another regional event on the question of cybercrime (Ohrid, "the former Yugoslav Republic of Macedonia", 17-19 November 2008).

	Roundtable on Draft Law on Mutual Legal Assistance in Criminal Matters	
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	
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 the Proceeds from Crime	Cavtat, Croatia 25 and 26 September 2008
2.1.2	▪ Regional Thematic Training 2: Co-operation against Cybercrime	Ohrid, "the former Yugoslav Republic of Macedonia" 17 - 19 November 2008
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) (August 2008 – March 2010)	
2.2.1	▪ Albania	
2.2.2	Bosnia and Herzegovina	
2.2.3	▪ Croatia	
2.2.4	▪ Montenegro	
2.2.5	▪ Serbia Training on International Co-operation in international instruments	Belgrade, Nis 18 and 19 September 2008
2.2.6	▪ "the former Yugoslav Republic of Macedonia"	
2.2.7	▪ Kosovo	
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
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 This is an additional activity added upon request of the EC	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 memoranda of relevant conventions and other documents of priority	April 2009

	interest in local languages	
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 (October 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	February 2009
4.2.2	▪ Regional Meeting 2	November 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	January 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)	

5 Project management and implementation arrangements

5.1 Project Management Unit

The Council of Europe's Economic Crime Division of the Directorate General of Human Rights and Legal Affairs, is responsible for the implementation of the project and the use of the funds under the Contract with the European Commission.

The Project Management Unit is composed of a project manager and a project assistant in Strasbourg who are working under the direct supervision of the Head of Economic Crime Division. Local consultants will be engaged in each project area on a short-term basis as necessary for the organisation of particular activities.

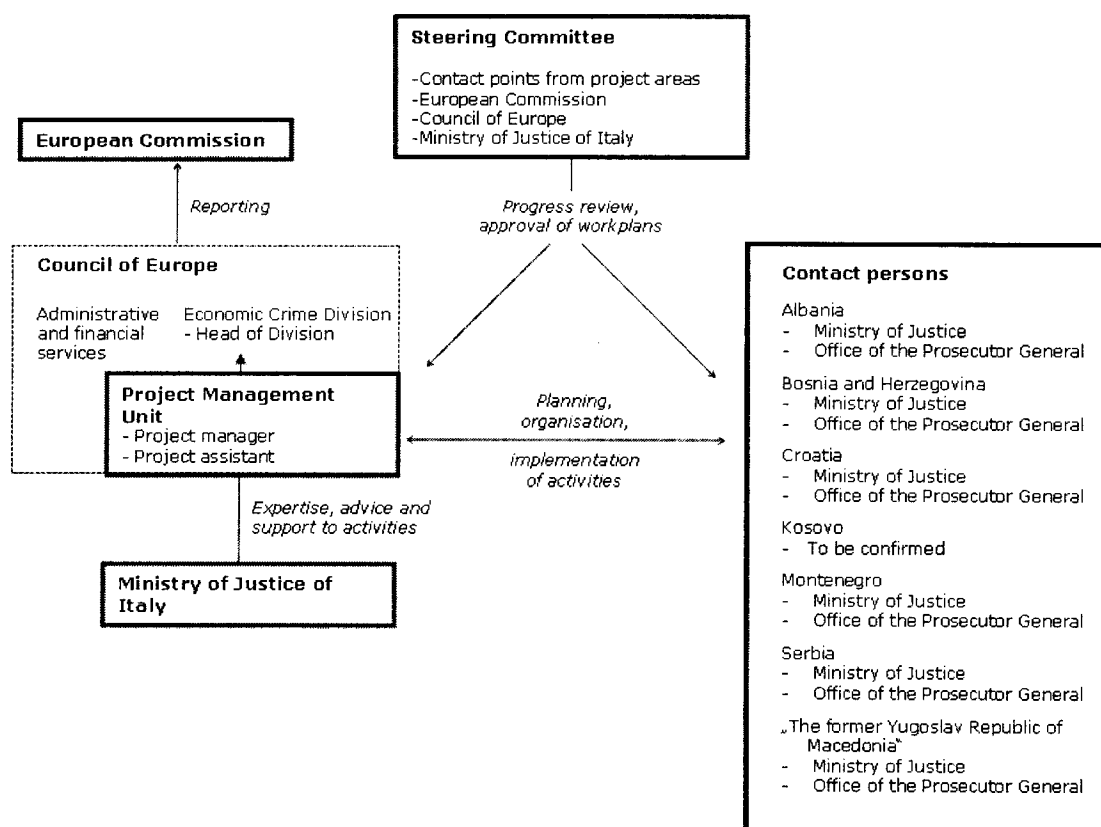
The project manager holds a university degree in law and has working experience in co-operation projects of the CoE in the field as well as in headquarters. She worked on two regional projects in South Eastern Europe from 2004 to 2006 and is familiar with the project areas. The project manager is a national of one of the project areas and fluent in the languages spoken in most of the project areas. This facilitates direct communication with the project's counterpart institutions.

The project assistant has several years of experience in similar projects implemented by the Economic Crime Division and is familiar with the organisation of activities.

5.2 Implementation partner

The Department for Judicial Affairs (DJA) of the Ministry of Justice of Italy is a partner of the CoE in the implementation of the project. Its principal role is to provide expertise and advice regarding project activities, and to contribute to the practical organisation of some activities, in particular training activities and study visits, internships and other events in Italy. The DJA is also a member of the Steering Committee.

PROSECO Project Management Structure



5.3 Contact persons in project areas

The main counterpart institutions in the project areas are the Prosecutor General's Offices and Ministries of Justice. In each project area both institutions are responsible for assisting the project management unit in ensuring project implementation. The Prosecutor General's Offices and the Ministries of Justice have appointed one representative each as a contact person for the project's duration.⁴ The responsibilities of these contact persons are:

- To contribute to the preparation of the workplan and to participate in the approval of the workplan;
- To ensure full participation of local institutions in this project, facilitate the proper organisation of project activities and report to the Steering Committee on project implementation in his or her area;
- To liaise with other relevant institutions to ensure they are properly represented in the project's activities.

The Contact persons participate in the Steering Committee.

⁴ The contact points from Kosovo are yet to be appointed.

5.4 The Steering Committee

The Steering Committee (SC) consists of the Contact persons from each project area, that is, one representative from the General Prosecutors' Office and Ministry of Justice from each project area (thus 2 members per project area). In addition, the Council of Europe and its partner (the Ministry of Justice of Italy) will be represented as well as the European Commission.

The SC will take strategic decisions and supervise the proper implementation of the project. It will address the major problems that the project might face. The SC shall be called to meet at the beginning of the project and every six months or when a serious problem arises. The responsibilities of the Steering Committee are the following:

- To review over progress of the project
- To assess emerging needs and reach agreement on necessary adjustments to the project
- To approve workplans
- To recommend strategies in the light of supporting the Prosecutors' network and strengthening cross-border co-operation against serious crime
- To conduct a final review of project implementation
- To recommend strategies for sustainability and follow up activities.

6 Visibility

The project visibility will be ensured by creating the web page of the project on the Council of Europe web site:

(http://www.coe.int/t/dg1/legalcooperation/economiccrime/JudicialCooperation/projects/PROSECO/PROSECO_en.asp), and also by publishing the news on the web site of the Italian Ministry of Justice. In addition visibility will be ensured by publishing press releases for regional activities, organising press conferences when appropriate, producing visibility materials such as note books, flyers and similar.

