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Directorate General of  
Human Rights and Legal Affairs  
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**Support to Prosecutors' Network in South Eastern Europe**  
**Regional PROSECO Project**  
**CARDS 2006**

**2<sup>nd</sup> Progress Report**

<b>Project title</b>	Support to Prosecutors' Network in South Eastern Europe
<b>Reference number</b>	2008/153-650
<b>Project starting date</b>	17 April 2008
<b>Project duration</b>	17 April 2008-16 April 2010
<b>Implementation</b>	Council of Europe (Economic Crime Division, Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) and Ministry of Justice of Italy
<b>Project budget</b>	1 666 669 Euros
<b>Date of report</b>	15 May 2009
<b>Reporting period</b>	<b>1 December 2008 – 28 February 2009</b>

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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, in the period from 1 December 2008 until 28 February 2009.

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

Important achievements during the reporting period include:

- Appointment of project's contact persons from Kosovo<sup>1</sup>
- 5<sup>th</sup> meeting of Prosecutors' Network
- Analysis of co-operation networks in South Eastern Europe
- Provision of expert opinion on Draft law on International Co-operation of "the former Yugoslav Republic of Macedonia"
- 2<sup>nd</sup> meeting of the Steering Committee.

Mr Lulzim Sulejmani, Special Prosecutor, and Mr Hilmi Zhitija, Chief Public Prosecutor, were appointed as project's contact persons from Kosovo with the assistance of the Council of Europe office in Pristina. Direct contact with some Kosovo institutions are limited due to the fact that the Secretariat of the Council of Europe must respect United Nation's Security Council Resolution (UNSCR) 1244 and guarantee the status-neutral approach towards Kosovo. In other project areas contact persons are delegated from Ministries of Justice and from the Prosecutor's Office; in Kosovo both contact persons are prosecutors.

After a pause of nearly two years the Prosecutor's Network held its 5<sup>th</sup> meeting in Strasbourg on 16 January 2009. Following the completion of the CARDS 2003 Judiciary project in spring 2007, the contact points of the Network had contacts with each other, but had no joint meeting.

In relation to the Prosecutors' Network and other co-operation networks for prosecutorial co-operation, an analysis of networks for prosecutorial co-operation was made. The document "Assessment of existing co-operation networks, contact points and legal frameworks for their operating" was presented at the 5<sup>th</sup> Prosecutors' Network meeting. It was subsequently decided that the document needs to be amended in order to include information related to the project areas' relations with EUROJUST, in particular the existence of co-operation agreements, and a table with differences of tasks between the two networks.

Given the fact that there are different networks (which are more or less active) it was agreed that the PROSECO project should support the process of networking among prosecution services responsible for judicial co-operation on the basis of existing agreements, in particular the 2<sup>nd</sup> Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (CETS 182). In this context, the PROSECO project will organise meetings of contact points of Prosecutors' Network as foreseen under the MoU and support co-operation with SEEPAG.

The expert opinion on the draft law on International Co-operation of "the former Yugoslav Republic of Macedonia" was provided in January 2009. It showed that the draft

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<sup>1</sup> All reference to Kosovo, whether to 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.

law was prepared by taking into account international standards. Some areas for improvement were identified, for which the experts suggested alternative wording.

The 2<sup>nd</sup> meeting of the Steering Committee was an opportunity to review the progress of the project in 2008, which was considered by the Steering Committee members as satisfactory. The work plan was revised but majority of delegations expressed a need for additional consultations with their superiors and colleagues at the institutions they represented. As some activities are linked to ongoing reforms already underway in project areas, it was impossible to precise the dates for the organisation of activities.

## **1 PROJECT**

### **1.1 Project summary**

#### **Name of implementing and co-financing organisation**

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

#### **Name and title of the contact person**

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

#### **Name of partners in the action**

Department of Judicial Affairs, Ministry of Justice of Italy.

#### **Title of the action**

Support to Prosecutors' Network.

#### **Contract number**

2008/153-650.

#### **Start date and end date of the reporting period**

Start date: 17 April 2008.

Reporting period: 1 December 2008 – 28 February 2009.

