



Project: Development of Reliable and Functioning Policing Systems and Enhancing of Combating Main Criminal Activities and Police Co-operation
Focus: Strengthening police capacities against serious crime in South-eastern Europe

MODULE 1/ OUTPUT 1.5: CAPACITIES FOR CO-OPERATION IN CRIMINAL MATTERS AMONG THE COUNTRIES OF SOUTH-EASTERN EUROPE MADE MORE EFFICIENT

Output 1.5	Making capacities for co-operation in criminal matters among the countries of South-eastern Europe more efficient
Project area	South-eastern Europe: Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro ¹ , "The former Yugoslav Republic of Macedonia"
Budget activities 1.5	EURO 237 483
Funding	European Commission CARDS Programme – Council of Europe
Implementation	Council of Europe (Department of Crime Problems/DGI - Legal Affairs)
Duration	30 months (March 2004 – August 2006)

BACKGROUND AND JUSTIFICATION

Countries of South-eastern Europe have made significant progress in recent years in acceding to European and other international instruments which facilitate co-operation in criminal matters, and in particular in matters related to organised crime, corruption and money laundering. In addition, a range of bilateral agreements have been signed between countries.

However, co-operation among them and also between them and the EU member States remains slow and unreliable and therefore inefficient. Reasons include, among other things:

- Lack of trust and confidence in counterpart authorities in other countries.
- Too many layers are involved in the issuing and execution of a rogatory letter.
- Procedures, requirements, details of the relevant authority of the requested country are not known, which means that the information in letters rogatory is not complete, that the requests are returned or never reach their destination.
- Requests for legal assistance are not considered a priority by the requested authority.
- The capacity for translating documents into the languages required is limited. In several countries, the institutions responsible for mutual legal assistance have no resources for translation. What may appear to be a minor technical problem is in fact a major obstacle preventing efficient co-operation.

¹ The project area includes also Kosovo (Serbia and Montenegro), currently under the interim administration of UNMIK in accordance with the United Nations Security Council resolution 1244 (1999).

- The Ministries of Justice and the Office of the Prosecutor General compete for the prerogative of being the main channel for mutual legal assistance. In some countries, these central institutions in addition aim to control authorities at regional and local levels and prevent them from engaging in direct co-operation with their counterparts abroad.
- Although many international and bi-lateral agreements have been signed by countries of the region, the authorities involved or in need of international co-operation are not necessarily trained in the application of these agreements.
- Opportunities under conventions in force (Art. 15 of the European Convention on Mutual Assistance in Criminal Matters) are not sufficiently used.
- International and bilateral agreements and national regulations allow for many opportunities and direct ways of mutual legal assistance. This at the same time creates incertitude as to what is possible and what is legal. In consequence, the classical channel through the Ministry of Justice is often used.
- A specific problem of co-operation is related to Kosovo as countries do not have co-operation agreements with UNMIK.

During the EU-Western Balkans forum (November 2003), it was agreed that judicial co-operation should play an increasingly important role in the general framework of the relations between the EU and the Western Balkans. In order to overcome the above-mentioned problems, countries of South-eastern Europe have engaged in a process of judicial networking which involves the nomination of contact points, the preparation of a co-operation manual and regular meetings to address specific problems of co-operation. This process needs to be further consolidated and expanded.

In particular, countries should be supported in ratifying and fully implementing the Second additional protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182) which opened for signature in November 2001. This Protocol is intended to improve the ability of States to react to cross-border crime by broadening the range of situations in which mutual assistance may be requested and making the provision of assistance easier, quicker and more flexible. It provides, among other things, for more efficient channels of communications, spontaneous exchange of information, hearings by telephone and video-conference, cross-border observations, controlled delivery, covert investigations, joint investigating teams, protection of witnesses and provisional measures.

Ratification of this treaty will bring countries of South-eastern Europe closer to European Union standards, but its practical implementation will also entail considerable challenges. Countries of the region will thus need legislative advice and extensive training to make full use of these opportunities.

OUTPUT 1.5 OBJECTIVE, ACTIVITIES AND EXPECTED RESULTS

The specific objective of Output 1.5 is to strengthen capacities for co-operation in criminal matters among countries of South-eastern Europe, in particular by supporting Member States' efforts to ratify and implement the second additional protocol to the European Convention on mutual assistance in criminal matters (ETS 182) through:

- the development of strategies for the ratification and implementation of ETS 182
- the development and testing of training materials in the field of co-operation in criminal matters

Output 1.5's activities should be seen in the global framework of Module 1, which aims at developing a regional strategy against economic and organised crime in South-eastern Europe based on the acquis of the European Union and European standards and practices, and at providing law enforcement institutions with the tools necessary to implement the strategy.

Its results will constitute an integral part and be built into activities related to the development of the regional strategy against economic and organised crime in South-eastern Europe based on the acquis of the European Union and European standards and practices.

ACTIVITY 1.5.1 DEVELOP STRATEGIES FOR THE RATIFICATION AND ACTUAL IMPLEMENTATION OF THE 2ND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (ETS 182)

		Dates
1.5.1.1	Regional seminar on the opportunities offered by the 2 nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)	2-3.09. 2004
1.5.1.2	Short-term experts to assist countries to review gaps and opportunities in legislation and institutional capacities	03.09.2004- 15.02.2005 (in house)
1.5.1.3	Regional seminar to elaborate implementation plans for each country	24-25.02.2005
1.5.1.4	Expert support in the drafting of legislative amendments	01.03.2005- 20.12.2005

ACTIVITY 1.5.2 DEVELOP, TEST AND MAKE AVAILABLE TRAINING MATERIALS FOR FURTHER TRAINING

		Dates
1.5.2.1	Regional seminar to review training needs	13 – 14. 06.2005
1.5.2.2	Short term experts to assist in the development of training materials and guidelines on international co-operation	14.06.2005- 30.10.2005
1.5.2.3	Regional workshop to finalise training materials and concepts	15-16.11.2005
1.5.2.4	In-country training events by local trainers with expert support to test and further improve training materials	01.12.2005-01.04.2006
1.5.2.5	Production of training materials in local languages	April- August 2006

By the end of the project:

- a strategy for the ratification and implementation of ETS 182 will have been elaborated,
- a comprehensive analysis for each project area of the current legislation, institutional capacities and gaps as well as and recommendations for further legislative developments and institutional capacity-building will have been completed,
- expert support for drafting implementing legislation related to ETS 182 will have been provided
- training needs in this area will have been identified and accordingly training materials will have been developed and tested
- a series of trainings will have been conducted in each project area

PARTICIPANTS

From each project area, a number of relevant representatives from central authorities, judiciary and law enforcement authorities responsible for international co-operation in criminal matters, training institutions.

Experts from Council of Europe member States with extensive knowledge in the field of international co-operation in criminal matters, in particular with concrete experience in the implementation of ETS 182 in their country, practitioners with relevant work experience in the fields covered by ETS 182 (hearing by video and telephone conference, cross border observations, controlled deliveries, covert investigations, joint investigation teams, protection of witnesses, etc) and trainers.

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