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Support to Prosecutors' Network in South Eastern Europe
Regional PROSECO Project
CARDS 2006

3rd Progress Report (revised)

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	17 September 2009
Reporting period	**1 March – 31 May 2009**

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EXECUTIVE SUMMARY

This report summarises activities implemented under the Project "Support to Prosecutors' Network in South Eastern Europe" – CARDS 2006 Regional PROSECO Project during the period of 1 March to 31 May 2009.

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

Results achieved during the reporting period include:

- 6th Meeting of Prosecutor's Network
- Visit to the State Attorney Office of Republic of Croatia
- Training seminars on special investigative means in Bosnia and Herzegovina and "the former Yugoslav Republic of Macedonia" -
- Training seminar on application of cybercrime legislation in Albania
- Cybercrime legislative reviews for Bosnia and Herzegovina and "the former Yugoslav Republic of Macedonia"
- Provision of expert opinion on revised Criminal Code of Serbia
- Provision of expert opinion on confiscation and cybercrime provisions of Criminal Code of Montenegro
- Revision of document "Assessment of existing co-operation networks".

Notwithstanding the increased number of activities implemented during the reporting period, certain delays in the revised work plan[1] have to be noted. Activities 3.1 and 3.2 were not completed due to the slow submission of required information from project areas. In addition, Activity 1.2.8 (initially unforeseen), has been delayed. As a result, so has been Activity 1.3.8 which is linked to it.

Despite overall good cooperation with contact persons, input from project areas to carry out legislative reviews under the Output 1 was limited. As a consequence, a number of activities under the Output 1 are lower then foreseen. This is mainly due to the unpredictable pace of ongoing legal reforms in project areas.

As regards co-ordination with other co-operation networks or regional initiatives, the SEEPAG focal points and representatives of the Regional Co-operation Council were invited to the 6th Meeting of Prosecutors' Network.

[1] Revised work plan following the Steering Committee meeting held in January 2009.

1 THE PROJECT

1.1 Project summary

Name of implementing and co-financing organisation

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

Name and title of the contact person

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

Name of partners in the action

Department of Judicial Affairs, Ministry of Justice of Italy.

Title of the action

Support to Prosecutors' Network.

Contract number

2008/153-650.

Start date and end date of the reporting period

Start date: 17 April 2008.
Reporting period: 1 March – 31 May 2009.

Target countries / project areas

Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia" and Kosovo[2].

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.

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

1.2 Project objectives

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

The project focuses on strengthening legislation and institutional capacities of General Prosecutors' Offices of South Eastern Europe with a view to more effective co-operation against serious crime. It builds on the achievements of the 2003 CARDS Regional Judicial Reform project (with special emphasis on the cross module activities implemented) and the Memorandum of Understanding signed on 30 March 2005 by the General Prosecutors of the CARDS countries.

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

Output 1 Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border co-operation

Output 2 Human capacities of prosecutions services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases

Output 3 Co-operation manual and other tools available for more effective co-operation against serious crime

Output 4 Contact points for judicial co-operation strengthened

1.3 Updated work plan

OUTPUT 1	**Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation**	
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved	Ongoing
Activity 1.2	Up to 2 legal reviews per project area (and continuous ad hoc advice) to review existing legislation on investigation, prosecution and co-operation against serious crime	August 2008 – March 2010
1.2.1	▪ Albania Review of Law on International Co-operation	September 2009
1.2.2	▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 **Completed**
1.2.3	▪ Croatia Review of new provisions / amendments to the Law on International Co-operation	no information on when the draft will be available
1.2.4	▪ Montenegro Review of amendments to the Criminal Code (provisions related to confiscation of proceeds from crime and cybercrime)	May 2009 **Completed**
1.2.5	▪ Serbia Review of draft Law on Mutual Legal Assistance in Criminal Matters	November – December 2008 **Completed**
1.2.6	▪ "the former Yugoslav Republic of Macedonia" Review of Draft Law on International Co-operation	December 2008 – January 2009

		Completed
1.2.7	▪ "Kosovo under UNSCR 1244"[3] Review of Draft Law on Money Laundering	June 2009
1.2.8	Assessment on compliance of legislation of project areas with CEST 182 and with the EU convention on MLA from 2000	February – August 2009
1.2.9	▪ Bosnia and Herzegovina Review of cybercrime provisions in national legislation	April 2009 **Completed**
1.2.10	▪ Croatia Review of certain provisions of Criminal Code	October-December 2009
1.2.11	▪ "the former Yugoslav Republic of Macedonia" Review of cybercrime provisions in national legislation	April 2009 **Completed**
1.2.12	▪ Serbia Review of Draft amendments to Criminal Code	May 2009 **Completed**
Activity 1.3	2 roundtables per project area (follow up to the legal reviews) and 2 regional workshops	October 2008-April 2010
1.3.1	▪ Albania	
1.3.2	▪ Bosnia and Herzegovina Roundtable on Draft Law on International Co-operation in Criminal Matters	7 November 2008 **Completed**
1.3.3	▪ Croatia	
1.3.4	▪ Montenegro	
1.3.5	▪ Serbia	
1.3.6	▪ "the former Yugoslav Republic of Macedonia" Roundtable on assessment of cybercrime provisions in national legislation	June 2009
1.3.7	▪ "Kosovo under UNSCR 1244"	
1.3.8	▪ Regional Workshop 1 Workshop on Compliance of legislation of project areas with CETS 182 (2nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	August – September 2009 in Durres, Albania
1.3.9	▪ Bosnia and Herzegovina Roundtable on Compliance of Legislation of BiH with CEST 182 (2nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	August 2009
1.3.10	▪ Bosnia and Herzegovina Roundtable on assessment of cybercrime provisions in national legislation	7 April 2009 **Completed**
1.3.11	▪ Serbia	
1.3.12	▪ Regional Workshop 2 Follow up to Regional Workshop 1 and its recommendations	January 2010
Output 2	**Human capacities of prosecution services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases**	
Activity 2.1	4 Regional thematic trainings (e.g. joint investigative teams, use of special investigation means, cybercrime, witness protection, confiscation and assets sharing)	
2.1.1	▪ Regional Thematic Training 1 Financial Investigations and Confiscation of Proceeds from Crime	Dubrovnik, Croatia 25 and 26 September 2008 **Completed**
2.1.2	▪ Regional Thematic Training 2 Training for prosecutors and judges and Conference on Co-operation under the Cybercrime Convention Follow up activities:	Ohrid, FYROM, 17-19 November 2008 **Completed**