#### **Target countries / project areas**

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

#### **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.

### **1.2 Project objectives**

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

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

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

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

### 1.3 Updated work plan

<b>OUTPUT 1</b>	<b>Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation</b>	
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved Ongoing	
Activity 1.2	Up to 2 legal reviews per project area (and continuous ad hoc advice) in order to review the existing legislation on investigation, prosecution and co-operation against serious crime August 2008 – March 2010	
1.2.1	▪ Albania Review of Law on International Co-operation	
1.2.2	▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 <b>Completed</b>
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	first half of 2009
1.2.5	▪ Serbia Review of draft Law on Mutual Legal Assistance in Criminal Matters	November – December 2008 <b>Completed</b>
1.2.6	▪ "the former Yugoslav Republic of Macedonia" Review of Draft Law on International Co-operation	December 2008 – January 2009 <b>Completed</b>

1.2.7	<ul style="list-style-type: none"> <li>▪ "Kosovo under UNSCR 1244"</li> </ul> Review of Draft Law on Money Laundering	March – April 2009 (Subject to request from EULEX)
1.2.8	Assessment on compliance of legislation of project areas with CEST 182 and with the EU convention on MLA from 2000	February – April 2009
1.2.9	<ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina</li> </ul> Review of cybercrime provisions in national legislation	March 2009
1.2.10	<ul style="list-style-type: none"> <li>▪ Croatia</li> </ul> Review of certain provisions of Criminal Code	October-December 2009
1.2.11	<ul style="list-style-type: none"> <li>▪ "the former Yugoslav Republic of Macedonia"</li> </ul> Review of cybercrime provisions in national legislation	March 2009
1.2.12	<ul style="list-style-type: none"> <li>▪ Serbia</li> </ul> Review of Revised Criminal Code	March – April 2009
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	<ul style="list-style-type: none"> <li>▪ Albania</li> </ul>	
1.3.2	<ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina</li> </ul> Roundtable on Draft Law on International Co-operation in Criminal Matters	7 November 2008 <b>Completed</b>
1.3.3	<ul style="list-style-type: none"> <li>▪ Croatia</li> </ul>	
1.3.4	<ul style="list-style-type: none"> <li>▪ Montenegro</li> </ul>	
1.3.5	<ul style="list-style-type: none"> <li>▪ Serbia</li> </ul>	
1.3.6	<ul style="list-style-type: none"> <li>▪ "the former Yugoslav Republic of Macedonia"</li> </ul> Roundtable on assessment of cybercrime provisions in national legislation	
1.3.7	<ul style="list-style-type: none"> <li>▪ "Kosovo under UNSCR 1244"</li> </ul>	
1.3.8	<ul style="list-style-type: none"> <li>▪ Regional Workshop 1</li> </ul> Workshop on Compliance of legislation of project areas with CETS 182 (2 <sup>nd</sup> Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	May 2009 in Durrës, Albania
1.3.9	<ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina</li> </ul> Roundtable on Compliance of Legislation of BiH with CEST 182 (2 <sup>nd</sup> Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	early May 2009
1.3.10	<ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina</li> </ul> Roundtable on assessment of cybercrime provisions in national legislation	April or May 2009
1.3.11	<ul style="list-style-type: none"> <li>▪ Serbia</li> </ul>	

1.3.12	<ul style="list-style-type: none"> <li>▪ Regional Workshop 2</li> </ul> Follow up to Regional Workshop 1 and its recommendations	January 2010
<b>Output 2</b>	<b>Human capacities of prosecution services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases</b>	
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	<ul style="list-style-type: none"> <li>▪ Regional Thematic Training 1</li> </ul> Financial Investigations and Confiscation of Proceeds from Crime	Dubrovnik, Croatia 25 and 26 September 2008 <b>Completed</b>
2.1.2	<ul style="list-style-type: none"> <li>▪ Regional Thematic Training 2</li> </ul> Training for prosecutors and judges and Conference on Co-operation under the Cybercrime Convention  Follow up activities: <ul style="list-style-type: none"> <li>➤ Finalisation of country profiles</li> <li>➤ Translation of training manual for judges and prosecutors</li> <li>➤ Participation in the Octopus Cybercrime Conference in Strasbourg in March 2009</li> </ul>	Ohrid, FYROM, 17-19 November 2008 <b>Completed</b>  March 2009
2.1.3	<ul style="list-style-type: none"> <li>▪ Regional Thematic Training 3</li> </ul> Practical implementation of measures foreseen by CETS 182: cross-border observations; controlled deliveries; video hearings and joint investigative teams	September 2009
2.1.4	<ul style="list-style-type: none"> <li>▪ Regional Thematic Training 4</li> </ul> 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	<ul style="list-style-type: none"> <li>▪ Albania</li> </ul> Training on cybercrime for law enforcement officers, prosecutors and judges	March or April 2009
2.2.2	<ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina</li> </ul> Training for prosecutors and law enforcement officers on SIMS and international recognition of evidence collected by using SIMS	5-6 March 2009 <b>Completed</b>
2.2.3	<ul style="list-style-type: none"> <li>▪ Croatia</li> </ul> Training on joint investigation teams	
2.2.4	<ul style="list-style-type: none"> <li>▪ Montenegro</li> </ul> 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 <b>Completed</b>



