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# **EUROMED JUSTICE TRAINING OF TRAINERS (ToT) ACTIVITY FOR JUDICIAL COOPERATION IN CRIMINAL MATTERS**

**MALTA, 16-18 OCTOBER 2018**

## **PROGRAMME**

Venue: THE WATERFRONT HOTEL

The Strand, Sliema GZR 1028 Malta. Acquaraine meeting room.

In collaboration with :



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# PROGRAMME

## ToT on Judicial Cooperation in Criminal Matters

16 – 18 October 2018

**MALTA**

Training of SPCs Trainers on cross-border cooperation in  
criminal matters within the Euro-Mediterranean region

Venue: THE WATERFRONT HOTEL,  
The Strand, Sliema GZR 1028 Malta

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# Training of Trainers on judicial cooperation in criminal matters within the Euro-Mediterranean region

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## GENERAL PRESENTATION

The preparation of the EuroMed training of trainers' process in the field of judicial cooperation in criminal matters revolves around 5 pillars:

1. The CrimEx analytical documents;
2. EuroMed Justice Training Needs Analyses;
3. EuroMed Training of Trainers Methodology;
4. EuroMed Training of Trainers Manual;
5. EuroMed Training of Trainers Curricula.

## 1. CRIMEX DOCS

One of the main achievements of the CrimEx activity consists in the drafting of the CrimEx docs, which are "*pioneer documents*" in the Euro-Mediterranean region and constitute major analytical, comparative and practical tools for cross-regional cooperation in criminal matters.

The CrimEx docs would not exist without the positive atmosphere, the trust, and the confidence progressively installed amid the dialogue of the CrimEx members with Eurojust, the EJM Secretariat and Contact Points, UN-CTED, UNODC, IAP, EU Member States liaison magistrates, contact points, judges, prosecutors and legal advisors.

The CrimEx docs are designed to be used by central and other competent national judicial authorities, criminal justice practitioners, including judges and prosecutors who are involved in international legal assistance.

### WHAT ARE THE CRIMEX DOCS?

**EUROMED FICHES** – It is a comparative tool providing information on the SPCs' legal procedures and institutions active in the cooperation in criminal matters and, in particular, on the investigative methods or techniques that could be used in gathering cross-border evidence.

**LEGAL AND GAPS ANALYSES** – They are comparative tools regarding the SPCs' *legislation, procedures and practice* comparing the differences and similarities between national legislations and proceedings of the SPCs, mapping the status of ratification and implementation of relevant bilateral or multilateral treaties and conventions. The L&G assess the capacities existing in the SPCs with regard to the multidisciplinary investigation and prosecution of complex transnational judicial cases.

The Legal and Gaps Analyses **MODULES** refer to: Mutual Legal Assistance in criminal matters, Confiscation of the Proceeds of Crime, Assets Recovery and Joint Investigation Teams, Extradition, Transfer of Criminal Proceedings, Transfer of Sentenced Persons, Special Investigations Techniques, Cybercrime, Terrorist Financing, Countering Terrorism - Scope of

terrorist offences, Action plans for the prevention of violent extremism; Foreign terrorist fighters.

**HANDBOOK on judicial cooperation in criminal matters** – it offers systematic guidance on the best practices for initiating and following-up on official/formal cooperation procedures as a requested and requesting State. It contains the contact details of the SPCs contact points, case studies, as well as the best practices from organisations specialised in the field of international cooperation in criminal matters.

**EuroMed MANUAL on Digital Evidence** – EuroMed practical guide to lawfully request and gather electronic evidence, often located in other jurisdictions or in the cloud. The Manual drafted by the EuroMed Justice and Police experts, in coordination with UNODC, CTED, and IAP, is based on the SPCs legal framework, national practical experiences, and the existing EuroMed Justice legal and gaps analyses in this area. The Manual supports the identification of steps to be taken at the national level to gather, preserve, and share digital evidence with the overall aim of ensuring effective MLA practice. The practical guide will include a list of country-specific focal points, legal frameworks, and practical requirements for effective informal and formal MLA cooperation.