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

	➢ Finalisation of country profiles ➢ Participation in the Octopus Cybercrime Conference in Strasbourg in March 2009	March 2009 **Completed**
2.1.3	▪ Regional Thematic Training 3 Practical implementation of measures foreseen by CETS 182: cross-border observations; controlled deliveries; video hearings and joint investigative teams	September 2009
2.1.4	▪ Regional Thematic Training 4 Proposed topic 1: witness protection, levels and types of protection (proposal of BiH delegation) Proposed topic 2: money laundering (proposal of Montenegro delegation)	January 2010
Activity 2.2	2 Thematic in-project area training sessions (on issues of priority interest)	August 2008 – March 2010
2.2.1	▪ Albania Training on cybercrime for law enforcement officers, prosecutors and judges	16-17 April 2009 Durres **Completed**
2.2.2	▪ Bosnia and Herzegovina Training for prosecutors and law enforcement officers on SIMS and international recognition of evidence collected by using SIMS	5-6 March 2009 Sarajevo **Completed**
2.2.3	▪ Croatia Training on joint investigation teams	
2.2.4	▪ Montenegro Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange on reporting corruption related offences	24-25 November 2008 Podgorica **Completed**
2.2.5	▪ Serbia Training on International Co-operation in international instruments	Belgrade 18 September 2008 Nis 19 September 2008 **Completed**
2.2.6	▪ "the former Yugoslav Republic of Macedonia" Training on SIMS	28-29 April 2009 Skopje **Completed**
2.2.7	▪ "Kosovo under UNSCR 1244"	
2.2.8	▪ Croatia Training on money laundering	
2.2.9	▪ Montenegro Training on prosecutor's role in leading investigations in cases of serious crime	after the adoption of CPC
2.2.10	▪ "the former Yugoslav Republic of Macedonia" Training on new role of Prosecutor in investigations	after the adoption of a new CPC
2.2.11	▪ Montenegro Training on money laundering	after the adoption of CPC
Activity 2.3	Organisation of two-week internship programme (3 prosecutors per project area) to EU member States (Italy, Portugal and Slovenia)	
2.3.1	▪ Internship 1 – Italy (Rome, Napoli and Bari)	17-28 November 2008 **Completed**
2.3.2	▪ Internship 2 Portugal	6-17 July 2009
2.3.3	▪ Internship 3 Proposal to replace Slovenia with Germany	January 2010
Output 3	**Co-operation manual and other tools available for more effective co-operation against serious crime**	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling international co-operation	October 2008-August 2009

Activity 3.2	Translation and publication of explanatory reports of relevant conventions and other documents of priority interest in local languages Contact Persons to define which documents are to be translated and submit a list to the CoE by the end of February	June-August 2009
Activity 3.3	Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime Parts of the PACO Manual will be sent to the Contact Persons from MoJ for revision and update	January 2009 – August 2009
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 ▪ A link to PROSECO Project to be made at the existing sites of the MoJ and PO ▪ Contact Persons to inform the CoE on exact needs ▪ Add a link to the UNODC tool with an electronic form of the MLA request	December 2009-April 2010
Activity 3.5	Preparation of an overview of institutions in charge of organised crime and international co-operation	May – August 2009
Output 4	**Contact points for judicial co-operation strengthened**	
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks.	April – November 2008
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 5th Meeting of Prosecutors'' Network with SEEPAG contact points	16 January 2009 Strasbourg **Completed**
4.2.2	▪ Regional Meeting 2 6th Meeting of Prosecutors' Network - Effective channels of communication (Art 4 of CETS 182)	28-29 April 2009 Zagreb **Completed**
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 7th Meeting of Prosecutors' Network	October 2009
4.3.2	▪ Regional Meeting 2 8th Meeting of Prosecutors' Network	January 2010
Activity 4.4	Organisation of a regional conference of Prosecutors' Network with the aim of amending the Memorandum of Understanding for the Establishment of the Prosecutors' Network Date to be decided at the 6th Meeting of Prosecutors' Network	

1.4 Updated action plan

Cell with C: activity completed.
Darker cell: progress in project's execution.
Cell with *: Forecast when the activity should be completed.

Comments:
- Activity 1.1: According to Inception Report, Activity .1.1 should have been completed in Month 6 of year 1. Activity still ongoing.
- Activity 1.2.8: Activity was added into the original work plan after the second SC meeting in January 2009. It was foreseen to be completed in period February – June 2009, but it is delayed due to slow finalisation of MLA questionnaires project areas. It is foreseen that written analysis will be done in period July-August 2009.
- Activity 1.3.8: Activity added into the original work plan after the second SC meeting in January 2009. As it is linked to Activity 1.2.8 the date of completion had to be postponed. The idea is to have this activity in September back to back with the Activity 2.1.3.
- Activity 1.3.6: This activity is linked with the activity 1.2.11, completed in April 09. It has to be confirmed if this activity is still to take place or not, and to confirm the date.
- Activity 3.1: The activity is delayed as required information has not been submitted by some of the project areas.
- Activity 3.5: Added because it was suggested and agreed during the 5th Meeting of Prosecutors' Network.

	Description	**Months April 2008 – March 2009**												**Months April 2009 – March-April 2010**												
		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	13 A 10
	Inception phase (12 weeks)			**C**																						
Output 1:	***Draft laws aimed at making investigations and prosecutions of serious crime cases available***																									*
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**																								*	
Activity 1.2.1	Review of Law on International Co-operation Albania																			*						
Activity 1.2.2	Review of Draft Law on International Co-operation of Bosnia and Herzegovina							C																		
Activity 1.2.3	Review of new provisions / amendments to the Law on International Co-operation Croatia																									
Activity 1.2.4	Review of amendments to the Criminal Code Montenegro														C											
Activity 1.2.5	Review of Draft Law on International Co-operation of Serbia									C																
Activity 1.2.6	Review of Draft Law on International Co-operation of FYROM										C															

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	13 A 10
Activity 1.2.7	Review of Draft Law on Money Laundering Kosovo																*									
Activity 1.2.8	Assessment of compliance of legislation of project areas with CETS 182 and EU MLA Convention																	*								
Activity 1.2.9	Review of Cybercrime Provisions in legislation of Bosnia and Herzegovina													C												
Activity 1.2.10	Review of certain provisions of Criminal Code Croatia																					*				
Activity 1.2.11	Review of Cybercrime provisions legislation of FYROM													C												
1.2.12	Review of revised Criminal Code of Serbia														C											
Activity 1.3	**2 roundtables per project area as a follow up to the legal review and 2 regional workshops**																									*
Activity 1.3.1	Albania																									
Activity 1.3.2	Roundtable on Draft Law on International Co-operation of Bosnia and Herzegovina								C																	
Activity 1.3.3	Croatia																									
Activity 1.3.4	Montenegro																									
Activity 1.3.5	Serbia																									
Activity 1.3.6	FYROM Roundtable on assessment of cybercrime provisions in national legislation															*										
Activity 1.3.7	Kosovo																									
Activity 1.3.8	Regional workshop 1 Compliance of legislation of project areas with CETS 182 and EU MLA Convention from 2000																		*							
Activity 1.3.9	Bosnia and Herzegovina Roundtable on Compliance of Legislation of BiH with CETS and with the EU MLA Convention from 2000																	*								
Activity 1.3.10	Roundtable on assessment of cybercrime provisions in legislation of Bosnia and Herzegovina													C												
Activity 1.3.11	Serbia																									
Activity 1.3.12	Regional workshop Follow up to Regional Workshop 1 and its recommendations																						*			
Output 2:	***Human capacities of prosecution services strengthened***																							*		
Activities 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 Conference 1 Financial Investigations and Confiscation, Croatia						C																			
Activity 2.1.2	Regional Thematic Conference 2 Cybercrime, FYROM ➢ Finalisation of country profiles ➢ Participation of Octopus Cybercrime Conference								C																	
Activity 2.1.3	Regional Thematic Conference 3																		*							

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	13 A 10
	Practical Implementation of measures foreseen by CETS: cross border observations; controlled deliveries; video hearings and joint investigative teams																									
Activity 2.1.4	Regional Thematic Conference 4 Proposed topic 1:witness protection Proposed topic 2: money laundering																						*			
Activity 2.2	**2 thematic in-country trainings on issues of priority interest for each project area organised**																								*	
Activity 2.2.1	Training on Cybercrime, Albania													C												
Activity 2.2.2	Training on SIMS, Bosnia and Herzegovina												C													
Activity 2.2.3	Croatia Training on joint investigative teams																									
Activity 2.2.4	Training on inter-agency co-operation and data exchange on reporting corruption related offences, Montenegro								C																	
Activity 2.2.5	Training on International Co-operation, Serbia						C																			
Activity 2.2.6	Training on SIMS, FYROM													C												
Activity 2.2.7	Kosovo																									
Activity 2.2.8	Croatia Training on money laundering																									
Activity 2.2.9	Montenegro Training on prosecutor's role in leading investigations in cases of serious crime																									
Activity 2.1.10	FYROM Training on new role of Prosecutor in investigations																									
Activity 2.2.11	Training on money laundering																									
Activity 2.3	**Internship programmes for 3 prosecutors per project area EU countries**																							*		
Activity 2.3.1	Internship to Italy								C																	
Activity 2.3.2	Internship to Portugal																*									
Activity 2.3.3	Internship to Germany																							*		
Output 3:	***Co-operation manual and other tools available***																									*
Activity 3.1	**Inventory of international instruments and multilateral and bilateral agreements**																	*								
Activities 3.2	**Explanatory reports of relevant conventions and other documents of priority interest translated and published in local languages**																	*								
Activity 3.3	**PACO Manual on judicial co-operation against corruption and organised crime updated and published**																				*					
Activity 3.4	**Web sites on prosecutors' co-operation in South-eastern Europe created**																									*
Activity 3.5	**Preparation of an overview of institutions in charge of organised crime and international co-operation**																		*							
Output 4:	***Contact points for judicial co-operation strenghtened***																							*		
Activity 4.1	**Assessment of existing co-operation networks, contact points and legal frameworks**										C															

		1 A 08	2 M 08	3 J 08	4 J 08	5 A 08	6 S 08	7 O 08	8 N 08	9 D 08	10 J 09	11 F 09	12 M 09	1 A 09	2 M 09	3 J 09	4 J 09	5 A 09	6 S 09	7 O 09	8 N 09	9 D 09	10 J 10	11 F 10	12 M 10	13 A 10
Activity 4.2	**2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities**										C			C												
Activity 4.2.1	5th Meeting of Prosecutors' Network										C															
Activity 4.2.2	6th Meeting of Prosecutors' Network													C												
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 4.3.1	Regional meeting 1 7th Meeting of Prosecutors' Network																			*						
Activity 4.3.2	Regional meeting 2 8th Meeting of 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**																									

1.5 Updated Logical Framework

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 *acquis* and other European standards and practices by supporting the Prosecutor's Network in South Eastern Europe.			
Specific project 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	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
		by-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.	Continued political commitment of governments to improve quality of legislation by preparing draft laws or amendments to

Level	Description	Indicators	Sources of verification	Assumptions
			Expert opinions on Draft Laws	existing ones 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**	By January 2010, 4 Regional	Project reports	Availability of

Level	Description	Indicators	Sources of verification	Assumptions
	services strengthened in view of more effective cooperation, investigation and prosecution of serious crime cases	thematic training sessions are completed By March 2010, 14 in project area thematic training sessions are held By January 2010, 3 internship programmes are completed	Lists of participants	prosecutors and other relevant officials of appropriate level (in terms of experience and type of expertise) to take 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 August 2009 an inventory of international instruments, bilateral and multilateral agreements is completed By September 2009 relevant explanatory reports to conventions and other documents of priority interest are translated	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