7 Conclusions and recommendations

The project was launched on 17 April 2008. During its three-month inception phase the necessary conditions for the implementation of the project were put in place:

- The project Management Unit was established and the necessary project staff was recruited
- Meetings were held in all project areas and counterpart institutions are now fully aware of this project
- Key institutions, that is, the Offices of the Prosecutors General and the Ministries of Justice are involved in this project and participated in the review of the workplan
- The start up conference and the first steering committee meeting were held
- The workplan was reviewed and validated and a number of activities for the first year of the project have been scheduled.

The logical framework as foreseen in the original proposal was in most parts confirmed, with some additional activities, such as an inventory of bilateral and multilateral agreements in the field of co-operation, and some to be considered by the SC such as the internship in The Hague.

Overall, the conditions for a successful implementation of the PROSECO project have been set. On the other hand, there are a number of concerns that need to be addressed:

- A more detailed workplan proved not to be feasible during the inception phase as some counterpart institutions had not yet come to a conclusion as to their priorities. Exceptions were Croatia and Serbia for country-specific activities and for some of the regional activities.
- As Croatia, Montenegro and Serbia are in the process of changing their Criminal Procedure Codes and of introducing a new role for prosecutor in the criminal procedure it is understandable that they might wish the project to assist them in this context. However, such request need to be carefully examined in order to not to lose focus which must be on judicial networking.
- Kosovo is one of the seven project areas participating in this project. As indicated earlier on, all reference to Kosovo, whether to the territory, institutions or population, in this report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo. In practical terms, the actual arrangements for the participation of Kosovo in project activities will need to be made on a case by case basis. The project will encourage the appointment of contact persons for the purposes of this project.
- With specific reference to the prosecutorial network established by the Memorandum of Understanding that had been signed within the CARDS Judiciary project it had been suggested that the prosecutors of that network are appointed as the contact persons of the present project in order to ensure consistency and continuity. However, this was only the case for Bosnia and Herzegovina.
- Moreover, during the inception phase it seemed difficult to involve prosecutors of the above network in project activities. This points at problems with regard to networks established within projects and by instruments which are not legally binding, and at a limited capacity by states to service different networks. This question will need to be analysed in detail in the coming months as a priority (see activity 4.1).
- Obviously, if the full involvement of the Prosecutors' Network established under the CARDS Judiciary project cannot be ensured, the objective and the overall rationale of the PROSECO project are in question. It is proposed that based on the results of activity 4.1. this problem be discussed at the next Steering Committee meeting in December 2008 in view of possible solutions.

Name of the person responsible for the Action: Alexander Seger

Signature:



Place: Strasbourg

Date report sent: 6 November 2008

8 Annexes

Annex 1 Updated Log frame

Level	Description	Indicators	Sources of verification	Assumptions
Overall objective	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 <i>acquis</i> and other European standards and practices by supporting the Prosecutor's Network in South Eastern Europe.			
Specific objective	To strengthen the legislation and institutional capacities of Prosecutors' Offices of South-eastern Europe in view of more effective co-operation against organised and other forms of serious crime	Prosecutor's Offices deal with cross border co-operation cases directly and efficiently. The number of requests for MLA sent/received by Prosecutor's offices will have increased by 25% by the end of the project Number of serious crime cases prosecuted will have increased by 15% Tools for co-operation are available and used by Prosecutor's Offices: (1) cooperation manual, (2) treaties in local languages, (3) websites National legislation (laws and by-	Council of Europe treaty office database European Union progress reports Project reports Statistical data from the Ministries of Justice, Ministries of Interior and the Offices of the Prosecutors' General from all project areas	Will of the authorities and parliaments to ratify the European instruments Application in practice of ratified European instruments and their incorporation into relevant domestic legislation Sufficient absorptive capacity of the counterpart institutions for the activities foreseen in the project

