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CRIMEX SESSION N°5

Madrid (ES), 22nd to 25th January 2018

PROGRAMME

Venue: Hotel H10 Puerta de Alcalá
Address: C/ Alcalá n°66, 28009 Madrid

Lead Firm / Chef de file





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**EUROMED
JUSTICE**

**PROGRAMME
OF THE
5TH CRIMEX SESSION
PART 2**

WAYS TO ENHANCE INFORMAL COOPERATION

**24 - 25 JANUARY 2018
MADRID, SPAIN**

**Venue: Hotel H10 Puerta de Alcalá
Address: C/ Alcalá nº66, 28009 Madrid**

5th CRIMEx Session PART 2

24 – 25 January 2018

Madrid, Spain

WAYS TO ENHANCE INFORMAL COOPERATION

GENERAL PRESENTATION

Judicial and law enforcement authorities from SPCs and EU Member States can utilise the mechanism of different bilateral or multilateral agreements, alone or in conjunction with the UN conventional framework in criminal matters (such as UNTOC) to cooperate at both formal and informal levels.

At the formal, treaty-based cooperation level, national authorities can use international legal framework to request and deliver MLA, extradition, freezing and confiscation of criminal proceeds.

Informal cooperation is the exchange of information between law enforcement and/or regulatory agencies and their foreign counterparts without the use of a formal mutual legal assistance request agreement.

Informal cooperation (also known as police-to-police or agency-to-agency assistance) can be undertaken in many ways by different types of judicial and law enforcement authorities, such as between law enforcement authorities to share criminal intelligence, between witness protection authorities to cooperate in the protection of witnesses, and between financial intelligence authorities to share information concerning financial crimes

Informal cooperation can be engaged in before an investigation becomes official and before the commencement of court proceedings (for example, in conducting surveillance or taking voluntary witness statements). Where there are prosecutorial objectives, informal communication between police will need to be formalized so as to ensure the admissibility of communications in court.

Informal cooperation can be more efficient and less expensive than formal cooperation. Police-to-police contact is arguably the fastest, cheapest, and most flexible means of seeking information or intelligence and should be used wherever appropriate. This form of contact can be carried out through:

- INTERPOL, Europol and other regional law enforcement agencies,
- Liaison officers and magistrates,
- Any applicable memorandums of understanding,
- Any regional arrangements (formal and informal).

Where the authorities of two States have built a relationship of trust, informal cooperation can lead to increased bilateral cooperation between the central authorities (such as exchange of officials at departments or ministries), or between local authorities on both sides of a border (such as police and customs authorities). Such cooperation may eventually be guided by bilateral executive agreements between the agencies involved.

Informal cooperation should comply with the national procedures. These vary from State to State but typically involve passing a request through a central liaison unit or officer. In urgent cases, it may be possible to make direct officer-to-officer contact, with the general requirement that the liaison unit or officer be informed of the contact.

PARTICIPANTS

- CrimEx Members
- Main Stakeholders Representatives: Eurojust, European Judicial Network in criminal matters (EJN), United Nations Office on Drugs and Crime (UNODC), United Nations Counter Terrorism Executive Directorate (UN-CTED), and the International Association of Prosecutors (IAP).
- Interpol, Europol and EuroMed Police.

OBJECTIVE 1:

The Second Part of the 5th CrimEx shall explore the possibility to enhance, besides the mutual legal assistance, the informal cooperation, *inter alia* through the International Association of Prosecutors (IAP), the expansion of the INTERPOL I-24/7 network, and strengthened use of the INTERPOL Foreign Terrorist Fighters database.

In September 2014, the United Nations Security Council unanimously adopted Resolution 2178 recognising INTERPOL's global role against the threat posed by foreign terrorist fighters.

METHODOLOGY:

The Second Part of the 5th Special Session will be moderated by the CrimEx Presidium.

The 5th CrimEx will meet in a Second Part during 2 working days to:

- a) Identify the challenges for the informal judicial and law enforcement cooperation in criminal matters;
- b) Promote the exchange of experiences and best practices ;
- c) Obtain best practices, contrasted to the SPCs' needs;
- d) Provide practical regional inputs to the elaboration of the recommendations;
- e) Elaborate the main steps and tools to support informal cooperation in criminal matters;
- f) Conclusions on the above-mentioned points;
- g) Encourage the identification of TAF needs.