Level	Description	Indicators	Sources of verification	Assumptions
		By November 2009 PACO Manual is updated, published and available in Prosecutors' Offices and Ministries of Justice in all project areas By April 2010, web sites on prosecutors' co-operation are created By September 2009 a document presenting institutions in charge of organised crime and international co-operation finalised		areas to submit requested information and its timeliness Widespread usage of the co-operation manual in 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 3.3	Update, translation and publication of the PACO Manual on judicial co-operation against corruption and organised crime			
Activity 3.4	Creation of web sites on prosecutors' co-			

Level	Description	Indicators	Sources of verification	Assumptions
	operation to be hosted on the existing web sites of prosecutors' offices and/or Ministries of Justice/Ministries of Interior/ Security			
Activity 3.5 This activity has been added following the proposal and agreement of the SC	Preparation of an overview of institutions in charge of organised crime and international co-operation			
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 By December 2009, the existing MoU for establishment of the Prosecutor's Network is amended	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 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			

Level	Description	Indicators	Sources of verification	Assumptions
	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			

2 ACTIVITIES AND RESULTS DURING THE REPORTING PERIOD

The following activities were completed during the reporting period:

Output 1

Activity 1.2.4 – Legislative review of the Criminal Code of Montenegro (provisions related to cybercrime and confiscation of proceeds from crime), May 2009

Objective
To provide expert opinion on compliance of the provisions related to confiscation of the proceeds of crime and the provisions relating to cybercrime from the Criminal Code (CC) of Montenegro with relevant international instruments.

Results
In late 2008, the Ministry of Justice of Montenegro set up a working group to draft the Law amending the Criminal Code. To assist members of the working group, the Ministry of Justice requested the assistance of the PROSECO project to provide opinions on confiscation and cybercrime provisions of the Criminal Code in force. Following the request, two separate documents were prepared and submitted to the Ministry of Justice on 15 May 2009: Comments on cybercrime-related articles and an Expert opinion on confiscation related provisions. Comments on cybercrime provisions were prepared with the support of the Project on Cybercrime. The Expert opinion on confiscation related provisions was provided by Mr Fernando Sanchez-Hermosilla[4] (Germany).

Cybercrime provisions

Comments were provided on particular articles of the Criminal Code (Article 142 CC - definitions and Chapter 28: articles 349 - 355) concerning their compliance with the requirements of the CoE Convention on Cybercrime.

Comments concluded that the existing provisions of the Criminal Code cover to some extent the requirements of the Convention, in particular Article 1 – definitions (partially), Article 2 – illegal access, Article 3 – illegal interception (partially) and Article 4 – data interference. However, gaps have been identified with regard to the substantive law. Some offences required by the Convention to be established at national level are not provided (e.g. Article 6 – Misuse of devices and Article 7 - Computer-related forgery). The general assessment about cybercrime provisions is that there is a need for further reform of existing legislation on cybercrime of Montenegro in order to fully comply with the Convention.

Recommendation

The working group should closely follow the Comments when preparing the new draft provisions on cybercrime. Should there be interest from the working group, the PROSECO project may provide the final analysis of the new draft provisions.
Montenegro may also wish to seek the expertise of PROSECO project regarding procedural criminal law.

[4] Mr Fernando Sanchez-Hermosilla is a judge (deputy chair) at the Criminal Court of Karlsruhe, Germany. His professional career in German judiciary system includes positions as a judge at district and regional courts, prosecutor and investigative judge. He has also worked as legal adviser for the German Federal Ministry of Justice. Mr Sanchez-Hermosilla is also very active at international level. He serves as an expert and member of the German delegation to various international organisations and is a delegate at the Council of Europe GRECO (Group of States Against Corruption).

Confiscation provisions

As in most of other European states, provisions regulating the confiscation of proceeds of crime in Montenegro are part of the CC. They are complemented by provisions in the Criminal Procedure Code, which regulate the proceedings for confiscation. Montenegro is party to the majority of Council of Europe Conventions which deal with the issue of confiscation of proceeds of crime in the area of penal law.

So far, Montenegro has signed and ratified the following relevant international agreements:

- Convention on Laundering, Search, Seizure and confiscation of Proceeds of Crime of 08.11.1990 (ETS 141),
- Criminal Law Convention on Corruption of 27.01.1999 (ETS 173) - Article 19 Para 3 (Montenegro has not signed but ratified that convention),
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism of 16.05.2005 (ETS 198).

Although Montenegro has not yet signed or ratified the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse of 25.10.2007 (ETS 201), its provisions were also analysed due to their relevance to confiscation of instrumentalities and proceeds of crime.

Overall, confiscation provisions as submitted by Montenegro, comply with the relevant standards of international legal instruments.

Activity 1.2.8 – Assessment of compliance with CETS 182 and with EU MLA Convention (2000 – ongoing)

Objective

The objective of this activity is to assess the level of compliance of project areas with the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS 182) and with the European Union Convention on Mutual Legal Assistance from 2000 (EU MLA Convention from 2000). These two instruments provide possibilities for direct communication which could facilitate co-operation within the Prosecutors' Network.

Six project areas have ratified the Second Additional Protocol. In addition to the Memorandum of Understanding between the General Prosecutors' Offices, the Second Additional Protocol should serve as the legal basis for direct cross-border judicial cooperation within the Prosecutors' Network.

Results
This activity was added in the work plan following the Steering Committee meeting in January 2009. It started in February with the preparation by the Council of Europe expert of a questionnaire for analysis of compliance with the CETS 182 and EU MLA Convention from 2000. The questionnaire was translated and sent during March and April to the project areas for completion. Local short-term consultants were contracted to assist the project contact persons to complete the questionnaire. The entire process has lasted much longer then initially foreseen. In addition to the process of completing the questionnaire, the process of identification of adequate local consultants and translation of questionnaire took a significant amount of time. The international expert will carry out the analysis of compliance in the period July – August 2009.

Activity 1.2.9 – Legislative review of cybercrime provisions in the legislation of Bosnia and Herzegovina, March 2009

Objective
To analyse existent legislation on cybercrime in Bosnia and Herzegovina and identify the provisions that need further reform in order to comply with the requirements of the Convention on cybercrime.

