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TRAINING ON THE IMPLEMENTATION OF INTERNATIONAL AND EUROPEAN INSTRUMENTS OF JUDICIAL COOPERATION IN COMPLEX CROSS- BORDER CRIMINAL CASES

Syracuse (IT) , 10-12 DECEMBER 2018

PROGRAMME

Venue:

Siracusa International Institute for Criminal Justice and Human Rights

In collaboration with :



Lead Firm / Chef de file





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GENERAL PRESENTATION

The preparation of the EuroMed Justice training on the implementation of international and European instruments of judicial cooperation in complex cross-border criminal cases was built around the content of the analytical documents (the so-called CrimEx docs) developed within the project since 2017.

1. CRIMEX DOCS

One of the main achievements of the EuroMed Justice activity consist 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 established by EuroMed Justice 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 – this 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 – are comparative tools regarding the SPCs legislation, procedures and practices 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&GA 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 - offers a systematic guidance on best practices for initiating and following-up official/formal cooperation procedures as a requested and requesting State. It contains the contact details of the SPCs contact points, case studies and 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.

PARTICIPANTS

Judges, prosecutors, legal counsellors from each SPC including the staff of the competent law enforcement and investigative bodies will be involved, with a blend of legal and non-legal competences.

METHODOLOGY

The EuroMed Short Term Experts will train the participants based on the training documents built around the CrimEx analytical documents.

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

- EuroMed Justice Key Experts:
 - *Mrs. Victoria PALAU – Team Leader (FIIAPP – Spain)*
 - *Ms. Dania SAMOUL – Coordinator (FIIAPP – Spain)*

- EuroMed Justice Experts:
 - *Ms. Maria de las Heras, Director of the Centre for Legal Studies – Spain*
 - *Mr. Mohamed Elewa Badar, Professor of Comparative and International Criminal Law & Islamic Law, Northumbria University – UK*
 - *Mr. Daniel Benjamin Suter, Director of iJust International Consultants*

MONDAY 10th DECEMBER 2018

- 09.00** Meeting at the lobby of the hotel to walk together to the “Siracusa International Institute for Criminal Justice and Human Rights”
- 09.30 – 09.45 **Opening and welcome**
Siracusa International Institute for Criminal Justice and Human Rights
- 09.45 – 10.00 **Introduction to the Training Session by the EuroMed Justice Key Experts**
- Presentation of the Training Session
 - Presentation of the CrimEx docs
- 10.00 – 11.00 **Nexus between organised crime, terrorism and international crime. (1st part)**
Professor Badar will go through the UN Convention against Transnational Organised Crime as a platform for international cooperation in criminal matters and as a background for the several international organised crimes.
Professor Mohamed Elewa Badar (UK).
- 11.00 – 11.20 **Coffee Break**
- 11:20 – 12:30 **Nexus between organised crime, terrorism and international crime. (2nd part)**
Professor Mohamed Elewa Badar (UK).
- 12.30 – 13.30 **Lunch Break**
- 13.30 – 14.00 **EU cooperation with 3rd countries**
Ms. Maria de las Heras
- 14:00 – 15:00 **EU Personal Data Protection**
Ms. Maria de las Heras
- 15.00 – 15.20 **Coffee Break**
- 15.20 – 16.20 **E-Evidence. EuroMed Manual on Digital Evidence. EU Rules and Cloud Act**
Mr. Daniel Suter
- 16.20 – 17.20 **E-Evidence. EuroMed Manual on Digital Evidence. Preservation, Voluntary Disclosure and Emergency Disclosure**
Mr. Daniel Suter
- 17.30 **End of the 1st day**

TUESDAY 11th DECEMBER 2018

- 09.30 – 11.00 **Assets Recovery**
Ms. Maria de las Heras
- 11.00 – 11.20 **Coffee Break**
- 11.20 – 12.30 **E-Evidence. EuroMed Manual on Digital Evidence. Mutual Legal Assistance Request**
Mr. Daniel Suter
- 12.30 – 13.30 **Lunch Break**
- 13.30 – 14.30 **Extradition and its impediments. International human rights concerns on excessive or discriminatory punishment including death penalty. UN Core Human Rights Treaties, particularly, the ICCPR, the UN Convention against Torture and the relevant provisions of the Vienna Convention on the Law of treaties, including treaties enforcement mechanisms. (1st part)**
Professor Mohamed Elewa Badar
- 14.30 – 14.45 **Coffee Break**
- 14.45 – 15.45 **Extradition and its impediments. International human rights concerns on excessive or discriminatory punishment including death penalty. UN Core Human Rights Treaties, particularly, the ICCPR, the UN Convention against Torture and the relevant provisions of the Vienna Convention on the Law of treaties, including treaties enforcement mechanisms. (2nd part)**
Professor Mohamed Elewa Badar
- 15.45 – 16.45 **Anti-money laundering and terrorism financing**
Mr. Daniel Suter
- 17.00 **End of the 2nd day**

WEDNESDAY 12th DECEMBER 2018

- 09.30 – 10.45 **Joint Investigation Teams**
Mr. Daniel Suter
- 10.45 – 11.30 **Interactive exercises**
Mr. Daniel Suter and Professor Mohamed Elewa Badar
- 11.30 – 11.45 **Coffee Break**

11.45 – 12.45 **Interactive exercises**
Mr. Daniel Suter and Professor Mohamed Elewa Badar

12.45 – 13.45 **Lunch Break**

13.45 – 15.45 **Interactive exercises**
Mr. Daniel Suter and Professor Mohamed Elewa Badar

15.45 – 16.00 **Conclusions, evaluation and closing remarks**

16.00 **End of the Training Session**
