



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 September 2004
1.5.1.2	Short-term experts to assist countries to review gaps and opportunities in legislation and institutional capacities	September – October 2004 (in house)
1.5.1.3	Regional seminar to elaborate implementation plans for each country	22-23 November 2004
1.5.1.4	Expert support in the drafting of legislative amendments	Feb – October 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	12-13 April 2005
1.5.2.2	Short term experts to assist in the development of training materials and guidelines on international co-operation	May – Sept 2005
1.5.2.3	Regional workshop to finalise training materials and concepts	September 2005
1.5.2.4	In-country training events by local trainers with expert support to test and further improve training materials	September 2005 – April 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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ANNEX. I : DESCRIPTION OF ACTIVITIES

- (1) **Activity 1.5.1: Description of sub-activity 1.5.1.1 - Regional seminar on the opportunities offered by the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)**

ACTIVITY	Regional seminar on the opportunities offered by the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182)
LOCATION	Pristina, Kosovo (Serbia and Montenegro)
DURATION / DATE	2-3 September 2004
WORKING LANGUAGE(S)	English. Interpretation in local languages will be provided.
SPECIFIC OBJECTIVES	<ul style="list-style-type: none"> Strengthen capacities of relevant institutions to make use of the opportunities offered by ETS 182, thus improving their capacities to react adequately to cross border crime Strengthen networking and experience exchange regarding the implementation of this protocol between officials from each project area responsible for international co-operation
CONTENT	This seminar will constitute an opportunity for relevant national experts to thoroughly examine the variety of means available under ETS 182 in order to improve co-operation in criminal matters. In addition, national experts will discuss the issues at stake in the implementation of ETS 182 and the aspects to be considered in the process of review of their legislation and institutional capacities.
PARTICIPANTS	5-8 representatives from each project area from central authorities, judiciary and law enforcement authorities responsible for international co-operation in criminal matters (from relevant department of Ministry of Justice, Ministry of Interior, General Prosecutor's Office, Police, Supreme Cassation Office, national Interpol office, etc).
EXPERTS	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).
EXPECTED RESULTS	<ul style="list-style-type: none"> National experts will have enhanced their knowledge regarding the European Convention on Mutual Assistance in Criminal Matters and its second additional protocol. National experts will have agreed upon a comprehensive matrix and questionnaire to be used in the review exercise regarding the gaps and opportunities in legislation and institutional capacities. National experts will have endorsed and further completed the work plan and description of activities which will take place under Activity 1. 5. 1

(2) Activity 1.5.1: Description of sub-activity 1.5.1.2 - Review of the gaps and opportunities in legislation and institutional capacities

TYPE OF ACTIVITY	Analysis
SUBJECT	Review of the gaps and opportunities in legislation and institutional capacities for an effective implementation of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182)
LOCATION	In-house
DURATION / DATE	September - October 2004
WORKING LANGUAGE	English
OBJECTIVE	To undertake a thorough review of the current legislation and institutional capacities in each project area, as well as of the gaps and opportunities available, enabling the effective implementation of ETS 182 in each country.
CONTENT	<p>The review will take place according to the comprehensive matrix and questionnaire developed during the first regional. The questionnaire will be sent for completion to the relevant officials from each project area in July 2004 with a set deadline for replies.</p> <p>The review will be done on the basis of the questionnaire and information provided by each project area and the review matrix will be completed accordingly. It will include a list of concrete recommendations for further legislative developments and institutional capacity-building in view of the implementation of ETS 182.</p>
EXPECTED RESULTS	By the end of September, a comprehensive analysis for each project area will have been completed and made available to the relevant institutions from each project area for comments.
EXPERTISE / EXPERTS REQUIRED	<p>2-3 short term experts 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 who will be tasked with elaborating the above-mentioned analysis.</p> <p>Input required from representatives from central authorities, judiciary and law enforcement authorities responsible for international co-operation throughout the process.</p>
PARTICIPANTS	Profile: Representatives from central authorities, judiciary and law enforcement authorities responsible for international cooperation.
	Total: As relevant.
CONCLUSIONS / FOLLOW-UP²	
OTHER	Note: The effective implementation of this activity will require that officials from each project area fully co-operate with the nominated short term experts in order to provide the required information, according to the calendar agreed upon for the completion of the questionnaire, and as necessary, their availability to provide additional information and clarifications.

