

Council of Europe
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SUPPORT TO PROSECUTORS NETWORK IN SOUTH-EASTERN EUROPE

REGIONAL PROSECO PROJECT CARDS 2006

Monthly Activity Report – January 2009

5th Meeting of Prosecutors' Network
with PROSECO Contact Persons and SEEPAG Focal Points

Assessment of existing judicial co-operation networks in SEE

Project title	Support to Prosecutors' Network in South Eastern Europe
Reference number	2008/153-650
Project starting date	17 April 2008
Project duration	17 April 2008-16 April 2010
Implementation	Council of Europe (Economic Crime Division, Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) and Ministry of Justice of Italy
Project budget	1 666 669 Euros
Date of report	6 February 2008
Reporting period	1-31 January 2009

Updated work plan

OUTPUT 1	Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation	
Activity 1.1	Assessment with aim of identifying legislation to be reviewed and improved	
Ongoing		
Activity 1.2	Up to 2 legal reviews per project area (and continuous ad hoc advice) in order to review the existing legislation on investigation, prosecution and co-operation against serious crime August 2008 – March 2010	
1.2.1	▪ Albania	
1.2.2	▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 Completed
1.2.3	▪ Croatia	
1.2.4	▪ Montenegro	
1.2.5	▪ Serbia Review of Draft Law on Mutual Legal Assistance in Criminal Matters	November – December 2008 Completed
1.2.6	▪ The Former Yugoslav Republic of Macedonia Review of Draft Law on International Co-operation	November 2008– January 2009 Completed
1.2.7	▪ Kosovo ¹	
Activity 1.3	2 roundtables per project area (follow up to the legal reviews) and 2 regional workshops October 2008-April 2010	
1.3.1	▪ Albania	
1.3.2	▪ Bosnia and Herzegovina Roundtable on Draft Law on International Co-operation in Criminal Matters	7 November 2008 Completed
1.3.3	▪ Croatia	
1.3.4	▪ Montenegro	
1.3.5	▪ Serbia	
1.3.6	▪ The Former Yugoslav Republic of Macedonia	
1.3.7	▪ Kosovo	
1.3.8	▪ Regional Workshop 1	
1.3.9	▪ Regional Workshop 2	
Output 2	Human capacities of prosecution services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases	
Activity 2.1	4 Regional thematic trainings (e.g. joint investigative teams, use of special investigation means, cyber crime, witness protection, confiscation and assets sharing)	

¹ 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.

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 Cyber crime Convention	Horrid, FYROM, 17-19 November 2008 Completed
2.1.3	▪ Regional Thematic Training 3	August 2009
2.1.4	▪ Regional Thematic Training 4	January 2010
Activity 2.2	2 Thematic in-country trainings (on issues of priority interest) August 2008 – March 2010	
2.2.1	▪ Albania	
2.2.2	▪ Bosnia and Herzegovina	
2.2.3	▪ Croatia	
2.2.4	▪ Montenegro Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange regarding reporting of corruption related offences	Podgorica 24-25 November Completed
2.2.5	▪ Serbia Training on International Co-operation in international instruments	Belgrade 18 September 2008 Nis 19 September 2008 Completed
2.2.6	▪ The Former Yugoslav Republic of Macedonia	
2.2.7	▪ Kosovo	
Activity 2.3	Organisation of two-week internship programme (3 prosecutors per project area) to EU member States (Italy, Portugal and Slovenia)	
2.3.1	▪ Internship 1 – Italy (Rome, Napoli and Bari)	17-28 November 2008 Completed
2.3.2	▪ Internship 2	June 2009
2.3.3	▪ Internship 3	January 2010
Output 3	Co-operation manual and other tools available for more effective co-operation against serious crime	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation	October 2008-March 2009
Activity 3.2	Translation and publication of explanatory reports of relevant conventions and other documents of priority interest in local languages	April 2009
Activity 3.3	Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime	January 2009 – February 2010
Activity 3.4	Creation of web sites on judicial co-operation to be hosted on the existing web sites of prosecutor offices and/or Ministries of Justice and Ministries of Interior	December 2009-April 2010

	/ Security	
Output 4	Contact points for judicial co-operation strengthened	
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks for their operating	April 2008 – January 2009 Completed
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 th Meeting of Prosecutors' Network	16 January 2009 Completed
4.2.2	▪ Regional Meeting 2	June 2009
Activity 4.3	Organisation of 2 regional meetings of contact points and members of prosecutorial network and heads of organised crime units from each project area to strengthen networking at regional level	
4.3.1	▪ Regional Meeting 1	Early 2009
4.3.2	▪ Regional Meeting 2	July 2009
Activity 4.4	Organisation of a regional conference of prosecutorial network with the aim of amending the Memorandum of Understanding for the Establishment of the Prosecutors' Network	June 2009

1. PROJECT IMPLEMENTATION: 1 – 31 JANUARY 2009

1.1 Project Activities

Activity 1.2.6 – Review of Draft Law on International Co-operation of “the former Yugoslav Republic of Macedonia”

The English version of the expert opinion on Draft law prepared by Mrs Lorna Harris (United Kingdom) and Mrs Anna Adamiak (Poland) was submitted to the Ministry of Justice on 9 January, and Macedonian version on 15 January. The experts made a detailed analysis of the Draft 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.