Results
The cybercrime legislative profile was updated in March 2009, and finalised in April following the roundtable held in Sarajevo on 7 April 2009. This activity and its results are closely linked to activity 1.3.10 – Roundtable on cybercrime legislation in Bosnia and Herzegovina. Therefore, a description of the outcome will be elaborated under Activity 1.3.10 below.

Activity 1.2.11 – Legislative review of the cybercrime provisions in legislation of "the former Yugoslav Republic of Macedonia", April 2009

Objective
To assess compliance of the amendments to the Criminal Code of “the former Yugoslav Republic of Macedonia” in relation to cybercrime, with the requirements of the Convention on cybercrime.

Results
At the request of the Ministry of Justice, comments were provided on cybercrime related provisions of the amendments to the Criminal Code of “the former Yugoslav Republic of Macedonia”. The comments were submitted on 15 April 2009.

The analysis focused on Articles 1-9 of the Convention on cybercrime and the conclusions underlined that in general, the amendments address the main gaps of the substantive law required by the Convention (e.g. Article 1 – definitions (partially), Article, 4-5). Furthermore, they also include some provisions of the Additional Protocol to the Convention and of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007). Further consideration should be given to the provisions not yet fully implemented: Article 1 (the definitions on “service provider” and “traffic data”), Article 6 and Articles 7-8).

With regard to Article 9 and the definitions on “child pornography” and “minor”, amendments are in line with the standards of the Convention with the exception of the acts provided under Article 9 c.
There is a need to draft additional amendments on procedural law and international co-operation provisions on cybercrime in “the former Yugoslav Republic of Macedonia”. Therefore, the project offered its support to the working group established within the Ministry of Justice.

Recommendation
PROSECO project to provide further advice on finalising the cybercrime provisions of the new draft Criminal Code.

Activity 1.2.12 – Legislative review of the Draft amendments to the Criminal Code of Serbia, May 2009

Objective
To assess compliance of the Draft amendments to the Criminal Code of Serbia with relevant international instruments in the field of criminal law.

Results

At the request of the Ministry of Justice, the expert opinion on Draft amendments to the Criminal Code of Serbia was submitted to the Ministry of Justice on 27 May 2009. The expert opinion was prepared by Mr Bostjan Penko[5] (Slovenia).

The expert opinion acknowledges that Serbia has marked progress in its efforts to modernise its Criminal Code, criminalise new offences and update old offences with new tendencies in the field of criminal policy. Such progress is in line with international and constitutional legal standards. Following the adoption of proposed amendments, the level of formal normative compliance may increase. On the other hand, the trend of prescribing higher and higher penalties is also seen in proposed amendments. Therefore, it may be wise to include more findings and science of penology and criminology in the Serbian criminal policy to promote the principle of proportionality. Overall, draft amendments are in line with relevant international standards.

Activity 1.3.10 – Roundtable on cybercrime legislation in Bosnia and Herzegovina, 7 April 2009

Objective
Finalise the analysis of the existent legislation on cybercrime in Bosnia and Herzegovina and identify the provisions that need further reform in order to comply with the requirements of the Convention on cybercrime.

Results
This activity was implemented with the support of the Project on Cybercrime. The roundtable was co-organised with the Ministry of Justice of Bosnia and Herzegovina.

Roundtable discussions resulted in the following recommendations for further actions:

1. Establishment of a Working Group within the Ministry of Justice of Bosnia and Herzegovina with representatives of the competent authorities from the Federation of Bosnia and Herzegovina, the Republika Srpska and Brčko District having the task of:

- ✓ Implementing the requirements of the Convention on cybercrime by developing a draft law containing the same provisions at the entities and district levels.

Note: Subject to a request from the BiH authorities, the Council of Europe would provide assistance in the law drafting process.

2. Discussion on the possibility of implementing the Convention on Cybercrime at the state level - within the existing competence of the state - in the ongoing negotiation of the TEAM-WG (Working group for monitoring and assessing criminal legislation).

3. At the request of authorities, the Council of Europe will provide a report to facilitate the discussion process both at the state and entities/district level by:
- ✓ Providing arguments for a state level law on cybercrime (transnational dimension of Cybercrime).

[5] Mr Bostjan Penko, Attorney at Law from Ljubljana, Slovenia. His previous professional engagements include: Senior prosecutor, member of the Special group of prosecutors for fighting organised and serious economic crime, Judge at the Court of Appeal of Ljubljana, Undersecretary of State, Head of International and Criminal Law Department at the Slovenian Ministry of Justice and Director of the Anti-corruption Agency. Mr Penko was a member of the Slovenian delegations to the Council of Europe and United Nations, negotiating international legal instruments in the field of criminal law.

✓ Providing the background information for each article of the substantive criminal law and procedural law section of the Convention on Cybercrime.

4. Amending the Criminal Procedure Code at the state level with the provisions of Chapter III of the Convention on cybercrime to ensure the legal framework for BiH to co-operate internationally on cybercrime.

In line with the request of the Bosnian and Herzegovinian institutions, the report "Proposal for further improvement of Cybercrime legislation in Bosnia and Herzegovina" was submitted to the Ministry of Justice and to the participants of the Roundtable on 5 May 2009.

Recommendation
The Ministry of Justice of Bosnia and Herzegovina should speed up the establishment of the working group and consider positive follow-up to co-operation with the PROSECO project about advice on drafting cybercrime provisions in criminal legislation, which would fully meet the Convention requirements.

Activity 2.2.1 – Training seminar on application of cybercrime legislation in Albania, Durres, 16-17 April 2009

Objective
Promote the application of Albanian cybercrime legislation in the investigation, prosecution, adjudication and international co-operation against cybercrime.

Results

This activity was implemented with support of the Cybercrime project.
Albania ratified the Convention on Cybercrime in 2002 without however fully implementing its provisions into national legislation. In December 2008, the Parliament of Albania adopted amendments to the Criminal and Criminal Procedure codes to close the gaps. Subsequently, the authorities requested the PROSECO project and the Project on Cybercrime to provide training to Albanian prosecutors to apply legislation in practice.