2.2.5	<ul style="list-style-type: none"> <li>▪ Serbia</li> </ul> <p>Training on International Co-operation in international instruments</p>	Belgrade 18 September 2008 Nis 19 September 2008 <b>Completed</b>
2.2.6	<ul style="list-style-type: none"> <li>▪ "the former Yugoslav Republic of Macedonia"</li> </ul> <p>Training on SIMS</p>	April or May 2009
2.2.7	<ul style="list-style-type: none"> <li>▪ "Kosovo under UNSCR 1244"</li> </ul> <p>(to contact Kosovo Judicial Institute to obtain the list of planned training sessions and to see about possible co-organisation with the US donors)</p>	
2.2.8	<ul style="list-style-type: none"> <li>▪ Croatia</li> </ul> <p>Training on money laundering</p>	
2.2.9	<ul style="list-style-type: none"> <li>▪ Montenegro</li> </ul> <p>Training on prosecutor's role in leading investigations in cases of serious crime</p>	after the adoption of CPC
2.2.10	<ul style="list-style-type: none"> <li>▪ "the former Yugoslav Republic of Macedonia"</li> </ul> <p>Training on new role of Prosecutor in investigations</p>	after the adoption of a new CPC
2.2.11	<ul style="list-style-type: none"> <li>▪ Montenegro</li> </ul> <p>Training on money laundering</p>	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	<ul style="list-style-type: none"> <li>▪ Internship 1 – Italy (Rome, Napoli and Bari)</li> </ul>	17-28 November 2008 <b>Completed</b>
2.3.2	<ul style="list-style-type: none"> <li>▪ Internship 2</li> </ul> <p>Portugal</p>	June 2009
2.3.3	<ul style="list-style-type: none"> <li>▪ Internship 3</li> </ul> <p>Proposal to replace Slovenia with Germany</p>	January 2010
<b>Output 3</b>	<b>Co-operation manual and other tools available for more effective co-operation against serious crime</b>	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation	October 2008-March 2009
Activity 3.2	<p>Translation and publication of explanatory reports of relevant conventions and other documents of priority interest in local languages</p> <p>Contact Persons to define what documents are to be translated and submit a list to the CoE by the end of February</p>	April 2009
Activity 3.3	<p>Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime</p> <p>Parts of the PACO Manual will be sent to the Contact Persons from MoJ for revision and update</p>	January 2009 –June 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 <ul style="list-style-type: none"> <li>▪ A link to PROSECO Project to be made at the existing sites of the MoJ and PO</li> <li>▪ Contact Persons to inform the CoE on exact needs</li> <li>▪ Add a link to the UNODC tool with an electronic form of the MLA request</li> </ul>	December 2009- April 2010
<b>Output 4 Contact points for judicial co-operation strengthened</b>		
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 5 <sup>th</sup> Meeting of Prosecutors’ Network with SEEPAG contact points	16 January 2009 Strasbourg <b>Completed</b>
4.2.2	▪ Regional Meeting 2 6 <sup>th</sup> Meeting of Prosecutors’ Network - Effective channels of communication (Art 4 of CETS 182)	May 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 7 <sup>th</sup> Meeting of Prosecutors’ Network	October 2009
4.3.2	▪ Regional Meeting 2 8 <sup>th</sup> 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 6 <sup>th</sup> Meeting of Prosecutors’ Network	

## **2 ACTIVITIES AND RESULTS IN THE REPORTING PERIOD**

### **2.1 Activities in accordance with the work plan**

The following activities were completed during the reporting period:

#### **Output 1**

##### ***Activity 1.2.6 – Review of Draft law on International Co-operation of "the former Yugoslav Republic of Macedonia"***

###### Objective

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

###### Results

Mrs Lorna Harris<sup>2</sup> (United Kingdom) and Mrs Anna Adamiak<sup>3</sup> (Poland), CoE experts, provided analysis of the draft law and assessed its compatibility with the following Conventions: European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols, European Convention on Extradition and its Additional Protocols, European Convention on the Transfer of Sentenced Persons and the Additional Protocol and European Convention on the Transfer of Proceedings in Criminal Matters.