Although the areas for improvement were found by both experts, generally speaking the Draft was considered to be thoroughly prepared. The experts considered that the Macedonian drafters have taken into account the major Conventional obligations, and, once the Law is adopted it will enable “the former Yugoslav Republic of Macedonia” to play an effective part in combating international crime.

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

Mr Rok Janez Steblaj from Slovenian Ministry of Justice prepared an analysis of existing networks for prosecutorial co-operation in South Eastern Europe, legal framework for their work and assessment of their effectiveness. Mr Steblaj took part in the 5th Meeting of Prosecutors’ Network on 16 January at which the analysis was presented. The analysis is enclosed as an Annex II to the Minutes of the 5th Meeting of Prosecutor’s Network.

Activity 4.2.1 – Regional Meeting – 5th Prosecutors’ Network Meeting

The 5th Meeting of Prosecutors’ Network took place on 16 January in Strasbourg, with presence of SEEPAG Contact Points, PROSECO Steering Committee Members and a representative from the SECI centre. The aim of this 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. During the meeting a list of national contact points of Prosecutors’ Network was updated (see Annex A to this report).

Minutes of the meeting, including the list of participants, analysis of existing networks prepared by Mr Steblaj and conclusions, are enclosed in Annex B to this report.

Steering Committee Meeting

The 2nd Steering Committee Meeting took place on 15 January in Strasbourg. Representatives of all the project areas, except Serbia, were present. The aim of the meeting was to review Project's progress in 2008 and to update the work plan for 2009. Minutes of the meeting, including the list of participants and revised work plan, are enclosed in Annex C to this report.

At the time of writing of this report the Project Management has not received all the comments on the revised work plan, as agreed during the meeting, thus the old version is still included at the beginning of this report.

2. NEXT STEPS: FEBRUARY 2009

Activity	Date	Venue
Finalisation of revised work plan	February	N/A.
Collection of bilateral and multilateral agreements	February	N/A.
Project Manager's planning meetings in Pristina	9-12 February	Pristina
Preparations for training seminar on SIMS planned for early March in Sarajevo	February	Strasbourg and Sarajevo

Annex A

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

National Contact Points of Prosecutors' Network (Article 3 of the Memorandum of Understanding for the regional co- operation against organised crime)

(Updated 30.01.2009)

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Annex B

Support to Prosecutors' Network in South Eastern Europe

5th Meeting of Prosecutors' Network with PROSECO Contact Persons and SEEPAG Focal Points 16 January 2009, Council of Europe, Strasbourg

MINUTES

Objective:

The objective of the 5th Prosecutors' Network Meeting, PROSECO Contact Persons and SEEPAG Focal Points was to assess current state of play of two networks for prosecutorial co-operation in South Eastern Europe², to verify their current contact points and legal frameworks on basis of which the networks co-operate.

Participants:

PROSECO Contact Persons (members of the Steering Committee); SEEPAG Focal Points; Prosecutors' Network National Contact Points; representative from the Ministry of Justice of Italy; representative of the SECI centre³ and representatives from the Council of Europe (list of participants is enclosed in Annex I).

Opening:

The meeting was opened by the Head of the Economic Crime Division of the Council of Europe, who made a presentation of projects on judicial co-operation in which Council of Europe was involved since year 1999. The importance of best use of existing treaties, particularly of the Second Additional Protocol to the CoE Convention on Mutual Assistance in Criminal Matters, was underlined as well as a need to focus on networking of the relevant institutions.

This overview was followed by presentation of an analysis of existing networks in South Eastern Europe, prepared and presented by a Council of Europe expert from Slovenian Ministry of Justice (see Annex II).

Results:

National Contact Points (NCP) of Prosecutors' Network were verified. Thus, the new Albanian NCP is the Director of the Foreign Relations Directorate of General Prosecutor's Office. It was confirmed that the former Chief State Prosecutor of Montenegro, who was a NCP for Montenegro, should be replaced as a NCP. This issue will be discussed with the new Chief Prosecutor, and information on nomination shall be sent to the PROSECO Management.

² Prosecutors' Network established under CARDS Judiciary Project and SEEPAG – Southeast European Prosecutors Advisory Group

³ SECI Center – Southeast European Cooperation Initiative

In order to improve the co-operation of two networks it was underlined that the Prosecutor's Offices should appoint the same person for both networks. If this is not possible, taking into account specificities of each Prosecutor's Office and workload of prosecutors, both Contact Persons must ensure the flow of information on actions undertaken and ongoing activities in order to enable a smooth co-operation and to avoid possible overlapping. In cases of Croatia and "the former Yugoslav Republic of Macedonia" the same person is a Contact Point for both networks as suggested by Memorandum of Understanding⁴.