The training focused on current challenges related to cybercrime and electronic evidence and the particular problems for judges and prosecutors. The new legislative provisions were presented and discussed in detail.

Discussions and feedback received during and after the training seminar, indicated strong interest on this matter by some prosecutors, and reasonable interest by others. As a result:
- All participants are now familiar with these provisions
- Some prosecutors are likely to get further involved and acquire additional knowledge
- Prosecutors are aware of the fact that they need to co-operate with the private sector, in particular with internet service providers.

In terms of follow up, the following issues need to be addressed:
- Initial and continued professional training for judges and prosecutors. The School of Magistrates should offer specific modules on cybercrime and electronic evidence
- Prosecutors need to be supported by the police in cybercrime investigations and cyber-forensics. At present, the capacities of police are too limited and prosecutors may not be able to apply the legislation without their support. Thus, donors should support Albania to strengthen high-tech crime capabilities (creating the institutional framework, providing equipment and training).

Activity 2.2.2 – Training seminar on special investigative means in Bosnia and Herzegovina, Sarajevo 5-6 March 2009

Objective
Promote the use of special investigative means (SIMS) and increase knowledge of prosecutors, judges and law enforcement officers on best practices related to legislative preconditions for use of SIMS, their practical application and cross border application.

Results
Criminal legislation in Bosnia and Herzegovina allows for a wide range of SIMS to be used in criminal investigations but practical application is not adequate. Therefore, the authorities approached the PROSECO project with a request to provide training for prosecutors and law enforcement officers.

The training focused on legal restrictions for use of SIMS, practical application of specific measures such as: surveillance by special units; wire tapping; technical surveillance within private facilities; use of undercover agents; tracking telephone connection; on line searches; general positioning system and use of informants; presentation of evidence collected by the use of SIMS in the court, cross border application of SIMS; joint investigation teams and co-operation and co-ordination between the police and judiciary, and admissibility of evidence collected by use of SIMS in criminal proceedings abroad.
Discussions that followed presentations, showed that that there is great interest in the subject from both prosecutors and law enforcement officers. As a result:
- All participants are now more familiar and confident to apply SIMS in situations when the measures are required and in line with domestic legislation;
- Prosecutors and law enforcement officers are aware that close co-operation and co-ordination is needed from the very beginning of the application of measures in criminal investigation, in order to ensure that evidence collected would be admissible in the court.

This Training Seminar helped the authorities of BiH to fulfil the recommendation number IV from the GRECO report - second round evaluation.

Activity 2.2.6 – Training seminar on special investigative means in "the former Yugoslav Republic of Macedonia", 28-29 April 2009, Skopje

Objective
Promote the use of special investigative means (SIMS) and increase knowledge of prosecutors, judges and law enforcement officers about best practices related to legislative preconditions for use of SIMS, their practical application and cross border application.

Results
Likewise the training held in Sarajevo in March 2009, this training focused on legal restrictions for use of SIMS, practical application of specific measures such as: surveillance by special units; wire tapping; technical surveillance within private facilities; use of undercover agents; tracking telephone connection; on line searches; general positioning system and use of informants; presentation of evidence collected by the use of SIMS in the court, cross border application of SIMS; joint investigation teams and co-operation and co-ordination between the police and judiciary, and admissibility of evidence collected by use of SIMS in criminal proceedings abroad.

The training provoked great interest among practitioners who very actively participated in discussions with experts. As a result:
- All participants are now more familiar and confident to apply SIMS in situations when the measures are required and in line with domestic legislation;

- Prosecutors and law enforcement officers are aware that close co-operation and co-ordination is needed from the very beginning of the application of measures in criminal investigations, in order to ensure that evidence collected would be admissible in the court.

Activity 4.1 – Assessment of existing co-operation networks, contact points and legal framework for their operating

Objective

Obtain a clear picture of existing networks for prosecutorial co-operation in South Eastern Europe and their roles in cross border co-operation.

Results

Mr Rok Janez Steblaj[6] (Council of Europe expert) prepared an analysis of existing networks for prosecutorial co-operation in the region of South Eastern Europe in January 2009. After further considerations, it was decided that the initial version needed further improvements.

The final version of the document entitled "Assessment of existing co-operation networks, contact point and legal frameworks for their operating" provided information not only on the two main networks for co-operation between prosecutors in the region of South Eastern Europe, the Southeast European Prosecutors Advisory Group (SEEPAG) and Prosecutors' Network, but also on EUROJUST, its tasks and competences and its co-operation with third countries. Co-operation with third countries is particularly interesting in relation to the project, as none of the countries is a member state of the European Union.

The current situation on EUROJUST co-operation agreements is the following: agreements were signed with Croatia (9.11.2007) and "the former Yugoslav Republic of Macedonia" (28.11.2008). Preliminary meetings for formal negotiations are opened for Albania (from 2007), Montenegro (from 2008), Serbia (from 2009) and Bosnia and Herzegovina (from 2009).

The final report contains also a table which outlines differences between SEEPAG and the Prosecutors' Network.

As far as the general assessment of the networks is concerned, it can be concluded that, as reflected in basic documents (General Guidelines, Memorandum of Understanding), there are areas of overlap of both networks.

1. The main purpose of both networks is to provide support and assistance to assure close and effective co-operation in cross-border repression, investigation and prosecution of criminal offences.
2. The purpose of both networks is to organise professional contacts and activities (seminars, workshops, conferences…).
3. The scope of competence of both networks is similar. SEEPAG on one hand has a more general description - serious forms of crime – the concrete scope therefore depends on its interpretation. Topics of recent activities included combating trafficking in human beings, controlled delivery, mutual legal assistance in criminal matters, sharing and protecting law enforcement information, financing of terrorism, witness protection, cooperation between police and prosecutors and international cooperation in criminal matters.

[6] Mr Rok Janez Steblaj works in the Slovenian Ministry of Justice, Department for International Co-operation. He participated as an expert in the activities related to the prosecutorial networking of the regional CARDS 2002 Judiciary project for Western Balkans.

