

European Conference of Prosecutors Conférence européenne des procureurs Conferenza europea dei procuratori

NEW CHALLENGES FROM THE CYBERSPACE – THE QUEST FOR ATTRIBUTION

Ms Katarina Johansson Welin
Deputy Prosecutor General of Sweden

Theme II – Investigating and
prosecuting environmental crimes: how
to overcome obstacles and ensure an
effective role for prosecutors?

Palermo, 5-6.05.2022



PROCURA GENERALE
della Corte di cassazione



Presidency of Italy
Council of Europe
November 2021 - May 2022

Présidence de l'Italie
Conseil de l'Europe
Novembre 2021 - Mai 2022

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

European Conference of Prosecutors Palermo, 5-6 May 2022

Speech of deputy Prosecutor General Ms. Katarina Johansson Welin (6 May 2022 09.30-12.30)

I will start by giving a short description of how the Swedish Prosecution Authority has been organised to ensure an effective management of environmental criminality.

Thereafter, I will describe some of the challenges we see in the fight against environmental crime and our thoughts on how they can be tackled.

Organisation

Environmental criminality is of high complexity. Therefore, we strongly believe that it is important to have a few prosecutors and police investigators who are specialists in this field.

Over twenty years ago we introduced specialized environmental prosecutors.

Our authority consists of about 1 100 prosecutors located all over Sweden. Today – 21 of these are working solely with environmental crimes. Also, the Swedish Police Authority has dedicated and specialised investigators.

Not only specialisation is of crucial importance but also that resources used for environmental cases are kept apart from resources used for other cases. Otherwise, there is a tendency that other criminal areas, such as narcotics and shootings, are given priority when competing for the same resources. In Sweden this was secured by placing the specialist prosecutors in a certain unit, the National Environment and Work Environment Unit.

The role of the prosecutor

Investigating and prosecuting environmental crime is a complex task that demands certain requirements of the prosecutors.

I would like to mention two of them;

1. The first requirement is; Knowledge – To be able to scrutinize the work of the investigators and to evaluate the evidence, the prosecutor must have good knowledge, not only regarding the specific legal framework which can be complicated in itself, but also regarding technical aspects and natural science.

In Sweden the specialised prosecutors and investigators take part of training activities to receive cutting-edge expertise in this area that is constantly developed.

2. The second requirement is; Objectiveness - In Sweden, judges are not specialised in different crimes and they receive limited education on how criminal investigations are performed with regards to environmental crimes. This means that the judges must rely on the presentation and descriptions of the prosecutors and the environmental experts brought to the court.

The prosecutor must - of course - always be objective. When it comes to technical parts of an investigation it is particularly important to point out also deficiencies in the investigation since the judges and the defence lawyers, might not always have the capacity to do that.

Challenges

We have noticed some pattern of change in Sweden regarding environmental crime.

- We see that more and more experienced criminals and organised crime groups are attracted to commit environmental crimes.

The reason could be that there is a low risk for detection and comparatively low sentences.

- We also see that more and more cases regarding environmental crime are complex and have an international dimension. For example, cases

regarding illegal waste transports and car accessories like batteries and catalytic converters.

To meet those challenges, with more organised criminality and an increasing complexity, we need to

1. as mentioned before, have specialised prosecutors and investigators with continuously trainings - national and international.
2. We also need broader national co-operation. When it comes to national co-operation - it is not only the usual co-operation between the law enforcement agencies and the prosecutorial authorities that makes a difference.

Co-operation with others stakeholders is just as important. In Sweden, we have introduced special working groups on a national level for cross-border waste crimes and CITES-criminality.

Recently we have also introduced a National Environmental Crime Council in co-operation between law enforcement authorities and concerned administrative and regulatory authorities. This council aims to identify areas of environmental crime that needs special attention and action from the law enforcement.

3. Last but not least one cannot, as we heard earlier, stress enough the importance of international co-operation.
 - I. First of all, we need to maintain and increase the judicial international co-operation to meet the challenges ahead.

This means that all prosecutors working with environmental crime must have good knowledge of the different ways to work operatively in an international context, and our authorities must support them in this.

I will take the opportunity to stress the importance to co-operate over the borders even in minor cases.

To be able to map the organizations behind the crimes, for example waste trafficking, we have to help each other and share information even if the case you are handling, normally isn't a case where you use different international instruments.

Otherwise, we will only investigate and prosecute the transporters.

- II. Secondly, considering that the fight against environmental crime in different Member States looks the same - it is of utmost importance to share experiences and good examples, and arrange common training activities.

We together must encourage this and make sure that we have strong international networks - for example European Network of Prosecutors for the Environment - ENPE - with sufficient resources.

- III. Thirdly, Sweden has been part of EMPACT for many years but the Swedish Prosecution Authority has recently actively taken part of this co-operation platform. We see this as a new opportunity to co-operate over the borders and are looking forward to participate and to take an active role in the discussions and the operational activities.

Let us continue to work together - over the borders - against environmental crime.



Repubblica Italiana
Assemblea Regionale Siciliana



UNIONCAMERE
SICILIA



www.coe.int/ccpe

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

Le Conseil de l'Europe est la principale organisation de défense des droits de l'homme du continent. Il comprend 46 États membres, dont l'ensemble des membres de l'Union européenne. Tous les États membres du Conseil de l'Europe ont signé la Convention européenne des droits de l'homme, un traité visant à protéger les droits de l'homme, la démocratie et l'État de droit. La Cour européenne des droits de l'homme contrôle la mise en œuvre de la Convention dans les États membres.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE