



## **EUROMED FORUM OF PROSECUTORS GENERAL**

### **GENERAL RULES FOR THE ORGANISATION OF THE FORUM**

*Agreed on 31 January 2019*

#### **Preamble**

Since the 1950s, international law has developed, at multilateral level, principles on judicial and law enforcement cooperation in criminal matters. Furthermore, formal cooperation frameworks, whether international or regional, and informal cooperation mechanisms have been developed alongside. Informal cooperation practice could be said to exist to compensate for the shortcomings of formal frameworks.

Transnational criminal law with its multifaceted relationships between individual states has fragmentary international guidance. The United Nations, the Council of Europe, the European Union and the League of Arab States play an important role in the harmonization process of the different cross-border relationships addressing the difficulties stemming from legal diversity in the area of transnational crime.

International instruments and Security Council Resolutions oblige Member States to criminalise certain activities of a harmful cross-border nature or effect and take a number of procedural steps in order to enable cooperation with other States in the suppression of these crimes. Attention is focussed on an enlarged range of offences including terrorism, transnational organised crime, corruption, money laundering, cybercrime, human trafficking, smuggling of migrants, illegal drug trafficking, and weapons trafficking.

Several European and international instruments contain prominent principles regarding the role of the prosecution authorities that are positively applicable to the EuroMed Forum of Prosecutors General. In particular, the *1990 U.N. Guidelines of the Role of the Prosecutors, complemented by the IAP 'Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors and, the Recommendation Rec (2000)19 of the Committee of Ministers of the Council of Europe on the Role of the Public Prosecution in the Criminal Justice System and the distinctive Opinions of the Consultative Council of European Prosecutors*<sup>1</sup> should be mentioned.

Moreover, the UN Convention against Transnational Organised Crime and its three supplementary Protocols, the UN Convention against Corruption, the relevant Resolutions of the UN Security Council against terrorism (including resolutions 1373 (2001), 1624 (2005), 2178 (2014), 2322 (2016), and 2396 (2017)), the 19 universal Conventions and Protocols against terrorism, and the UN Global Counter-Terrorism Strategy (2006) as reviewed, are fundamental instruments which should support the EuroMed Forum of Prosecutors General to strengthen international judicial cooperation in criminal matters.

***Being aware of the Madrid Declaration and Roadmap agreed on 23 January 2018 during the 1<sup>st</sup> meeting of the EuroMed Forum of the Prosecutors General,***

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<sup>1</sup> No.1 (2007) on "Ways to improve international co-operation in the criminal justice field"; No. 9 (2014) on "European norms and principles concerning prosecutors"; No. 11 (2016) on the quality and efficiency of the work of prosecutors, including when fighting terrorism and serious and organised crime and the most recent Opinion adopted in November 2018 on independence, accountability and ethics of prosecutors.

<https://www.coe.int/en/web/ccpe/opinions/adopted-opinions>

**Taking into consideration** the results of the consultations organised in Barcelona from 12 to 15 November 2018 and in The Hague on 29 January 2019, between the CrimEx, the representatives of the Prosecutors General and of international stakeholders – Eurojust, EJM, UNODC, CTED, IAP - following the provisions of article 8 of Madrid Declaration and article 5 of the Roadmap,

**Recognising** the potential benefits and the relevant contribution in combating transnational crime in the close cooperation with Eurojust, European Judicial Network in criminal matters (EJM), the United Nations Counter-Terrorism Executive Directorate (UN CTED), the United Nations Office on Drugs and Crime (UNODC), the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, the NADAL Network of Prosecutors General, and the International Association of Prosecutors (IAP),

The Prosecutors General, Attorneys General and Directors of Public Prosecutions participating in the 2<sup>nd</sup> Meeting of the EuroMed Forum of Prosecutors General convened on 30 and 31 January 2019 in The Hague

