



CRIMEx Session Nº 9

9-11 April 2019

BUCHAREST, ROMANIA



1. The Concept of EuroMed Justice Expert Group in Criminal Matters – CrimEx

Two years passed since the first CrimEx session in Madrid, March 2019 to the 9th CrimEx in Bucharest, April 2019, full of achievements and several milestones!

CrimEx was placed by the EuroMed Justice at the core of the emerging judicial and law enforcement **cross-regional mechanism** of cooperation and coordination playing a crucial role during the entire process.

CrimEx members – *medium to high level judges, prosecutors, and advisors from the justice ministries* - have been designated by the national judicial authorities from South Partner Countries according to the criteria defined by EuroMed Justice in consultation with Eurojust and the EJM in criminal matters.

Therefore **CrimEx** exercises the cross-regional ownership in the implementation of the Euro-Mediterranean judicial cooperation, in drafting and upgrading EuroMed tools for cooperation, interacting with other judicial networks, in training activities and the monitoring of the results.

Benefiting from the permanent support of Eurojust, EJM, UN-CTED, UNODC, IAP and the coordination with other projects such as EuroMed Police, Cyber South, CT MENA, HELP CoE or Interpol South, **CrimEx** functions as a real think-tank and a cross-regional forum building the trust and mutual confidence, exchanging good practices and lessons learned, conducting thorough analyses of the situation in each SPC and in the whole region, and setting up specific recommendations, guidelines, manuals, studies and researches.

There have been eight CrimEx meetings and two special sessions since the 1st CrimEx organised in Madrid on 14-16 March 2017.

Both EU agencies EJM and Eurojust support the activities of the **EuroMed Justice Expert Group in Criminal Matters – CrimEx**, advising on the creation of a EuroMed Network for judicial cooperation.

Some of the CrimEx members become Eurojust and EJM contact points and the main constituents of the national and regional platforms of cooperation in criminal matters.

3. Milestones in the CrimEx Works (March 2017 - November 2018) EuroMed Justice Tools

3.1. "CrimEx Documents"

Legal and Gaps Analyses on:

- I. Mutual Legal Assistance in criminal matters
- II. Confiscation of the Proceeds of Crime and Assets Recovery
- III. Extradition, Transfer of Criminal Proceedings, Transfer of Sentenced Persons
- IV. Special Investigations Techniques
- V. Cybercrime
- VI. Terrorist Financing

- VII. Countering Terrorism
 - a. Scope of terrorist offences
 - b. Action plans for the prevention of violent extremism
 - c. Foreign terrorist fighters

EuroMed Fiches, using the model of *EJN Fiches Belges*.

Handbook on judicial cooperation in criminal matters.

They are "pioneer documents" in the Mediterranean region and constitute major practical tools for cross-regional cooperation in criminal matters. The final version will be delivered in early 2019.

3.2. EuroMed Manual on Digital Evidence

The first EuroMed Conference on Digital Evidence, jointly organised in Lisbon from 23 to 25 April 2018 by EuroMed justice, EuroMed Police, CTED, UNODC, with the support of Eurojust and EJN, represented a key phase for the improvement of judicial and law enforcement cooperation between the EU Member States and the South Partner Countries. The Lisbon EuroMed Conference on Digital Evidence provided the judicial and investigating authorities with the EuroMed Manual on Digital Evidence containing the tools to secure and obtain cross-border electronic evidence quickly and effectively. In September 2018, the EuroMed Manual on Digital Evidence was launched in New York during a side event to the 73rd session of the UN General Assembly.

3.3 Train of Trainers Materials

Upon the information and needs analysis provided by the SPCs, CrimEx members together with European and Mediterranean experts drafted EuroMed Justice training documents. The following documents dedicated to the judicial cooperation in criminal matters reflect and follow the content of the CrimEx Documents and the EuroMed Manual on Digital Evidence:

1. **The Training Needs Analysis**,
2. **Train of Trainers Methodology**,
3. **ToT Manual**
4. **ToT Curricula**

They represent an important step in the transition process from the analytical phase and development of the CrimEx docs towards the strengthening of the SPCs capacities of judicial cooperation in criminal matters. The ultimate objective is two folded: 1) SPCs Judicial Schools will introduce modules of international cooperation in criminal matters in their curricula and 2) the EU Judicial Schools and EJTN will train judges and prosecutors taking into account the unique analytical content of the CrimEx Docs and the EuroMed Manual on Digital Evidence

4. National coordination

The "**Roadmap on national coordination**" (CrimEx 2 – **Maastricht Road Map**) proposed measures that several countries have already implemented for the improvement of the communication and cooperation among judicial authorities. A reporting mechanism has been created within CrimEx.

5. Judicial networks. Tallinn crossroads and turning point. CrimEx as a facilitating platform.

The participants in the CrimEx 4 discussed the different models of regional judicial networks. According to the **Tallinn Roadmap**, the CrimEx, in close cooperation with Eurojust, EJN, UNODC, and IAP, should continue the exploration of the avenues for its evolution towards a permanent and sustainable EuroMed Justice mechanism of cooperation in criminal matters. The 4th CrimEx Session and its participation in the 49th EJN Plenary Meeting were, jointly, and back to back, organised with the EJN under the auspices of the EU Estonian Presidency. This event represents another important

advancement in the recognition of the CrimEx as a partner by the EU agencies; EuroMed Justice's CrimEx attended an EJM Annual Plenary Meeting for the first time. The CrimEx members learnt and discussed the different models of judicial networks.