To contribute to continuity and timely response upon the receipt of request for direct assistance it was generally considered that the departments or institutions should specifically be listed in documents related to co-operation networks, so that continuity can be ensured in case of absences and possible changes of personnel. The establishment of a national e-mail address, not linked to one particular person was proposed.

The SEEPAG network was considered as a more operational than the Prosecutors' Network, because of its Secretariat and continues availability of funding from the US donors. The practical co-operation of SEEPAG was assessed as well functioning.

The issue of possible establishment of Secretariat for Prosecutors' Network was mentioned, but was not further discussed.

Conclusions of the meeting are enclosed in Annex III.

⁴ Memorandum of Understanding on establishment on Prosecutors' Network from March 2005.

Annex I – List of participants

Name and function	Contact details
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Annex II

CARDS Regional Action Programme 2006

Support to the Prosecutors` Network in South-eastern Europe

PROSECO regional Project

Assessment of existing co-operation networks, contact points and legal frameworks for their operating

Prepared by Mr Rok Janez Šteblaj (Slovenia)

Preface

The task was to make an assessment of existing networks for prosecutorial co-operation in South Eastern Europe. Therefore a research was made in order to provide information on scope of co-operation between prosecutors, legal framework for their work and assessment of their effectiveness and to prepare elements for recommendation for more effective co-operation.

This is a desk study, as the fact-finding missions could not be organized in such a short period of time. Due to the relatively short time for preparation and inability to organise, information were gathered from different sources with open public access, mainly using internet options, and without possibility to check entirely up-to-date and completeness of information.

The Regional Dimension the SAp Report 2004 of the EC pointed out: "The countries need to intensify their efforts to fight organised crime in the region. At the JHA Ministerial meeting on 28 November 2003, each country presented implementation strategies for specific action oriented measures to fight organised crime. Two regional priority measures were included in the country strategies. One of these concerns co-operations among Financial Intelligence Units in combating money laundering, and the other development of co-operation between prosecutors in the region. The measures identify priority actions and set out a strategy for their implementation with timetables, benchmarks and the identification of resource requirements. The responsibility for implementation lies with the countries, and the Commission will monitor progress within the SAp."

That was one of the main reasons that in the CARDS 2003 Judiciary project were included also activities on assistance with the implementation of one of the regional measures against organised crime (OC), related to the development of a regional co-operation and network amongst prosecutors

In the field of the prosecution in the Balkan region there are two main networks - SEEPAG and Prosecutor's Network. Networks have several similarities but also important differences.

It should be underlined that prosecutor's offices are using different legal basis for their work. On the first place there are provisions of national legislation which are (suppose to be) in line with ratified multilateral instruments (in particular CoE and UN Conventions). In order to simplify, ease and speed up the procedures with some countries with higher level of priorities bilateral agreement, protocols and similar contractual and non-contractual (technical) acts are concluded.

The Southeast European Prosecutors Advisory Group (SEEPAG)

The Southeast European Prosecutors Advisory Group (SEEPAG) is regional organisation with object to reinforce the fight against the serious forms of crime and to foster greater cooperation and coordination of criminal investigations and prosecutions in South Eastern Europe. By improving upon the available facilities for mutual legal assistance, the SEEPAG seeks to significantly increase the capacity of individual states to suppress, investigate and prosecute serious trans-border crimes.

SEEPAG was established in 2003. At the Fourth SEEPAG Meeting, held in Belgrade on December 14-15, basic documents (General Guidelines and Recommendations for Establishing the Prosecutorial Focal Points) were adopted, which resulted in institutionalising of the SEEPAG as an international mechanism, and clarification of its tasks and competence. But it is clearly stated that General Guidelines by no means create legal obligations in the domestic legislation or international obligations binding on the states participating in SEEPAG.

Following joint recommendations by the Commission, Eurojust, the European Judicial Network (EJN) and the US it was decided that SEEPAG's main function should be to establish a contact point network with functions similar to those of the EJN. The contact points will just facilitate prosecutor co-operation in the already existing forms. This can be done without any changes in legislation and without any big institutional changes.

Approved Letter of Intent between The Southeast European Cooperative Initiative Regional Centre for Combating Transborder Crime (SECI Centre) and the Southeast European Prosecutors Advisory Group (SEEPAG) was signed On 21 March 2008 in Istanbul and entered into force on the same date. In the instrument it was agreed:

- The SECI Centre and the SEEPAG will have regular consultations on matters of common interest. They agreed to act in mutual interest with a view to harmonize their efforts towards greater effectiveness;
- It will be arranged reciprocal representation at the meetings organised by one Party, dealing with matters in which the other Party has an interest or competence;
- The SECI Centre and the SEEPAG shall exchange information and documents concerning matters of common interests;
- The SECI Centre and the SEEPAG may seek the other's cooperation where they are able to assist in the development of such activities.

Functions

In order to enhance co-operation and co-ordination between national investigating and prosecuting authorities allowing all law enforcement agencies to act more effectively, both individually and collectively, when dealing with international crime and to bring criminals to justice more quickly, there are two main functions of SEEPAG.