The experts found the draft law to be thoroughly prepared and that the drafters took into consideration the major conventional obligations. However, the experts provided suggestions for improvements of the draft law, which are related to the nomenclature, structure and division of chapters, as well as to clarification of certain articles to ensure the full compliance with the above-mentioned instruments.

Subject of will of the authorities of "the former Yugoslav Republic of Macedonia" to take into consideration recommendations from the expert opinion and to adopt the draft law in line with the expertise, the Law will become an effective instrument which would enable the Macedonian officials working in the field of international co-operation to carry out their tasks efficiently.

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<sup>2</sup> Mrs Lorna Harris, the Council of Europe expert, is retired solicitor from United Kingdom. Currently works as a consultant for international assistance and asset recovery. Some of her previous working experience include: head of the UK Central Authority, Home Office, responsible for policy and operation of MLA in criminal matters; head of Civil Recovery Unit, responsible for implementing civil recovery provisions of Proceeds of Crime Act 2002 in Scotland; head of International Co-operation Office, Crown Office and national expert at the General Secretariat of the Council of the EU, responsible for evaluating systems of mutual legal assistance in all Member States.

<sup>3</sup> Mrs Anna Adamiak, the Council of Europe expert, is a prosecutor of the National Prosecutor's Office, Ministry of Justice, Poland. Some of her previous working experience include: public prosecutor of the district and appellate prosecutor's offices in Warsaw; expert for the Polish Parliamentary Commission of Justice; head of the International Legal Affairs Department of the Ministry of Justice; EU expert on co-operation in criminal matters, director of Bureau of International legal Co-operation, Ministry of Justice.

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

This activity has not been initially foreseen in the work plan but at the second meeting of the Steering Committee held in January 2009 it was agreed that it would be useful to add this activity.

#### Objective

The objective of this activity was to assess the level of compliance of project areas legislation with the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters and with the EU Convention on Mutual Legal Assistance. These two instruments provide possibilities for direct communication which could facilitate co-operation within the Prosecutors' Network. Six project areas has ratified the Second Additional Protocol, thus in addition to the Memorandum of Understanding between the General Prosecutor's Offices it should become a tool on basis of which the direct communication could be founded.

#### Results

Mr Simon Regis<sup>4</sup>, Council of Europe expert, prepared a questionnaire on compliance with the above-mentioned instruments to be completed by project areas. It was sent for completion to the project's contact persons. Local short-term consultants were contracted to assist the project's contact persons or other designated officials to complete a questionnaire. Information on relevant provisions of national legislation will be analyzed by an expert.

### **Output 4**

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

#### Objective

The objective of this activity was to obtain a clear picture of existing networks for prosecutorial co-operation in South Eastern Europe and of their roles in cross border co-operation.

#### Results

Mr Rok Janez Steblaj<sup>5</sup>, Council of Europe expert, prepared an analysis of existing networks for prosecutorial co-operation in the region of South Eastern Europe. The analysis has shown that there are two main networks for co-operation between prosecutors in the region: the Southeast European Prosecutors Advisory Group (SEEPAG) and Prosecutors' Network. While there are some similarities between the networks there are important differences as well. Both networks have contact persons, who in cases of Croatia, Serbia, and "the former Yugoslav Republic of Macedonia" overlap.

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<sup>4</sup> Mr Simon Regis, the Council of Europe expert, works as a legal advisor at the HM Revenue and Customs in London. Some of his previous working experience include: resident expert on Project on International Co-operation in Criminal Matters in Ukraine; Head of the UK Central Authority / Deputy Head of Specialist Crime 3 (Judicial Co-operation) and lawyer at the Central Confiscation Branch, Crown Prosecution Service.

<sup>5</sup> Mr Rok Janez Steblaj, the Council of Europe expert, works in the Slovenian Ministry of Justice – International Co-operation Department. He was engaged as an expert in the activities related to the prosecutorial networking of the CARDS Judiciary project for Western Balkans.