² To be filled in after the completion of the activity

(3) Activity 1.5.1: Description of sub-activity 1.5.1.3 - Regional seminar to elaborate implementation plans for each country

TYPE OF ACTIVITY	Regional seminar
SUBJECT	Elaboration of an implementation plan for each country to support the implementation of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182)
LOCATION	Serbia (Serbia and Montenegro)
DURATION / DATE	2 days / 22 - 23 November 2004
WORKING LANGUAGE	English/ interpretation in local languages will be provided
OBJECTIVE	This seminar aims at providing expert support in the development of an implementation plan for each country to enable them to make full use of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182)
CONTENT	<p>In the light of the obligations deriving from this international instrument, national experts and short term experts will discuss the conclusions and recommendations of the reviews, as well as the comments provided on each analysis.</p> <p>They will agree upon the common elements of an action plan for the implementation of ETS 182 and further streamline the necessary country-specific measures to ensure its implementation.</p> <p>Finally, participants will discuss the recommendations for further legislative developments and institutional capacity-building and agree on a work plan for support activities in the drafting process of relevant legislation to be implemented from February to October 2005.</p>
EXPECTED RESULTS	<p>A comprehensive "model" action plan for the implementation of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182) will have been drafted by the national experts, which includes country specific action-oriented measures in this field.</p> <p>A set calendar of support activities regarding the drafting of relevant legislation for the period from February to October 2005 will have been finalised.</p>
EXPERTISE / EXPERTS REQUIRED	2-3 short term experts 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.
PARTICIPANTS	<p>Profile: representatives from central authorities, judiciary and law enforcement authorities responsible for international cooperation</p> <p>Total: up to 50 participants (delegations of up to 6 persons from each project area)</p>
CONCLUSIONS / FOLLOW-UP³	

³ To be filled in after the completion of the activity

(4) Activity 1.5.1: Description of sub- activity 1.5.1.4 - Workshops on the drafting of legislative amendments

TYPE OF ACTIVITY	Technical workshop
SUBJECT	Workshop on the drafting of implementing legislation regarding the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182)
LOCATION	Each project area (per requested)
DURATION / DATE	1 to 1,5 days / February – October 2004 The exact dates of national workshops will be agreed upon during the previous regional seminar (sub-activity 1.5.1.3)
WORKING LANGUAGE(S)	English/ Interpretation may be provided subject to available funds and only on the basis of sharing of the financial burden
OBJECTIVE	The workshop aims at providing technical support in the process of elaboration of the relevant implementing legislation.
CONTENT	The content of each workshop is to be defined in accordance with the specific technical support needs of each project area and with the elaborated country-specific implementation plans.
EXPECTED RESULTS	Concrete technical support in the drafting process of the relevant implementing legislation will have been provided to each country and draft legislation and/ or legislative amendments will be available for adoption in each project area.
EXPERTISE / EXPERTS REQUIRED	2-3 short term experts with extensive knowledge in the field of international co-operation in criminal matters, in particular with concrete experience in the drafting of legislation for the implementation of ETS 182 in their country.
PARTICIPANTS	Profile: members of national working groups responsible with the drafting of the relevant implementing legislation
	Total: as relevant
CONCLUSIONS / FOLLOW-UP⁴	
OTHER	A preliminary requirement to ensure the effectiveness of these activities is that prior to their organisation in each project area, the national working group will have elaborated and made available to the short term experts a draft text, which will constitute the main basis for the discussions and the drafting exercise.

⁴ To be filled in after the completion of the activity

- (5) Activity 1.5.2: Description of sub-activity 1.5.2.1 - Regional seminar to review training needs in international co-operation**

Note: To be completed in advance of the launching of this phase of the project in 2005.

- (6) Activity 1.5.2: Description of sub-activity 1.5.2.2 - Development of training materials and guidelines on international co-operation**

Note: To be completed in advance of the launching of this phase of the project in 2005.

- (7) Activity 1.5.2: Description of sub-activity 1.5.2.3 - Regional workshop to finalise training materials and concepts**

Note: To be completed in advance of the launching of this phase of the project in 2005.

- (8) Activity 1.5.2: Description of sub-activity 1.5.2.4 - In-country training events by local trainers with expert support to test and further improve training materials**

Note: To be completed in advance of the launching of this phase of the project in 2005.

- (9) Activity 1.5.2: Description of sub-activity 1.5.2.5 - Production of training materials in local languages**

Note: To be completed in advance of the launching of this phase of the project in 2005.