The first function is to facilitate, to the greatest extent possible, the rapid exchange of information and evidence in trans-border investigations. Promoting the timely exchange of information and evidence, whether through the proper execution of mutual legal assistance requests or through more informal channels of information exchange.

The second function is to provide guidance, assistance, and feedback to lawmakers in the region on justice and law enforcement issues. By capitalizing on the knowledge and concrete operational experience of criminal prosecutors, the SEEPAG should provide a link between the conceptual framework of laws and their effect at an operational level. By combining the legal skills and functional experience of prosecutors, the SEEPAG could assist in the creation and harmonization of laws and regional agreements aimed at combating organized crime. The SEEPAG could also provide legal guidance and opinions on various legal issues that arise in the context of regional cooperation on justice matters.

Membership

The SEEPAG is composed of national representatives to the SEEPAG, delegated by each state participating in the SEEPAG. The national representatives are high ranked experienced prosecutors or judges. Member states are:

- Albania
- Bosnia and Herzegovina
- Bulgaria
- Croatia
- Greece
- The Former Yugoslav Republic of Macedonia
- The Republic of Moldova
- Romania
- Serbia
- Montenegro
- Slovenia
- Turkey

Structure

The SEEPAG organisational structure reflects the fact that the SEEPAG is a practical mechanism for judicial co-operation in Southeast Europe. SEEPAG is a non-centralized, dynamic structure, with horizontal character and possessing only minimal organizational structure necessary for its functioning. Decisions could be taken unanimously, with two third majority or with simple majority.

Chairmanship

Pursuant to the General Guidelines, Chairmanship is rotating among the members of SEEPAG alphabetically by country:

- from 2003 to 2005 by Serbia and Montenegro - Mr. Jovan Krstic, Deputy Prosecutor General of Serbia;
- from February 2006 to February 2007 by Slovenia - Mr. Mirko Vrtačnik, Supreme State Prosecutor in the Supreme State Prosecutor's Office of the Republic of Slovenia;
- from February 2007 to February 2008 by Turkey - Mr. Behcet Tufan Turan, Head of Department, General Directorate of International Law and Foreign Affairs within the Ministry of Justice of Turkey;
- from February 2008 to February 2009 by Albania - Mr. Arquilea Koca, prosecutor, General Prosecutor's Office.

From February 2009 to February 2010 Bosnia and Herzegovina should take over the chairmanship of the SEEPAG.

Secretariat

The General Prosecutor's Office of the country chairing the SEEPAG is appointing the Secretary to the SEEPAG.

The functions of the Secretariat are the following:

- Assist the Chairperson and Vice-Chairperson in their administrative tasks related to the SEEPAG;
- Provide the administrative link between the SEEPAG Chairman and SEEPAG membership;
- Coordinate the organisation of SEEPAG's functions;
- Coordinate SEEPAG's cooperation with other national, regional, European and international bodies and organisations related to SEEPAG's work
- Perform other tasks assigned by the SEEPAG Chairperson and Vice-Chairperson.

Prosecutorial Contact Points

In order to improve cooperation it was proposed to establish the Regional Network of the Prosecutorial Focal Points (PFP).

The SEEPAG is composed of PFP of every country participating in the SEEPAG.

PFPs are designated by each state participating in the SEEPAG according to their constitutional rules, legal traditions and internal structures, providing effective coverage for all forms of serious crimes throughout the country. PFP's should facilitate judicial cooperation between the SEEPAG member states, as well as provide assistance to the SECI Centre operations.

Specific functions of the PFP are:

- Receiving crime reports and other documents, as well as answering and disseminating such documents as needed;
- Case monitoring in the prosecutor's office / PFP;
- Consulting in pre-trial, pre-criminal, and criminal proceedings;
- Providing remedies and suggestions.

Activities

The full body of SEEPAG have two regular meetings per year in a place agreed upon at the previous meeting. Extra meetings could be held. Other events are also foreseen. On the agendas of the meetings there were different topics, relevant for prosecutors work and on purpose to promote co-operation.

Regular meetings:

- First Meeting of SEEPAG, December 11-12, 2003, Belgrade
- Second Meeting of SEEPAG, April 19-20, 2004, Bucharest
- Third Meeting of SEEPAG, July 21-22, 2004 Belgrade
- Fourth Meeting of SEEPAG, December 15, 2004, Belgrade
- Fifth Meeting of SEEPAG, February 22-23, 2006, Belgrade
- Sixth Meeting of SEEPAG, June 19 - 20, 2006, Ljubljana
- Seventh Meeting of SEEPAG, November 9-10, 2006, Bucharest, Romania
- Eighth Meeting of SEEPAG, February 15-16, 2007, Brdo pri Kranju, Slovenia
- Ninth Meeting of SEEPAG, June, 14-15, 2007 Istanbul, Turkey
- Tenth Meeting of SEEPAG, October, 25-26, 2007, Bucharest, Romania.