### **Activity 4.2.1 – 5<sup>th</sup> Prosecutors’ Network Meeting (Strasbourg, 16 January 2009)**

#### Objective

The objective of the 5<sup>th</sup> Prosecutors’ Network Meeting was to assess current state of play of two networks for prosecutorial co-operation in South Eastern Europe, to verify their current contact points and legal frameworks on basis of which the networks co-operate.

#### Results

The 5<sup>th</sup> Prosecutors’ Network Meeting was the first meeting of the contact points of this network after the completion of CARDS Judiciary project for Western Balkans<sup>6</sup>. Having in mind the objective of this meeting, i.e. the assessment of the existing networks for prosecutorial co-operation, the PROSECO project contact persons, SEEPAG focal points and a representative from the SECI<sup>7</sup> Center were also present at the meeting.

It was generally considered that both networks are useful for prosecutorial co-operation, with SEEPAG being more operational because it has a secretariat and continuous funding from the US donors. The participants reached the following conclusions:

1. The Prosecutors’ Network is an important tool in co-operation against organised and serious crime
2. The Prosecutors’ Network and co-operation of General Prosecutor’s Offices, as well as networking with aim of more effective fight against organised crime in South Eastern Europe, is to be reinforced during the Regional PROSECO Project by:
  - ensuring that meetings of the Prosecutors’ Network are organised under the Project and that a list of National Contact Points is regularly updated
  - strengthening criminal legislation and legislation regarding international co-operation of each project area
  - enhancing human capacities of Prosecutor’s Offices through organisation of in-project area training seminars, regional conferences and internships and
  - providing tools for international co-operation, such as a co-operation manual, and translation of relevant documents
3. An information on structure of institutions involved in fight against organised crime is to be made available by the PROSECO Project
4. A sustainability of the Prosecutors’ Network (in form of annual meetings) is to be ensured, so that the Network continues its meetings after the completion of PROSECO Project
5. The Prosecutors’ Network is to continue to co-operate and co-ordinate with SEEPAG

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<sup>6</sup> The Prosecutors’ Network was established in March 2005 within the CARDS Judiciary Project for Western Balkans. The 4<sup>th</sup> Meeting of the Prosecutors’ Network was held in March 2007 in Sarajevo.

<sup>7</sup> SECI Center – Southeast European Cooperation Initiative.

## **2.2 Other activities / working meetings**

### ***Second meeting of the Steering Committee (Strasbourg, 15 January 2009)***

#### Objective

The objective of the 2<sup>nd</sup> Steering Committee Meeting was to review Project's progress in 2008 and to update the work plan for 2009.

#### Results

At the meeting of the project's Steering Committee for the first time Kosovo contact persons participated.

With regard to the project's progress in 2008, delegations from all project areas were of the opinion that the results of the project were as expected and that the feedback from participants regarding regional events was positive.

With regard to the activities to be organised during 2009 delegations accepted to add into the work plan the analysis of compliance of national legislation with the 2<sup>nd</sup> Additional Protocol to the CoE Convention on MLA (CEST 182). A proposal for regional workshop following the analysis of compliance was accepted as well. For other proposals the delegations requested additional time after the meeting for consultations with their colleagues in Ministries of Justice and the Prosecutor's Offices.

Each delegation presented proposals for activities to be implemented. Kosovo representatives suggested that the Council of Europe establishes contact with the Kosovo Judicial Institute to find out about the training sessions organised by the US donors and possibly co-organise some of them.

Proposals for activities were discussed by outputs, and it was decided that the revised version of the work plan will be translated and sent to the participants of the meeting for further consultations and approval.

### ***Working meetings in Kosovo (Pristina, 10 and 11 February 2009)***

#### Objective

To discuss with relevant stakeholders from Kosovo institutions, as well as from international organisations, about the activities to be organised in Kosovo in order to achieve project's objectives.

#### Results

The meetings were held with representatives of the following Kosovo institutions and international organisations: Department of Legal Affairs, Ministry of Justice (MoJ); Kosovo Anti-corruption agency; European Union Rule of Law Mission (EULEX); United States Department of Justice (US DoJ); European Commission (EC); Department of Justice, United Nations Interim Administration Mission in Kosovo, (UNMIK DoJ); Kosovo Judicial Institute; Legal Department, Ministry of Internal Affairs; Italian Co-operation, Embassy of the Republic of Italy; Kosovo Prosecutor's Office.