The Prosecutor's Network has a more detailed description of competences - serious crime as defined in Art 2 of the UN Convention against Transnational Organised Crime, corruption and catalogue of criminal offences (crimes against humanity, trafficking in human beings, drugs trafficking, trafficking in arms, weapons, ammunitions, explosives, radioactive substances and other means of mass destruction, international terrorism, money laundering and laundering of other proceeds from crime, cyber crime, corruption, smuggling of migrants, smuggling of motor vehicles, environmental crime, counterfeiting (forgery) of currency and of (non-cash) means of payment).

4. Both networks introduced contact points (Prosecutorial Focal Points, National Contact Points). The recommendation on combining both functions in one person was not entirely implemented.
5. While both networks promote co-operation, the Prosecutor's Network focuses more on the implementation of European standards and the strengthening of co-operation with the EU. SEEPAG is more aimed at crime phenomena of and co-operation within this region.

To enhance synergies between both networks, the following has been recommended:

- Further enhance co-operation by formally establishing an obligation for both networks to inform and invite each other at planned activities. This could be done in such a way that members having a formal status in one network, can have observer or guest status in another network;
- Consider division of topics for regional meetings based on the nature of networks.

Taking into account this analysis, from the perspective of the PROSECO project, the overriding goal is to strengthen the capacity of prosecutorial services to cooperate against crime in line with European standards, in particular the 2nd Additional Protocol to the Convention on Mutual Assistance in Criminal Matters (ETS 182). All contribution by both networks to this goal should be supported.

Activities of the Prosecutors' Network should be result oriented, that is, each question and each problem should lead to specific results, rather then limit themselves to a simple exchange of information on the current situation in each country or area.

In order to contribute to the gradual approximation of practices, legal provisions, internal rules and procedures the Network could start with regular analyses of specific cross-border cases. Subsequently, good practices could be documented and disseminated.

Conclusion
During forthcoming meetings of the network, the PROSECO project should continue to promote co-operation between Prosecutors' Network and SEEPAG, and more generally of the prosecution services, by encouraging them to use the existing international instruments which facilitate direct cross-border co-operation.

The project should also ensure the presence of EUROJUST which has already confirmed its intention to involve countries from South Eastern Europe into its own system.

Activity 4.2.2 – 6th Prosecutors' Network Meeting, Zagreb 28-29 April 2009

Objective
The objective of the 6th Prosecutors' Network Meeting and PROSECO Contact Persons was to present advantages of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS 182), in particular its provisions on channels of communication, and to assess the functionality of the existing multilateral and bilateral agreements on prosecutorial communication and co-operation.

Results

Second Additional Protocol and advantages of direct communication
The meeting introduced an overview of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, its general principles, the main purposes and its novelties and advantages. Some instruments were presented by audio and video conference, spontaneous information, cross-border observations, controlled delivery, covert investigations, data protection, joint investigation teams and protection of witnesses. The meeting analysed the status of signatures and ratifications and declarations to specific provisions as presented by the member countries of the Prosecutors' Network.

As regards exchange of requests for mutual assistance, discussion focused on direct transitions of mutual legal assistance requests, communication, exchange of requests, spontaneous information exchange directly by judicial authorities and the technical aspect of communication, all with reference to the Second Additional Protocol.
The benefits and working methods of the European Judicial Network were also presented.

Assessment of usefulness of existing legal instruments for direct co-operation
It was concluded that there are enough legal instruments for direct co-operation which allow and provide for a satisfactory level of communication. The prosecutors in the region of South Eastern Europe are already quite familiar with the practice of direct contacts and use it as a normal and smooth way of solving difficulties on a case by case basis.

As regards the Second Additional Protocol, and in particular whether or not this instrument is sufficient for effective cross border co-operation, it was evident during discussions that the Second Additional Protocol and its provisions provide ample possibilities to ensure efficient cross-border co-operation. There are no significant problems with channels of communication among network members. However the level of compliance of national legislation with this instrument is not the same in all the project areas. Albania for example, has not incorporated all the possibilities offered by the Second Additional Protocol into its legislation.

As regards co-operation outside the region, participants confirmed that informal contacts are relatively rare. Co-operation is either based on bilateral agreements or takes place on the basis of reciprocity.

Discussions also took place on another important issue - direct co-operation - notably the admissibility of evidences collected by means of direct contact in criminal proceedings abroad. Since countries have different provisions in national legislation, it is sometimes difficult to ensure that evidence taken or received from abroad, is accepted by the court. The informal contacts among prosecutors exist but primarily to agree how evidences will be taken, and how transmittance of evidences will be organised. However to ensure that the evidence is admissible in court, it should be sent through formal international co-operation channels.

On the basis of Article 14 of MoU[7], participants expressed their opinions on the provisions of Memorandum and their effectiveness. It was agreed that in principle there is no need to change existing provisions, except perhaps to include a list of activities in which the network should have a leading role, such as the organisation of joint investigation teams.

With regard to the MoU, Kosovo's prosecutors expressed a wish to sign the MoU and therefore become regular members of Prosecutors' Network. This issue will be addressed

[7] Article 14 of the MoU: *The Signatories shall review the provisions of this Memorandum and their effectiveness every 12 months with a view to providing the amendments necessary to react to new developments in the filed of organised crime.* MoU – Memorandum of understanding by which the Prosecutors' Network was established in 2005.

by a future meeting of the Network. The decision will be taken by the prosecutors' offices that are members of the network since its establishment.

Training needs
There is a lack of judicial training, in particular training of judicial authorities on specific methods of international co-operation, such as Joint Investigation Teams, Controlled Deliveries or Video Conference.

Language training should also be promoted to enable communication in a single language. Prosecutors should use more often possibilities offered by modern technologies.

Visit to the General State Attorney Office of the Republic of Croatia
Upon invitation of the General State Attorney of the Republic of Croatia, participants visited the State Attorney's Office and received information about its competences, its structure and organisation, including USKOK (Office for fighting corruption and organised crime). Current work priorities include: the fight against corruption, organised crime, prosecution of war crimes and efficient international cooperation. Participants exchanged views and experiences on appointment procedure, immunities, and use of modern technologies.