Extra meetings:

- First Extraordinary Expert Meeting, 26 July 2005, Athens, Greece

Other events:

- Workshop Bulgaria, November, 2006;
- Workshop Skopje, 25/26th of January 2007;
- Workshop Bucharest, 23rd of February 2007;
- Donation of video-conference equipment;
- Chairman's visit to the SECI Centre and Romanian authorities;
- Bulgaria, May 7-11, 2007, Five roundtable sessions with the topic: "Introduction to SEEPAG"

The numerous activities brought several outcomes:

Network among national representatives (participants) and/or PFPs was established. It was extremely important in searching best solutions in resolving concrete cases. Awareness of scope and dimensions of certain problems are raised. Regularly one part of the conferences was planned to debate certain issues (terrorism, data protection, statistics...).

Participants gained knowledge on legislation, procedures and competences of the relevant bodies as well as on projects for improvement of national systems (change of legislation, establishment of task forces, and way of cooperation among institutions inside country...).

Financing

The budget of the SEEPAG is primarily based on funds, received by the SECI Centre, and/or any other international organization, agency or governmental body willing to support the SEEPAG activities in co-ordination with the SECI Centre. Member states do not accept any financial obligations to SEEPAG.

Chairperson prepares Annual Report about the activities, as well as Annual Financial Report.

Prosecutors` Network

Prosecutors` Network is regional (Western Balkans) network for co-operation in repressing, investigating and prosecuting perpetrators of organized crime, criminal groups and criminal associations as well as combating corruption.

At the end of 2003 the five Western Balkan countries (at that time Serbia and Montenegro was one country) presented each a set of action oriented measures against organised crime. All countries had as one of these actions to improve the regional prosecutor co-operation in organised crime cases.

A Memorandum of Understanding (MoU) for this regional prosecutor cooperation was elaborated by the General-Prosecutor of the Former Yugoslav Republic of Macedonia and was presented for the prosecutor services of the other Western Balkan countries.

Regional Roundtable: Regional measure against organised crime (OC) – Establishment of the Prosecutors` Network was held in Skopje on 30 March 2005 for the signing of the Memorandum of Understanding (MoU) for the co-operation and networking within and among prosecutorial services in the CARDS Countries, supplemented in the course of the CARDS 2003 Regional Judiciary Project. MoU is therefore grounding for network co-operation among the signatories. Several provisions are limited to the competences of the signatories.

Later, in March 2007, it was agreed to enlarge the scope of competence of the network based on a "mixed system" consisting of a general formula for serious crime (UN Convention on Transnational Organised Crime) and a catalogue of crimes.

Functions

In the MoU there are several provisions describing functions of Prosecutors` Network. They can be divided into two groups - co-operation in concrete cases and general measures to assure better co-operation.

In the first group there is exchange of information, documents and evidence, related to organized crime in particular in cases where territorial or citizenship linkage is clear, swift and efficient work in cases of extradition and requests for mutual legal assistance, development of mechanisms for coordination of investigation of cases.

In the second group there is training for Public Prosecutors, organization of regular professional contacts, exchange of information's of draft laws and new legal provisions and evaluation of national provisions and practices.

Membership

Memorandum of Understanding was signed by competent prosecutor's offices of:

- Albania
- Bosnia and Herzegovina
- Croatia
- The Former Yugoslav Republic of Macedonia
- Serbia
- Montenegro

The signatories should develop and propagate co-operation mechanisms with relevant UN Interim Administration in Kosovo.

Structure

Since it is foreseen only as network there is no specific structure defined. On the basis of MOU the signatories should establish a National Contact Point

National Contact Point

The National Contact Point should be established at the prosecutor's offices. It is advisable to be identical with contact points established for EUROJUST, the Council of Europe and Prosecutorial Focal Points within SEEPAG. Direct contact among National Contact Points is foreseen.

Activities

The National Contact Points and the heads of the units competent for combating organized crime should have regular meetings every 12 months. On the agendas of the meetings there were different topics, relevant for prosecutors work and on purpose to promote co-operation.

Regular meetings:

- "1st Western Balkans Prosecutors' Network meeting" Skopje, 30 March 2005;
- "2nd Western Balkans Prosecutors' Network meeting" Tirana, Albania, 30 and 31 March 2006;
- "3rd Western Balkans Prosecutors' Network meeting", Podgorica, Montenegro, 28 and 29 September 2006;
- "4th Western Balkans Prosecutors' Network meeting", Sarajevo, Bosnia and Herzegovina, 5 and 6 March 2007.

On the basis of activities main goal was achieved - network was established and participants agreed on text of Memorandum of understanding. Furthermore, the scope of memorandum was widened.

Network among the participants (National Contact Points and the heads of the units competent for combating organized crime) was established. In some cases it was used in gathering information, important in resolving concrete cases.

Regular meetings were possibility to gain knowledge on current legislation, procedures and competences of the relevant bodies and future plans.

Participants had opportunity to compare certain elements of the national mechanisms for fight against organised/serious crime with comparable ones (among themselves).