The following issues raised during the meetings with representatives of Kosovo institutions could be underlined: possible organisation of a training seminar on international co-operation for Ministry of Justice officials; establishment of the Council of the Anti-corruption agency and its role and co-operation with the Kosovo Judicial

Institute. With regard to the anti-corruption agency and its activities it was clear that no assistance is needed from the project.

Some of the issues discussed with the representatives of the international organisations were: reduction of staff of the UNMIK Department of Justice (DoJ) and process of handing over the cases from the Kosovo Special Prosecutor's Office to the EULEX; co-operation and exchange of information with EULEX regarding potential training needs of prosecutor's offices and potential co-operation and co-organisation of training seminars with the US DoJ. It was agreed that the EULEX would send a request to the CoE to provide an expert opinion on draft anti-money laundering law.

### **3 ANALYSIS: PROGRESS TOWARDS OBJECTIVES AND EXPECTED RESULTS**

The achievements during the reporting period, with an objective - *to strengthen the legislation and institutional capacities of Prosecutor's Offices of South-eastern Europe in view of more effective co-operation against organised and other forms of serious crime* - can be assessed as positive. A major achievement was organisation of the 5<sup>th</sup> Meeting of the Prosecutors' Network.

In relation to project's Output 1 - *draft laws available aimed at making investigation and prosecution of serious crime cases more effective and facilitating cross-border co-operation* - one legislative review was completed during the reporting period. The review of draft law on international co-operation in criminal matters of "the former Yugoslav Republic of Macedonia" assisted the relevant authorities to improve the quality of this draft law and bring it to the level which would fully satisfy the requirements of relevant Council of Europe Conventions.

The activities under this output are dependent on the political commitment of governments in project areas to improve quality of their legislation, and on their readiness to submit relevant pieces of legislation to the Council of Europe for an expertise.

As during the reporting period only one request was received the project might not fully meet this particular objective. However, the inclusion in work plan of analysis of compliance with the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS 182) and with the EU Convention on MLA from year 2000, to be followed by a regional meeting, could be considered as a replacement for some legislative reviews.

In relation to project's Output 2 - *human capacities of prosecution services strengthened* - no activities were foreseen in the revised work plan for the reporting period.

In relation to project's Output 3 - *co-operation manual and other tools available for more effective co-operation against serious crime* - the activity 3.1: a preparation of an inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation has commenced.

In relation to project's Output 4 - *contact points for judicial co-operation strengthened* - two activities were completed. The document prepared by the CoE expert Mr Steblaj, "Assessment of existing co-operation networks, contact points and legal frameworks for their operating" gave a clear overview of background and functions of two existing networks for prosecutorial co-operation in South Eastern Europe. This document was presented at the 5<sup>th</sup> Prosecutors' Network Meeting in Strasbourg on 16 January 2009.

This particular meeting was very important as after nearly two years the contact points of the Network met for the first time. They exchanged information about current state of play with the colleagues from SEEPAG. SEEPAG contact points had a chance to learn about the PROSECO project. It was generally considered that both networks are considered to be a useful tool for prosecutorial co-operation and that the PROSECO project will facilitate meetings of the network during its implementation period.

#### **4 CONCLUSIONS AND RECOMMENDATIONS**

The implementation period December 2008 – February 2009 was considered to be satisfactory. The contact persons from project areas confirmed this at the second meeting of the Steering Committee in January 2009.

The activities to be carried out were confirmed although the exact dates were not fixed at the SC meeting itself.

Given the fact that there are different networks (which are more or less active) it was agreed that the PROSECO project should support the process of networking among prosecution services responsible for judicial co-operation on the basis of existing agreements, in particular the 2<sup>nd</sup> Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (CETS 182). In this context, the PROSECO project will organise meetings of contact points of Prosecutors' Network as foreseen under the MoU and support co-operation with SEEPAG.

Co-operation with the implementation partner, the Italian Ministry of Justice, has improved. Co-operation shall be further strengthened in the future in order to ensure the timely organisation of activities and quality of expertise.

Co-operation with the project contact persons was regular and could be assessed as satisfactory. The appointment of contact persons from Kosovo is a positive development, which should contribute to the definition of particular activities for Kosovo. With regard to Kosovo, having in mind that the Council of Europe must respect status-neutral approach towards Kosovo, for organisation of some activities, such as provision of legal opinions, it is necessary to receive a request from the EULEX.

The period of project implementation 1 March - 31 May 2009, will be very active in terms of activities to be carried out according to the agreed revised work plan.