Level	Description	Indicators	Sources of verification	Assumptions
		laws) are compatible with relevant European and international standards. By the end of the Project: - The 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (CETS 182) ratified by "the former Yugoslav Republic of Macedonia" - The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS 198) ratified by Serbia and "the former Yugoslav Republic of Macedonia" - Convention on Cybercrime (CETS 185) ratified by Montenegro and Serbia		
Output 1	Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation	By April 2010, for each project area 2 draft laws on international cooperation and investigation and prosecution of serious crime available and in compliance with European standards	Project reports Web sites of Governments and Prosecutor's Offices in Project Areas. Expert opinions on Draft Laws	Continued political commitment of governments to improve quality of legislation by preparing draft laws or amendments to existing ones

Level	Description	Indicators	Sources of verification	Assumptions
				Readiness of relevant institutions to co-operate in Project's implementation, including submitting requests for provision of legal expertise on draft laws, or on adopted laws with an aim of their improvement
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved (by visiting each project area during the inception phase)			
Activity 1.2	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: Criminal Procedure Codes, Law on Police, Law on Prosecutors Office, Law on international co-operation and other related legislation. Legislation to be reviewed in line with the relevant European and international instruments.			
Activity 1.3	2 roundtables per project area (follow up to the legal reviews) and 2 regional workshops			
Output 2	Human capacities of prosecution services strengthened in view of more effective cooperation, investigation and prosecution of serious crime cases	By January 2010, 4 Regional thematic training sessions are completed By March 2010, 14 in project area	Project reports Lists of participants	Availability of prosecutors and other relevant officials of appropriate level (in terms of experience and type of expertise) to take

Level	Description	Indicators	Sources of verification	Assumptions
		thematic training sessions are held By January 2010, 3 internship programmes are completed		part in project's regional and in project area activities Knowledge and experience applied in practice
Activity 2.1	4 regional thematic trainings (e.g. joint investigation teams, use of special investigative means, cybercrime, witness protection, confiscation and asset sharing)			
Activity 2.2	2 thematic in-country trainings on issues of priority interest for each project area			
Activity 2.3	Two-week internships to EU Member States for 3 prosecutors per project area (Italy, Portugal and Slovenia)			
Output 3	Co-operation manual and other tools available for more effective co-operation against serious crime	By February 2009 an inventory of international instruments, bilateral and multilateral agreements is completed By February 2010 relevant explanatory reports to conventions and other documents of priority interest are translated By February 2010 PACO Manual is updated, published and available in Prosecutors' Offices and Ministries of Justice in all project areas	Project Reports, Web sites of CoE, Prosecutor's Offices and Ministries of Justice.	Readiness of relevant institutions to co-operate in Project's implementation Availability of information needed for updating manual; readiness of relevant institutions of project areas to submit requested information and its timeliness Widespread usage of the co-operation manual in

Level	Description	Indicators	Sources of verification	Assumptions
		By April 2010, web sites on prosecutors' co-operation are created		practice by the Prosecutor's Offices in all project areas
Activity 3.1 This activity has been added upon request of the European Commission	Inventory of International Instruments in the field of international co-operation ratified by the project areas, and of bilateral and multilateral agreements enabling the international co-operation			
Activity 3.2	Translation into languages of project areas of relevant explanatory reports to conventions and other documents of priority interest and publication in local languages			
Activity 3.2	Update, translation and publication of the PACO Manual on judicial co-operation against corruption and organised crime			
Activity 3.3	Creation of web sites on prosecutors' co-operation to be hosted on the existing web sites of prosecutors' offices and/or Ministries of Justice/Ministries of Interior/ Security			
Output 4	Contact points for judicial co-operation strengthened	By January 2009 proposals available for the streamlining of existing co-operation networks By December 2009, 2 Regional Meetings to review and enhance competencies of contact points and 2 Regional meetings of contact points and prosecutorial network are completed	Project reports Availability of amended MoU Relevant laws/ by-laws/ statutes regulating the position of Network's Contact Points.	Role of contact points is recognised, formally regulated and supported by relevant authorities (including regular financial support) so they can operate independently from existence of projects financed by the