From regional dimension perspective awareness of problems and direction for solutions on fight against organised/serious crime were raised.

Financing

The Prosecutors' Network was established in the framework of CARDS Regional Project 2003, Establishing of an Independent, Reliable and Functioning Judiciary and enhancing of the Judicial Co-operation in the Western Balkans. All the activities till 2007 were fully financed from the budget of project.

In the Memorandum of Understanding there are no provisions on financing the network.

- - -

For more effective co-operation of network

In the provisions of MoU there can be found main directions for development of cooperation as well as participants of different activities of networks expressed useful suggestions for future work. Among them there are some common needs and some needs of particular countries.

There are some areas of overlapping of both networks - role of contact points, assistance in solving concrete cases, discussion on expert topics (terrorism, statistics, data protection...), and scope of cooperation. Position on importance to combine both functions in one person was not entirely implemented.

The Network should focus to assistance to candidate countries and potential candidate countries for raising abilities of implementation acquis and strengthening relevant institutions. In this respect best practices of relevant EU institutions (EJN, EUROJUST) should be discussed. Cooperation with EUROJUST is important for taking over future role of membership in it.

Definition of relations with similar regional networks (SEEPAG) will be useful. Certain level of overlapping will remain because of objectives of both networks. Therefore certain aspects of cooperation (joint activities) could bring synergy and overall positive results.

Activities should be result oriented - each question, each problem should have certain result, outcome, consequence, not only exchange of information's on status-quo in respective country.

One of the main focuses should be gradual approximation of legal provisions, internal rules and procedures and competences of relevant institutions, bearing in mind competences to do it. It is open question whether certain provisions of MoU should be developed into more binding form.

Permanent task could be analysis of the concrete cross border cases in order to improve obstacles and remove unnecessary steps in procedures. In this respect good practice is advantageous.

Prosecutors Network does not have its own budget therefore existence of cooperation is depending of external sources. Another question is leadership. So far no rotation of temporary leadership is agreed. In CARDS 2003 project both roles were in hands of implementing body of project (consortium led by Austria). For future work both elements should be discussed.

Next activities could target on forming partial regional strategies, module laws and module procedures for specific areas.

Such areas could be:

- Training for public prosecutors (institutionalization, national and regional level, developing training curricula);
- Rules and procedures (evidences, protection of witnesses);
- Organization and competences of institutions within the country (police, prosecutions offices, agencies, judges);
- Data protection;
- Technical requirements and use of modern technology (video conference, cryptography and other ways of protection of data);
- Language (language of communication, templates, to promote language skills);
- Statistics - methodology and cross border exchange);
- Country needs and gaps analysis.

Annex III

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

5th Meeting of Prosecutors' Network with PROSECO Contact Persons and SEEPAG Focal Points

Strasbourg, 16 January 2009

CONCLUSIONS

In April 2008 the Council of Europe, in partnership with the Ministry of Justice of Italy, started the implementation of a joint project with the European Commission "Support to Prosecutors' Network in South Eastern Europe"⁵. 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 Prosecutors' Network was established in March 2005 in Skopje by signature of Memorandum of Understanding by Chief Prosecutors of Albania, Bosnia and Herzegovina, Croatia, Serbia, Montenegro and "the former Yugoslav Republic of Macedonia". Each Prosecutor's Office nominated National Contact Points. This activity, a Regional Measure against organised crime, was undertaken within the CARDS 2003 Judiciary Project for Western Balkans, which supported the Prosecutors' Network until the end of Project in April 2007. The Prosecutors' Network had its last meeting in March 2007.

The 5th Meeting of Prosecutor's Network was organised with participation of SEEPAG⁶ Focal Points and PROSECO Steering Committee members⁷ with aim of assessing the current state of play of two networks, verification of contact points and of legal framework for their co-operation.

In the light of the discussions which took place, the participants in the 5th Meeting of the Prosecutors' Network,

⁵http://www.coe.int/t/dghl/cooperation/economiccrime/JudicialCooperation/Projects/PROSECO/PROSECO_en.asp

⁶ The Southeast European Prosecutors Advisory Group is an international mechanism of judicial co-operation, formed by the countries of the co-operation mechanism, with contact points who are appointed to facilitate <http://www.seepag.org/>

⁷ The Steering Committee of PROSECO project is composed of two contact persons from each project area (one from the Ministry of Justice and one from General Prosecutor's office) and representatives from the EC, CoE and MoJ of Italy.

assessing co-operation between prosecutors established in the region as positive and important in fighting organised crime

recognising the importance of individual contacts established and of exchange of experience and information

affirming the need to further strengthen the regional co-operation in criminal matters

reached the following conclusions:

1. The Prosecutors' Network is as 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

The participants agreed that the 6th Meeting of the Prosecutors' Network will take place in April or May 2009.

Annex C

Support to Prosecutors' Network in South Eastern Europe

**2nd Steering Committee Meeting
15 January 2009, Council of Europe, Strasbourg**

MINUTES

Objective:

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

Participants:

Project's Contact Persons, representative from the Ministry of Justice of Italy and representatives from the Council of Europe (list of participants is enclosed in Annex I).

Contact Persons who were precluded from coming from Albania, Croatia, Montenegro and "the former Yugoslav Republic of Macedonia" were replaced by their colleagues from either the Ministry of Justice or the Prosecutor's Office. The only project area which was not represented in the meeting was Serbia.

Results:

Introduction

The meeting was opened by the Head of the Economic Crime Division of the Council of Europe, who gave an overview of the Council's involvement in judicial co-operation projects in last 10 years. He also made a brief presentation of the PROSECO project focusing on its expected results. He underlined that the project is supposed to help the counterpart institutions in judicial reform processes already ongoing in their countries/project areas.

The representative of the Ministry of Justice of Italy stressed the importance of the project, in particular its regional approach which gives opportunities for professionals from the South Eastern Europe to come together and establish individual contacts which are contributing to strengthening of co-operation in fighting organised crime.

The representative of the European Commission addressed a letter to the participants in which, besides comments on PROSECO progress, a new project of the European Commission "ILECU" was announced.

Overall project implementation

The PROSECO Project Manager presented achievements of the project in 2008, and stressed the necessity of regular co-ordination with the project's counterparts in order to achieve project objectives.

Delegations from all project areas, present in the meeting, were of the opinion that the results of the project are as expected and that the feedback that was received from participants of the regional events was positive.

Presentations were made on ongoing reforms in the region which are mainly in the field of criminal justice. The expectations of the project in the year 2009 are mainly in this respect.

Activities in 2009 and 2010

The Council of Europe's proposal to add into the work plan the analysis of compliance of national legislation with the 2nd Additional Protocol to the CoE Convention on MLA (CEST 182) and a follow up regional workshop was accepted.

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 the activities which they considered should be implemented, except Kosovo which suggested that the Council of Europe establishes contact with the Kosovo Judicial Institute and finds out about the trainings organised by the US donors and possibly co-organise some of them. This would reduce number of days that Kosovo prosecutors are away from their prosecutorial duties.

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 (revised work plan is enclosed in Annex II).

Annex I –List of participants

Name and function	Contact details
ALBANIA	
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BOSNIA AND HERZEGOVINA	
<p style="text-align: center;">Ms Milana POPADIĆ Assistant Minister PROSECO Contact Person</p>	<p style="text-align: center;">Sector for Judicial Bodies at State Level Ministry of Justice Trg BiH 1 71000 Sarajevo, Bosnia and Herzegovina Phone: + 387 33 551 881 Fax: +387 33 551 880 m.popadic@mpr.gov.ba</p>
<p style="text-align: center;">Ms Jadranka LOKMIĆ MISIRAČA Deputy Chief prosecutor Head of Department for General Crime PROSECO Contact Person</p>	<p style="text-align: center;">International legal Assistance and Terrorism Prosecutor’s Office of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo, Bosnia and Herzegovina Phone: + 387 33 707 100 Fax: + 387 33 707 463 Jadranka.lokmic@tuzilastvobih.gov.ba</p>
CROATIA	
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"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	
<p>Ms Tanja KIKEREKOVA Head of Human Rights Department</p>	<p>Sector of International Co-operation Ministry of Justice Ul Dimitrie Cupovski br 9 1000 Skopje, "the former Yugoslav Republic of Macedonia" kikerekova@yahoo.com</p>
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OTHER GUESTS

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Annex II – Revised workplan

OUTPUT 1	Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation	
Activity 1.1 Ongoing	Assessment with aim of identifying legislation to be reviewed and improved	
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	<ul style="list-style-type: none"> ▪ Albania 	
1.2.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 Completed
1.2.3	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ Montenegro Review of amendments to the Criminal Code	first half of 2009
1.2.5	<ul style="list-style-type: none"> ▪ Serbia Review of draft Law on Mutual Legal Assistance in Criminal Matters	November – December 2008 Completed
1.2.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” Review of Draft Law on International Co-operation	December 2008 – January 2009 Completed
1.2.7	<ul style="list-style-type: none"> ▪ “Kosovo under UNSCR 1244”⁸ 	
1.2.8	<ul style="list-style-type: none"> ▪ 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"> ▪ Bosnia and Herzegovina Review of cybercrime provisions in national legislation	March 2009
1.2.10	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” 	possibly

⁸ 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.