OBJECTIVE 2: PRESENTATION OF THE NATIONAL REPORTS ON THE MEASURES UNDERTAKEN FOR THE IMPLEMENTATION OF THE MAASTRICHT ROADMAP ON NATIONAL COORDINATION.

OBJECTIVE 3: DEBATE TO IDENTIFY THE POSSIBLE REGIONAL NEEDS TO BE COVERED BY THE TECHNICAL ASSISTANCE FACILITY.

The Fifth Session of CrimEx will take place in English and French, with simultaneous interpretation in Arabic, English and French.

EXPERTS

- EU Agencies and International Organisations:
 - Eurojust
 - European Judicial Network in criminal matters

- UN (UNODC, CTED)
- International Association of Prosecutors
- Interpol
- Europol

- EuroMed Justice Key Experts:
 - *Mrs. Victoria PALAU - Team Leader (FIIAPP - Spain)*
 - *Mr. Virgil IVAN-CUCU - Capacity Building (EIPA - Luxembourg)*
 - *Mrs. Dania SAMOUL - Coordinator (FIIAPP - Spain)*

- EuroMed Police Tem Leader:
 - *Mr. Michel QUILLÉ*

Wednesday 24th January 2018

09.00 Introduction of the Second Part of the 5th CrimEx Session by the EuroMed Justice Key Experts

- Presentation of the Roadmap, the Declaration and results of the 5th CrimEx Special Session and the EuroMed Forum of the Prosecutors General
- Presentation of the Roadmap towards EuroMed Judicial Platform – [answers to the questionnaires integrated]
- The scope and the objectives of the Second Part of the 5th CrimEx
- 5th CrimEx Presidium

09.45 (I) Law enforcement formal and informal cooperation – INTERPOL practice and main tools to support informal cooperation

10.45 Coffee Break

11.00 (II) Law enforcement formal and informal cooperation – EUROPOL practice and main tools to support informal cooperation in criminal matters

12.00 (III) Law enforcement formal and informal cooperation - CrimEx Debates

CrimEx members and the representatives of Eurojust, EJM, UNODC, IAP, and from other international organisations are invited to ask questions and to comment on the presentations.

12.45 Lunch Break

14.00 (I) Judicial and Law enforcement formal and informal cooperation – United Nation practice and main tools to support informal cooperation in criminal matters

15.00 Coffee Break

15.30 (II) Judicial and Law enforcement formal and informal cooperation CrimEx Debates - CrimEx members and the representatives of Eurojust, EJM, UNODC, CTED, IAP, and from other international organisations are invited to ask questions and to comment on the presentations.

17.00 End of the day

Thursday 25th January 2018

- 09.00 **(III) Judicial and Law enforcement formal and informal cooperation – EU agencies – Eurojust and EJM – practice and main tools to support informal cooperation in criminal matters**
- 10.00 **(IV) Judicial and Law enforcement formal and informal cooperation – International Association of Prosecutors – practice and main tools to support informal cooperation in criminal matters**
- 11.00 **Coffee Break**
- 11.20 **(V) Judicial and Law enforcement formal and informal cooperation – CrimEx Debates**
CrimEx members and the representatives of Eurojust, EJM, UNODC, CTED, IAP, and from other international organisations are invited to ask questions and to comment on the presentations.
- 11.45 **Presentation of the national reports on the measures taken for the implementation of the *Maastricht Roadmap on National Coordination***
Tour de table: Algeria, Morocco, Tunisia, Jordan, Israel, Egypt, Palestine, and Lebanon.
Representatives of Eurojust, EJM and from other international organisations are invited to present their comments.
- 12.45 **Lunch Break**
- 14.00 Debate to identify the possible regional needs to be covered by the technical assistance facility – introduction by PMT
- 14.45 **CrimEx Final Debates and Conclusions.**
- a.* Discussions and agreement on the *practice and tools to support informal cooperation in criminal matters*
 - b.* Discussions and agreement on the *Tallinn Roadmap towards the EuroMed Judicial Platform*
 - c.* PMT presentation of the progress registered in the drafting of the *CrimEx docs* and the *Digital Evidence Manual*
 - d.* EuroMed Justice Website and restricted area for criminal matters.
 - e.* Preparation for the 6th CrimEx

*** End of the 5th CrimEx Session ***