The visit was considered very useful and it was proposed to organise visits to other prosecutors' offices in the region in the framework of the PROSECO project.

3 ANALYSIS: PROGRESS TOWARDS OBJECTIVES AND EXPECTED RESULTS

The number of activities carried out and positive feedback from project areas, point to positive results during the reporting period. Prosecutors and other practitioners, who have taken part in the activities, highlight the relevance and the positive impact of activities to their work.

In relation to **Output 1** - draft *laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border co-operation* - four legislative reviews were completed during the reporting period. Two reviews were related to cybercrime legislation (Bosnia and Herzegovina and "the former Yugoslav Republic of Macedonia") and two were related to criminal legislation (Montenegro and Serbia).

Although the number of requests for legislative reviews increased in comparison with the previous reporting period (December 2008-February 2009), it is still below the level foreseen by the work plan. This is directly linked to the ongoing legislative reforms in project areas, and having in mind the unpredictability of their pace, it is hard to foresee further developments under this Output. If the situation in the future months shows that the number of legislative reviews and related roundtables remain low, the Steering Committee should consider alternative activities.

In addition to reviews for a specific project area, activity 1.2.3 – Assessment of compliance with the CETS 182 and EU MLA convention from 2000 – was initiated. A number of related activities took place during the reporting period, including the distribution of a questionnaire in the languages of project areas, identification of local short-term consultants, identification of an international expert who would carry out the analysis of compliance and completion of questionnaires by some project areas. However, the full completion of this activity will be slightly delayed.

In relation to **Output 2** - *human capacities of prosecution services strengthened* - three activities were organised during the reporting period. They included: training seminars on special investigation means (Bosnia and Herzegovina and "the former Yugoslav Republic of Macedonia") and training seminar on cybercrime (Albania). The topics of the training seminars were selected by the respective project countries reflecting the identified gaps in the application of legislation. Involving project areas contributed to high attendance and active participation in discussions. Approximately 150 practitioners in three project areas have acquired better knowledge on either SIMS or cybercrime. The experience and information they gained during the training seminars will assist them to apply in practice related legislative provisions.

In relation to **Output 3** - *co-operation manual and other tools available for more effective co-operation against serious* crime - Activity 3.1. Preparation of an inventory of international instruments in the field of international co-operation ratified by project areas, and bilateral and multilateral agreements enabling international co-operation is ongoing. There will be delays due to the fact that some of the requested information was not submitted by the project areas. Progress was achieved on Activity 3.3 – update of PACO co-operation Manual. At the time of reporting, the text of the manual in the languages of the project areas was completed in almost all project areas. In the case of Bosnia and Herzegovina the updated text will be reviewed to take into account the adoption by the Parliament of Bosnia and Herzegovina of the Law on International Co-operation in Criminal Matters. In view of ongoing initiatives in Albania and Croatia to adopt/amend the laws on international co-operation, the Steering Committee may wish to consider the option of postponing the publication of the updated Manual so that it takes into account the latest developments in these two countries.

Activity 3.5 – preparation of an overview of institutions in charge of organised crime and international co-operation – was added to the work plan. This was suggested, and agreed upon, at the 5th meeting of Prosecutor's Network. The document to be produced under this activity would certainly facilitate regional prosecutorial co-operation as it would allow prosecutors, officials from the ministries of justice and other relevant practitioners to have a complete picture of institutions in each project area, and their roles in fighting organised crime and executing requests for international legal assistance.

In relation to **Output 4** - contact *points for judicial co-operation strengthened* - the 6th Meeting of Prosecutors' Network took place during the reporting period. The meeting was followed by the visit to the General Attorney's Office of the Republic of Croatia, which was positively evaluated by the participants. There are proposals for the project to organise visits to all prosecutors' offices. Such proposals will be considered by the project; one option could be to organise them in parallel with regional meetings under Output 4. However, this matter will be discussed at the level of the Steering Committee.

4 PARTNERS AND OTHER CO-OPERATION

During the reporting period, the project implementation partner, the Italian Ministry of Justice, was involved only in one activity: the Training Seminar on Special Investigative Means held in March 2009 in Sarajevo. The level of co-operation has proven to be insufficient and the project management will undertake formal actions to ensure more consistent assistance and advice from the Ministry of Justice for the forthcoming months of the project's implementation.

As regards co-operation with the contact persons, the overall assessment is positive. However, a more proactive approach on the side of the contact persons is not only desirable but essential to the success of activities undertaken by the project. It has to be noted that provision of information and follow-up from the project areas, was either significantly delayed or missing altogether.

5 VISIBILITY

The visibility of the project is ensured by:
1. Uploading information on upcoming project activities on the web site of the Economic Crime Division of the Council of Europe:
http://www.coe.int/t/DGHL/cooperation/economiccrime/default_en.asp
2. Uploading approved project reports and information on project activities on the web page of the project:
http://www.coe.int/t/dghl/cooperation/economiccrime/JudicialCooperation/Projects/PROSECO/PROSECO_en.asp
3. Using the logo of the EU-CoE joint projects on project documents, such as: programmes for meetings; list of participants, project reports, expert opinions, letters and other written documents produced within the framework of the project
4. Distribution of visibility kits during training sessions and
5. Publication of press releases for conferences and training sessions.

6 CONCLUSIONS AND RECOMMENDATIONS

Activities carried out during the implementation period March – May 2009 were in line with the work plan, notwithstanding a few delays. Several activities took place, and the overall assessment and feedback by participants, is very positive.

Activities carried out contributed to the increase and enhancement of regional and international co-operation of prosecution services, either directly (the 6th Meeting of Prosecutor's Network), or indirectly (legislative reviews and training seminars). As a practical follow-up to the commitment of the project to support co-operation of different networks, both SEEPAG and Regional Co-operation Council were invited and participated at the 6th Meeting of Prosecutor's Network.

In the future, emphasis should be placed on:

- clear identification of needs under Output 1;
- further strengthen the regional dimension of the project by possibly replacing some activities under Output 1 with additional activities under output 4 (subject to availability of funds);
- initiate an assessment process to identify and define ways and means how to improve the Memorandum of Understanding (MoU) which established the Prosecutors' Network.