	Review of Draft Criminal Procedure Code	February 2009 (to be verified if the Draft CPC is being reviewed by the MoJ of Italy under the twining project)
1.2.11	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” Review of cybercrime provisions in national legislation	March 2009
1.2.12	<ul style="list-style-type: none"> ▪ Serbia Activity to be defined by the PROSECO Contact Persons	
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"> ▪ Albania 	
1.3.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Roundtable on Draft Law on International Co-operation in Criminal Matters	7 November 2008 Completed
1.3.3	<ul style="list-style-type: none"> ▪ Croatia 	
1.3.4	<ul style="list-style-type: none"> ▪ Montenegro 	
1.3.5	<ul style="list-style-type: none"> ▪ Serbia 	
1.3.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” Roundtable on assessment of cybercrime provisions in national legislation	
1.3.7	<ul style="list-style-type: none"> ▪ “Kosovo under UNSCR 1244” 	
1.3.8	<ul style="list-style-type: none"> ▪ Regional Workshop 1 Workshop on Compliance of legislation of project areas with CETS 182 (2 nd 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"> ▪ Bosnia and Herzegovina Roundtable on Compliance of Legislation of BiH with	early May 2009

	CEST 182 (2 nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	
1.3.10	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina <p>Roundtable on assessment of cybercrime provisions in national legislation</p>	April or May 2009
1.3.11	<ul style="list-style-type: none"> ▪ Serbia 	
1.3.12	<ul style="list-style-type: none"> ▪ Regional Workshop 2 <p>Follow up to Regional Workshop 1 and its recommendations</p>	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	<ul style="list-style-type: none"> ▪ Regional Thematic Training 1 <p>Financial Investigations and Confiscation of Proceeds from Crime</p>	Dubrovnik, Croatia 25 and 26 September 2008 Completed
2.1.2	<ul style="list-style-type: none"> ▪ Regional Thematic Training 2 <p>Training for prosecutors and judges and Conference on Co-operation under the Cybercrime Convention</p> <p>Follow up activities:</p> <ul style="list-style-type: none"> ➢ Finalisation of country profiles ➢ Translation of training manual for judges and prosecutors ➢ Participation in the Octopus Cybercrime Conference in Strasbourg in March 2009 	Ohrid, FYROM, 17-19 November 2008 Completed March 2009
2.1.3	<ul style="list-style-type: none"> ▪ Regional Thematic Training 3 <p>Practical implementation of measures foreseen by CETS 182: cross-border observations; controlled deliveries; video hearings and joint investigative teams</p>	September 2009
2.1.4	<ul style="list-style-type: none"> ▪ Regional Thematic Training 4 <p>Proposed topic 1: witness protection, levels and types of protection (proposal of BiH delegation)</p>	January 2010

	Proposed topic 2: money laundering (proposal of Montenegro delegation)	
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"> ▪ Albania <p>Training on cybercrime for law enforcement officers, prosecutors and judges</p>	March or April 2009
2.2.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina <p>Training for prosecutors and law enforcement officers on SIMS and international recognition of evidence collected by using SIMS</p>	February 2009
2.2.3	<ul style="list-style-type: none"> ▪ Croatia <p>Training on joint investigation teams</p>	
2.2.4	<ul style="list-style-type: none"> ▪ Montenegro <p>Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange on reporting corruption related offences</p>	24-25 November 2008 Podgorica Completed
2.2.5	<ul style="list-style-type: none"> ▪ Serbia <p>Training on International Co-operation in international instruments</p>	Belgrade 18 September 2008 Nis 19 September 2008 Completed
2.2.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” <p>Training on SIMS</p>	April or May 2009
2.2.7	<ul style="list-style-type: none"> ▪ “Kosovo under UNSCR 1244” <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"> ▪ Croatia <p>Training on money laundering</p>	

2.2.9	<ul style="list-style-type: none"> ▪ Montenegro <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"> ▪ "the former Yugoslav Republic of Macedonia" <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"> ▪ Montenegro <p>Training on money laundering</p>	after the adoption of CPC
2.2.12	<ul style="list-style-type: none"> ▪ "the former Yugoslav Republic of Macedonia" <p>Training on anti-terrorism fight with respect of human rights</p>	within first three months of 2009
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"> ▪ Internship 1 – Italy (Rome, Napoli and Bari) 	17-28 November 2008 Completed
2.3.2	<ul style="list-style-type: none"> ▪ Internship 2 <p>Portugal</p>	June 2009
2.3.3	<ul style="list-style-type: none"> ▪ Internship 3 <p>Proposal to replace Slovenia with Germany</p>	January 2010
Output 3	Co-operation manual and other tools available for more effective co-operation against serious crime	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation	October 2008 – January 2009
Activity 3.2	<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	Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime	January 2009 – June 2009

	Parts of the PACO Manual will be sent to the Contact Persons from MoJ for revision and update	
Activity 3.4	<p>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</p> <ul style="list-style-type: none"> ▪ 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
Output 4 Contact points for judicial co-operation strengthened		
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks.	April 2008 – January 2009 Completed
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	<ul style="list-style-type: none"> ▪ Regional Meeting 1 5th Meeting of Prosecutors’ Network with SEEPAG contact points 	16 January 2009 Strasbourg Completed
4.2.2	<ul style="list-style-type: none"> ▪ Regional Meeting 2 6th 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	<ul style="list-style-type: none"> ▪ Regional Meeting 1 7th Meeting of Prosecutors’ Network 	October 2009
4.3.2	<ul style="list-style-type: none"> ▪ 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 6 th Meeting of Prosecutors' Network