Level	Description	Indicators	Sources of verification	Assumptions
		By December 2009, the existing MoU for establishment of the Prosecutor's Network is amended		international organisations
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks			
Activity 4.2	2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities			
Activity 4.3	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			
Activity 4.4	Regional conference of prosecutors' network with the aim of amending the Memorandum of Understanding for the Establishment of the Prosecutor's Network			

Annex 2 Annual workplan for first year

	Description	Months / 1 st Year April 2008 – April 2009											
		1	2	3	4	5	6	7	8	9	10	11	12
	Inception phase (12 weeks)												
Output 1:	Draft laws aimed at making investigations and prosecutions of serious crime cases available												
Activities 1.1	Assessment with aim of identifying legislation to be reviewed and improved (by visiting each project area during the inception phase)												
Activity 1.2	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												
Activity 1.3	2 roundtables per project area as a follow up to the legal review and 2 regional workshops												
Output 2:	Human capacities of prosecution services strengthened												
Activity 2.1	4 regional thematic trainings on joint investigative teams, use of special investigative means, cybercrime, witness protection, confiscation and asset sharing organised												
Activity 2.1.1	Regional Thematic Seminar on Financial Investigations and Confiscation of proceeds from crime												
Activity 2.1.2	Regional Thematic Seminar on Co-operation under the CoE Convention on Cybercrime												
Activity 2.2	2 thematic in-country trainings on issues of priority interest for each project area organised												
Activity 2.3	Internship programmes for 3 prosecutors per project area EU countries												
Activity 2.3.1	Internship to Italy												
Output 3:	Co-operation manual and other tools available												

	Description	Months / 1 st Year April 2008 – April 2009											
		1	2	3	4	5	6	7	8	9	10	11	12
Activities 3.1	Explanatory reports of relevant conventions and other documents of priority interest translated and published in local languages												
Activity 3.2	PACO Manual on judicial co-operation against corruption and organised crime updated and published												
Activity 3.3	Web sites on prosecutors' co-operation in South-eastern Europe created												
Output 4:	Contact points for judicial co-operation strengthened												
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks												
Activity 4.2	2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities												
Activity 4.2.1	Regional Meeting 1												
Activity 4.3	2 regional meetings of contact points and heads of organised crime units from each project area to strengthen networking at regional level, including the members of the prosecutors network												
Activity 4.4	Regional conference of the prosecutor's network with the aim of amending the Memorandum of Understanding of the Prosecutor's Network												

Annex 3

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

LIST OF PARTICIPANTS

Project Presentation Meeting
Sarajevo, BOSNIA AND HERZEGOVINA
13 May 2008

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Annex 4

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

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

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

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Annex 7

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

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Annex 8

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

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Annex 9

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

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

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Annex 11

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

Priority Activities for Regional and Activities per Project Areas

THE REPUBLIC OF CROATIA

Joint Investigative Teams

- A review of national legislation / Drafting basic rules for bilateral and multilateral agreements
- The field of organised crime, terrorism and corruption
- Bodies responsible for the setting up and operation of the joint investigative teams

Hearing by Video Conference

- Hearing defendants, witnesses and expert witnesses, and conducting other evidentiary procedures (line-up) by means of audio-video conferencing system
- The use of teleconferencing

Cooperation in the fields of seizing/freezing criminal assets/the proceeds of crime and securing evidence

- The exchange of information on bank accounts, bank transactions and monitoring banking transactions

Confiscating the proceeds of crime

- Mutual recognition of the decisions of judicial authorities to confiscate the proceeds of crime
- Allocation of the proceeds of crime and managing confiscated assets for the purpose of damage compensation to the victims of crime etc.

The harmonisation of national legislation on international cooperation with the relevant European and international instruments.

THE REPUBLIC OF SERBIA

Legislation

Significant progress has been made in the legislative reform process with the preparation of the draft Law on Public Prosecutor's Office and the draft Law on State Prosecutors' Council, which have been harmonised with international standards and, as such, positively evaluated by the experts from the Council of Europe.