## 2. TRAINING NEEDS ANALYSES, MANUAL, METHODOLOGY AND CURRICULA WERE DISCUSSED DURING THE 7<sup>TH</sup> CRIMEX IN LUXEMBOURG

The CrimEx members, in close cooperation with representatives of the judicial training schools from the SPCs (Algeria, Israel, Lebanon, Morocco, Palestine, and Tunisia) and from EU Member States (Belgium, Portugal, and Spain), together with the European Judicial Training Network (EJTN), UNODC, CoE-HELP Program, the International Association of Prosecutors (IAP), the Siracusa International Institute, and the Euro-Arab Judicial Training Network:

- Agreed that there is a **need for specialized training** in international judicial cooperation in criminal matters. It was also mentioned that, even in the countries where such training courses exist, some important gaps remain.
- Regarding the **scope and content** of the training materials and activities, it was stressed that they should be cross-regional and therefore address the needs and priorities that are common to the SPCs and the EU: the use of the existing international instruments and networks relating to international judicial cooperation in criminal matters; cooperation in the absence of treaty framework, on the basis of comity and reciprocity; the exchange of best practices from various countries, including European countries.
- Concerning the **methodology**, the debates focused on, *inter alia*, whether the training should be online or face-to-face and whether it should be skills-oriented or knowledge-based. In particular, new methodologies were highlighted and some participants underlined the necessity to focus more on workshops rather than lectures, and to ‘learn by doing’.
- The usefulness of the **CrimEx documents** has been stressed and the need to use these practical instruments in the future training activities relating to international judicial cooperation in criminal matters in the SPCs. The participants considered that the EuroMed Justice experts should work on the existing CrimEx documents and the questionnaires and use them as the basis of the future training materials.
- The participants also discussed the **profile of the trainers** and agreed that they should be practitioners involved in international judicial cooperation in criminal matters in their daily

practice, not academics. They also emphasized that the training of trainers is of particular importance, since judges and prosecutors are not necessarily acquainted with teaching methods. The participants underlined that the CrimEx members should be trainers in the future EuroMed ToT activity - they are experts working in this field in their daily practice and, thanks to the work developed within the frame of EuroMed Justice, they are familiar with the existing international and European tools and networks; they also participated in the drafting of the CrimEx documents and know how to appropriately use them; many of them already teach in the judicial schools of their respective countries.

- As for the **profile of the trainees**, the group target of the training will differ depending on the internal structure of the country at stake.

These discussions already produced some **results**, as some SPC judicial schools (ex: Algeria, Israel, Morocco, and Tunisia) informed that they were envisaging to include modules/sessions on international judicial cooperation in criminal matters in their training programmes and that they would use the CrimEx documents in this sense.

## PARTICIPANTS

- CrimEx Members who are also trainers within the SPCs judicial training schools
- Senior Lecturers or Senior Trainers from each the SPCs judicial training schools with appropriate knowledge and experience in the field judicial cooperation in criminal matters;
- Senior representatives – director, deputy director – from the management of the SPCs judicial training schools
- Main Stakeholders Representatives: Council of Europe - Human Rights Education for Legal Professionals (HELP), the International Association of Prosecutors (IAP), the Siracusa International Institute for Criminal Justice and Human Rights, and the Malta International Institute for Justice and the Rule of Law (IIJ);
- EU Judicial Training Schools.

## METHODOLOGY

EuroMed Short Term Experts will train the participants based on the training documents built around the 5 pillars:

1. The CrimEx analytical documents;
2. EuroMed Justice Training Needs Analyses;
3. EuroMed Training of Trainers Methodology;
4. EuroMed Training of Trainers Manual;
5. EuroMed Training of Trainers Curricula.

The ToT Session will take place in English and French, with simultaneous interpretation in Arabic, English, and French.

## EXPERTS

- **EU Agencies and International Organisations and Institutions:**
  - *Ms. Eva PASTRANA*, Head of HELP Unit (Human Rights Education for Legal Professionals), Council of Europe
  - *Mr. Thomas WUCHTE*, Executive Director - International Institute for Justice and the Rule of Law
  - *Ms. Allison CURTIS*, International Institute for Justice and the Rule of Law
  - *Ms. Edith VAN DEN BROECK*, Senior Prosecutor – IAP Senior Legal Advisor
  - *Mr. Tobias FREEMAN*, Senior Legal Officer, Siracusa Institute
  
- **EuroMed Justice Key Experts:**
  - *Mrs. Victoria PALAU* – Team Leader (FIIAPP - Spain)
  - *Mr. Virgil IVAN-CUCU* – Capacity Building Expert (EIPA - Luxembourg)
  - *Ms. Dania SAMOUL* – Coordinator (FIIAPP – Spain)
  