The CrimEx has become a platform and a facilitator for cross-regional cooperation, helping to connect judicial contact points and networks and to solve several concrete cases.

6. EuroMed Forum of Prosecutors General

On 23rd January 2018, a historic moment, a cornerstone and an essential step have been marked in Madrid with the first meeting of the EuroMed Forum of the Prosecutors General, prepared by a Special CrimEx session the day before.

Following the first meeting of the Forum, the CrimEx and General Prosecutors representatives pursued the discussions and consultations regarding a possible framework for the EuroMed Forum of Prosecutors General according to their respective competences.

The participants in the 8th CrimEx session continued the exploration of the avenues to build a high level of trust, confidence and coordination, with the aim of organising the 2nd meeting of the EuroMed Forum of Prosecutors General. The 8th CrimEx agreed on two working documents one summarising the positions expressed by the participants on the framework of the EuroMed forum of prosecutors general and the so called **Barcelona Recommendation regarding a EuroMed Platform of judicial cooperation – managing the cooperation between judicial networks and platforms – CrimEx sustainability, CrimEx Achievements and Milestones.**

The second meeting of the EuroMed Prosecutors General Forum, hosted by Eurojust took place after one year from 30 to 31 January 2019, prepared by another special CrimEx Session on 29 January 2019 . The second Forum adopted the **General Rules for the Organisation of the Forum**, discussed the relevant regional and cross-regional crime trends and the appropriate investigative and prosecutorial measures to counter them, and the relevant legal issues affecting the work of the prosecutorial authorities, as well as to share experiences and good practices and to formulate common observations and opinions.

Follow up of Barcelona Recommendations

CrimEx the EuroMed Platform of judicial cooperation – managing the cooperation with other judicial networks and platforms – CrimEx sustainability

1. The building blocks of the Euro-Mediterranean cross-regional mechanism of judicial cooperation, having CrimEx as its cornerstone, are in place. However, more time and joint efforts are needed to mature this mechanism and to strengthen the strategic and possible operational cooperation between national judicial authorities from SPCs as well as with EU MS and EU Agencies.
2. The CrimEx and EuroMed Forum of Prosecutors General should continue to strengthen the cross-regional mechanism and facilitate the development of the Eurojust and EJM list of contact points in the SPCs.
3. The CrimEx should cooperate closely with the liaison magistrates present in the SPCs and with Eurojust and EJM contact points.
4. The CrimEx should promote the establishment of the national CrimEx Contact Points/Advisors and the national CrimEx coordination system composed of the representatives of national central authorities, judges, and prosecutors who can be contacted regarding any question concerning international judicial cooperation and provide legal and practical information to prepare an effective request and improve cooperation in general
The main tasks of the National CrimEx contact points/ advisors are the following:
 - I. To maintain a close and efficient cooperation between CrimEx members and their respective national judicial authorities.
 - II. To assist the CrimEx Members with legal and practical advices and the identification of the relevant authorities for the execution of MLA requests and the decisions on judicial cooperation, opening the proper channels for assistance in order to avoid delays and duplication of efforts;
5. The consolidation of the work done by the CrimEx so far by:
 - I. Fostering operational, strategic, and coordination meetings among judicial authorities in the Euro-Mediterranean region.
 - II. Exploring the possibility of short-term exchange programmes between SPCs and EU MS, EU agencies, and international organisations.
6. The CrimEx should intensify the work and contacts with the legal drafters within the Ministries of Justice to update and amend the laws following the CrimEx legal and gaps analyses.
7. CrimEx members should disseminate the CrimEx documents at national level, promoting their use by justice professionals:
 - I. as operational tools – interconnection with existing tools
 - II. as content for training activities on judicial cooperation in criminal matters in SPCs and the EU
8. Updating the CrimEx documents is a main task for the CrimEx members
9. Other proposals

DOCUMENTS DEBATED AND ADOPTED BY CRIMEX: 2017 – 2019

FOUNDATION

1. CrimEx Goals and Methodology
2. CrimEx General Tasks
3. CrimEx Specific Tasks
4. Organisation of CrimEx Sessions

Approved in the 1st CrimEx from 2017, Madrid

ROADMAPS AND DECLARATION

1. Maastricht Roadmap on National Coordination
2. Tallinn Roadmap towards EuroMed Judicial Platforms

Approved in the 6th CrimEx from 2018, Lisbon

3. Draft Declaration of the 1st EuroMed Forum of Prosecutors General
4. Draft Roadmap towards the EuroMed Forum of Prosecutors General

Agreed in the Special CrimEx from 2018, Madrid

RECOMMENDATIONS

5. Barcelona Recommendations on the CrimEx future and sustainability

Approved on 2018 in the 8th 2018 Barcelona CrimEx

6. Recommendations on the rule of organisation of the EuroMed Forum of Prosecutors General

Agreed in The Hague 2019 CrimEx Special Session

EUROMED TOOLS ON JUDICIAL COOPERATION IN CRIMINAL MATTERS

7. CrimEx docs
8. Digital Evidence Manual – 2018 Lisbon Conference
9. Train of Trainers Materials – 2018 CrimEx No7 Luxembourg