**In full respect of national laws  
Have agreed upon the following**

## **GENERAL RULES FOR THE ORGANISATION OF THE FORUM**

1. The Madrid Declaration and Road Map of 23 January 2018 constitute the precursor documents on which the EuroMed Forum of Prosecutors General (hereinafter the Forum) is built upon.
2. The Forum constitutes an informal and consultative mechanism for coordination and dialogue to build at a high-level the trust and confidence, aimed at enabling EU Member States and South Partner Countries (SPCs) to enhance cross-border (*South-South*) and cross-regional (*South-North*) judicial cooperation.
  - (a) The Forum shall offer to the Prosecutors General, Attorneys General and Directors of Public Prosecutions the possibility to meet and discuss the challenges in the area of international cooperation and to identify the possible solutions.
  - (b) *Per se*, the Forum shall not decide on concrete cases or operations.
3. The Forum main objectives are:
  - (a) To facilitate successful cooperation in cross-border investigations and prosecutions.
  - (b) To identify and discuss prosecution-related difficulties, challenges, and obstacles of legal or practical nature between prosecution authorities from the European Union and SPCs and, consequently, recommend the possible solutions through cooperation.
  - (c) To encourage the implementation of the relevant international and regional legal instruments for combating, *inter alia*, serious and organised crime, terrorism, smuggling of migrants, human trafficking, cybercrime, money laundering, corruption, as well as of the instruments regarding assets recovery, the preservation, gathering and admissibility of evidence, in particular digital evidence as far as it is consistent with the protection of fundamental rights and personal data.
4. To achieve these objectives the Forum will:
  - (a) Contribute to the development, between prosecution authorities, of informal or formal contacts, as appropriate; informal cooperation connects with, complements and prepares the success of formal cooperation; formal and informal cooperation are not excluding each other.

(b) Periodically discuss the relevant regional and cross-regional trends of cross-border crime and the appropriate investigative and prosecutorial measures to counter them.

(c) Present the impact of international cooperation in cross-border crime on the work of the prosecutorial authorities.

(d) Share experiences and good practices on judicial cooperation in criminal matters, and in the use of mutual legal assistance instruments and special investigation techniques for the investigation and prosecution of serious and organised crime.

(e) Promote the use of the CrimEx Docs by the prosecutors and the progressive updating of the EuroMed Justice Cooperation tools developed by the CrimEx, including the EuroMed Fiches, the Legal and Gaps Analyses, the Handbook and the Digital Evidence Manual, after their validation by the National Authorities.

(f) In relation to the above-mentioned activities, the Forum, by consensus, formulates observations or opinions, which are not obligatory.

(d) The Forum will not replace the International Mutual Legal Assistance mechanisms and will avoid interfering with the prerogatives of the national judicial authorities.

#### 5. Forum cooperation with other platforms and international organisations

(a) The Forum is open to cooperate, inter-connect, create synergies and exchanges with other judicial cooperation platforms. Their participation in the Forum meetings will be ensured as agreed by the Prosecutors General and the representatives of the Ministry of Justice, where applicable.

(b) The Forum may be able to cooperate with the EU and international organisations, with the exception of the cases when the Forum will agree otherwise.

(c) The possibility of concluding Memorandums of Understanding or agreements with other platforms, the EU, and international organisations remains open to Forum discussions.

6. One or several *Forum Contact Points* with expertise in judicial cooperation in criminal matters shall be appointed. Through consultations between the *Forum Contact Points*, the Prosecutors General, Attorney Generals and Directors of Public Prosecution will:

(a) Ensure communication, contacts and exchange of documents.

(b) Agree on the topics to be included in the agenda of the annual meetings and on the conclusions, results, and follow up of each Forum's meeting.

(c) Agree on the establishment of Forum working groups on relevant topics.

(d) Exchange opinions on the design of the Forum's Statute if necessary.

7. The EuroMed Justice Group of Experts in Criminal Matters (CrimEx) will continue to function as the interface for the Forum and fulfil its role mentioned in articles 8 of the Madrid Declaration and 5 of the Roadmap

8. The Forum visibility may be ensured through a dedicated website and Internet applications in full respect of personal data protection and the confidentiality of contacts and communications.

9. Prosecutors' General or the representatives of the Ministry of Justice, where applicable, may choose not to be part of a Forum activity or to stop being involved in it.

10. The Secretariat

There is a need for a permanent structure to support and ensure the communication, workings and the preparation of the Forum Meetings. The links of the Forum with the EU, Eurojust and EJM must be kept. Therefore, initially maintaining the EuroMed Justice as the Secretariat of the Forum represents an option.

The Hague, the Netherlands, 31 January 2019