- **EuroMed Justice Experts:**
  - *Mr. Mohamed Elewa BADAR (United Kingdom)*, Professor of Comparative and International Criminal Law & Islamic Law Northumbria University
  - *Mr. Dragomir YORDANOV (Bulgaria)*, Former Director of the Bulgarian National Institute of Justice.
  - *Mr. Jose María FERNÁNDEZ (Spain)*, Spanish Liaison Magistrate in Morocco. Former head of the International Relations at the Spanish Judicial School.
  - *Ms. Rasha HAMMAD (Palestine)*, Director of the Palestine Judicial Institute member of the Euro-Arab Network of Judicial Training (EANJT)
  - *Mr. Abdelhnine TOUZANI (Morocco)*, Director of Studies, of Research and Cooperation at the Moroccan *Institut Supérieur de la Magistrature* – member of the Euro-Arab Network of Judicial Training (EANJT)

# PROGRAMME

TUESDAY 16<sup>th</sup> OCTOBER 2018

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09.00 – 09.15 **Opening and welcome**

*Mr. Reinhard UHRIG*, Director International Institute for Justice and Rule of Law, Malta

09.15 – 09.30 **Introduction to the Training of Trainers Session by the EuroMed Justice Key Experts**

- Presentation of the ToT Session
- Presentation of the CrimEx docs
- Introduction of the ToT documents

09.30 – 10.30 **Key issues for EuroMed cooperation within the CrimEx Legal and Gaps Analyses on Extradition, Transfer of Criminal Proceedings, Transfer of Sentenced Persons and the Handbook on judicial cooperation in criminal matters – Special Presentation**

*Professor Mohamed Elewa BADAR*

10.30 – 11.00 ***Questions and answers***

*11.00 – 11.20 Coffee Break*

11.20 – 12.00 **General Introduction by the EuroMed Justice Experts of the Training Needs Analyses, and the Training of Trainers Manual, Methodology, and Curricula**

*Mr. Dragomir YORDANOV*  
*Mr. Jose María FERNÁNDEZ*  
*Ms. Rasha HAMMAD*  
*Mr. Abdelhnine TOUZANI*

12.00 – 13.00 **Analysis of the Training Needs in cooperation in criminal matters**

*Mr. Dragomir YORDANOV*

*13.00 – 14.15 Lunch Break*

14.15 – 15.15 **Training of Trainers Methodology**

*Ms. Rasha HAMMAD*

*15.15 – 15.40 Coffee Break*

15.40 – 16.40 **Siracusa International Institute for Criminal Justice and Human Rights**

*Mr. Tobias FREEMAN*

16.40 – 17.00 Questions and answers

17.00 End of the 1<sup>st</sup> day

## WEDNESDAY 17<sup>th</sup> OCTOBER 2018

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09.00 – 10.30 Training of Trainers **Manual**

*Mr. Abdelhnine TOUZANI*

10.30 – 11.15 Training of Trainers **Curricula**

*Mr. Jose María FERNÁNDEZ*

*11.15 – 11.40 Coffee Break*

11.40 – 12.30 Training of Trainers **Curricula – continuation**

*Mr. Jose María FERNÁNDEZ*

*12.30 – 14.00 Lunch Break*

14.00 – 14.45 Debates on the content the EuroMed ToT materials – dialogue between the representatives of the SPCs, EuroMed Experts, and participating institutes and organisations

*14.45 – 15.15 Coffee Break*

15.15 – 16.15 The way forward: practical use of the EuroMed ToT materials - dialogue between the representatives of the SPCs, EuroMed Experts, and participating institutes and organisations

17.00 End of the 2<sup>nd</sup> day



## THURSDAY 18<sup>th</sup> OCTOBER 2018

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09.00 – 10.00 **Council of Europe Human Rights Education for Legal Professionals - HELP**

*Ms. Eva PASTRANA*

10.00-10.15 **Closing speech**

*H.E. Dr. Owen Bonnici, Minister of Justice of Malta*

10.15 – 10.30 **Questions and answers**

10.30 – 11.15 **MALTA International Institute for Justice and the Rule of Law - Cooperation between Central Authorities**

*Mr. Thomas WUCHTE*

*Ms. Allison CURTIS*

11.15 – 11.30 **Questions and answers**

*11.30 – 12.15 Coffee Break*

12.15 – 13.00 **International Association of Prosecutors (IAP)**

*Ms. Edith VAN DEN BROECK,*

13.00 – 13.15 **Questions and answers**

*13.15 – 14.30 Lunch Break*

14.30 – 15.15 **Presentation of the Joint EuroMed Justice and Police Digital Evidence Manual**

*Mr. Virgil IVAN-CUCU*

15.15 – 15.30 **Questions and answers**

15.30 – 16.00 **Conclusions, ToT evaluation, and closing remarks**

**16.00 End of the ToT Session**

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