Given the importance of the reform of public prosecutors' organisation, in addition to the adoption of a new Criminal Procedure Code under which prosecutors will be in charge of

investigation and which, being a systemic law, constitutes a basis for a successful legislative reform, special attention should be paid to the adoption of the Law on Seizure and Confiscation of Criminal Assets, which puts the burden of proof on the suspect and implies the establishment of a Confiscated Assets Fund, as well as to the adoption of the Law on Anti-Corruption Agency, which will stipulate the Agency's competences, independence and supervisory powers.

The above mentioned legislation is in the final stage of legislative procedure, except for the new Criminal Procedure Code and Criminal Code, which are yet to be amended. In this context, the priority objectives are focussed on the preparation of these two systemic Codes.

Also important for the successful reform will be the adoption of the Law on the Provision of Legal Assistance in Criminal Matters in compliance with international standards, notably in the field of fighting corruption and organised crime, as well as the adoption of the Law on Judicial Academy, being one of general requirements for acquiring the professional title and exercising the public prosecutor's office.

With respect to implementing regulations, the project on drafting the Rulebook on Anti-Corruption Procedures of Law Enforcement Agencies, including instructions and rules of procedure to be applied by public prosecutor's offices, the police, customs and other public authorities involved in the implementation of the National Anti-Corruption Strategy, remains to be finalised.

Regarding the improvement of the implementing regulations related to the new laws, it is important to develop the Rules of Procedure for the public prosecutor's offices (currently the Rulebook on Public Prosecutor's Offices Administration).

Thematic Trainings

We are of the opinion that the largest portion of the funds available within this project should be directed toward strengthening human capacities by way of specialisation, particularly in the fields of financial crime and fight against corruption. Especially important here is the training of joint investigative teams, comprising public prosecutors, the police and other government bodies.

Also needed is the training of public prosecutors in applying special investigative techniques, tactics and methods, particularly visual surveillance technique ("ambiance recording") which, unlike other European countries, in our country is not sufficiently used due to vague and imprecise legal provisions.

Given the importance of the new role of public prosecutors during the investigation, training is needed on conducting investigations of all forms of crime, as well as basic crime training on the following measures: crime scene investigation, gathering evidence, preserving evidence, DNA analysis, forensic science, etc.

We consider that attention should be paid to the training of human resources in fighting high-tech crime, as a particularly complex and very much present form of crime, often involving an international element.

In the field of fighting organised crime, a portion of the funds available under this project should be provided as additional funding for the "witness protection" programme.

Public prosecutors need training with respect to their involvement in international special operations for fighting organised crime, corruption, financial crime, hi-tech crime, trafficking in human beings, money laundering, trafficking in narcotics, etc.

Institutional Capacities

It is necessary to support capacity building and improved operation of the following divisions of the Public Prosecutor's Office of the Republic: Criminal Division, Anti-Corruption Division, International Cooperation and Legal Assistance Division, Military Division, and Civil-Administrative Division, as well as the Anti-Corruption Divisions of the Regional Public Prosecutor's Offices in Belgrade, Niš, Novi Sad, and Kragujevac.

In the field of crime prevention, attention should be paid to improving the activities of public prosecutor's office in informing the media on the fight against organised crime and corruption, in public relations and presenting the public prosecutor's office in the media and on the Internet (web-site of the public prosecutor's office). In this context, it is necessary to secure adequate funds for modern means of communication.

With a view to further improve international cooperation, it is necessary to conclude bilateral agreements and establish a network for cooperation with the public prosecutor's offices of the countries in the region.

Annex 12

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

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Ms Snežana MALOVIĆ	State Secretary of the Ministry of Justice
Mr Đorđe OSTOJIĆ	Deputy Prosecutor General Office of the Prosecutor General of Serbia

Name	Function
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COUNCIL OF EUROPE	
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Ms Vesna EFENDIĆ	Economic Crime Division Project Manager
Ms Astrid WERTENSCHLAG-SCHERMER	Economic Crime Division Project-Assistant
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Mr Giovanni ARMONE	Magistrate attached to Legislative Office Ministry of Justice
Mr Giuseppe BORRELLI	Magistrate attached at the General Inspectorate Ministry of Justice
Mr Andrea CASCONE	General Directorate for Europe Ministry of Foreign Affairs
Ms Carmela CAVALLO	Head of Department for Juvenile Justice Ministry of Justice
Mr Sandro CERINI	Italian Member of the Steering Committee Officer of the Ufficio II General Directorate Criminal Justice – Ministry of Justice
Ms Laura DI GIROLAMO	Magistrate attached at the General Inspectorate Ministry of Justice
Mr Fabrizio GANDINI	Magistrate attached to Ufficio I – General Directorate Criminal Justice – Ministry of Justice

Name	Function
Mr Antonio LAUDATI	General Director of Criminal Justice Ministry of Justice
Mr Giovanni MELILLO	Deputy Prosecutor National Anti-mafia Prosecuting Bureau
Mr Vittorio PARAGGIO	Deputy Prosecutor – General Prosecutor Office attached to the Court of Appeal of Rome
Ms Maria Teresa SARAGNANO	Deputy Head of Department for Judicial Affairs Ministry of Justice
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REGIONAL CO-OPERATION COUNCIL	
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Ms Rudina XHILLARI
Ms Ida ZADOTTI

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

AGENDA

Start-up Conference
Rome, Italy 26-27 June 2008

Thursday 26th June

09:30 Opening

Chief of the Department of Judicial Affairs

Welcome speeches:

Ms Luisa Napolitano
Superior Council of the Judiciary, Italy

Mr Giovanni Palmieri
Technical Co-operation Department of the DGHL
Council of Europe

Ms Roberta Cortese
Directorate General for Enlargement
European Commission

Mr Giovanni Melillo
National Anti-mafia Bureau, Italy

10:30 Coffee Break

11:00 Project presentation
Moderator: Mr Antonio Laudati
Criminal Justice Directorate, Ministry of Justice, Italy

Overview of the Project
Ms Vesna Efendic
Technical Co-operation Department of the DGHL
Council of Europe

Role of the Italian Ministry of Justice
Mr Sandro Cerini
Criminal Justice Directorate, Ministry of Justice, Italy

11:45 Presentations of current state of play in the region with regard to
prosecutors' co-operation – each project area presentation
Moderators: Ms Vesna Efendic and Mr Sandro Cerini

Albania – Mr Arben Kraja

Bosnia and Herzegovina – Ms Jadranka Lokmic-Misiraca
Croatia – Mr Dubravko Palijas
Montenegro – Mr Veselin Vuckovic
Serbia – Ms Jasmina Kiurski
" the former Yugoslav Republic of Macedonia" – Mr Bodan Lazarevski

12:45 End of the session

13:00 Press Conference

13:30 Lunch

15:30 Visit to the Juridical Central Library

21:00 Official Dinner

Friday 27th June

Steering Committee Meeting

9.30 Introduction and presentation of the objective of the Steering Committee Meeting
 Ms Vesna Efendic, Council of Europe
 Mr Sandro Cerini, Ministry of Justice of Italy

10:00 Presentation of priorities per project area and proposals for regional thematic seminars and in project area activities
 Steering Committee members from project areas
 Moderators: Ms Vesna Efendic and Mr Sandro Cerini

11:15 Coffee Break

11:30 Drafting of the workplan and tentative calendar of the activities
 Finalisation of the workplan and tentative calendar of the activities
 Decision on venue and date of the next Steering Committee Meeting
 Closure of the meeting
 Moderators: Ms Vesna Efendic and Mr Sandro Cerini

13:00 Lunch

