

COOPERATION IN THE FIGHT AGAINST SERIOUS CROSS-BORDER CRIME: ROLE AND TASKS OF EUROJUST

**VSE Annual Conference “Supporting Victims of Crime in
Europe”**

Edinburgh, 29 May – 1 June 2013

PRESENTATION OUTLINE

First Part

- Why Eurojust?
- What is Eurojust?
- Eurojust Decision
- Objectives and Competences
- Eurojust External Relations
- The ENCS
- Eurojust and Victims of Crime

Second Part

- Eurojust in Action
- Main Tools
- Case Example
- Added Value of Eurojust
- Eurojust Casework 2012

Third Part

- Eurojust Future

WHY EUROJUST?

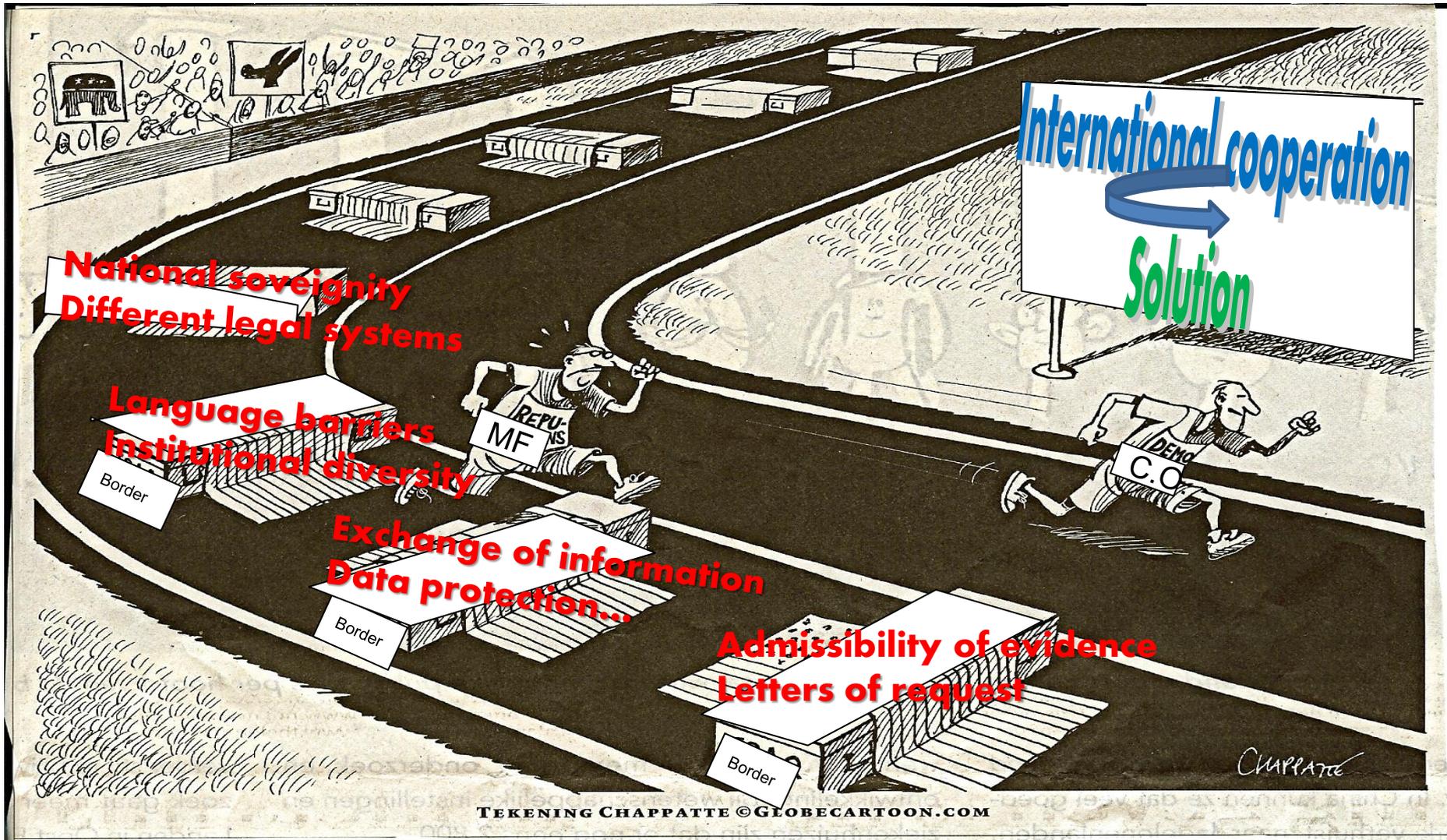


WHY EUROJUST?

Background:

- 27 Member States
- 29 Legal Systems
- 23 Languages
- Removal of border controls
- Free movement of persons, funds, goods and....crime
- Several police and judicial authorities
- Space of Freedom, Security and Justice

WHY EUROJUST?



WHAT IS EUROJUST?



- **European Judicial Cooperation Unit:**
 - **Creation:** Council Decision 2002/187/JHA - 28 February 2002
 - 1st amendment – Council Decision 2003/659/JHA
 - 2nd amendment – Council Decision 2009/426/JHA
 - Eurojust is a body of the European Union with legal personality
 - Seat: The Hague, The Netherlands
- Composed of 27 prosecutors, judges or police officers with equivalent competence
 - One nominated by each Member State
 - Organized by national desks

NEW EUROJUST DECISION

Main purposes:

- a. Strengthen Eurojust links with national authorities
- b. Enhance relations with privileged partners & third States
- c. Enhance Eurojust operational capabilities
- d. Strengthen Eurojust powers
- e. Improvement of the exchange of information

OBJECTIVES

1. To stimulate and improve the *coordination* of investigations and prosecutions between MS (Member States) competent authorities.
2. To improve *cooperation* between MS competent authorities.
3. To *support* otherwise the MS competent authorities in their investigations and prosecutions

COMPETENCES

1. Investigations and prosecutions concerning 2 or more MS

Exceptions:

- a. Cases involving a MS and a non-MS (cooperation agreement in place or essential interest)
- b. Cases involving a MS and the Community (*e.g.* PIF cases)

2. Wide range of criminal offences:

- a. Crimes & offences for which Europol has competence
- b. Other offences committed together with the above
- c. Any other types of crimes / offences upon MS request

3. Trigger for Eurojust action:

- a. Mainly upon request
- b. Also pro-actively ...

Eurojust National Coordination System (ENCS)

Aims:

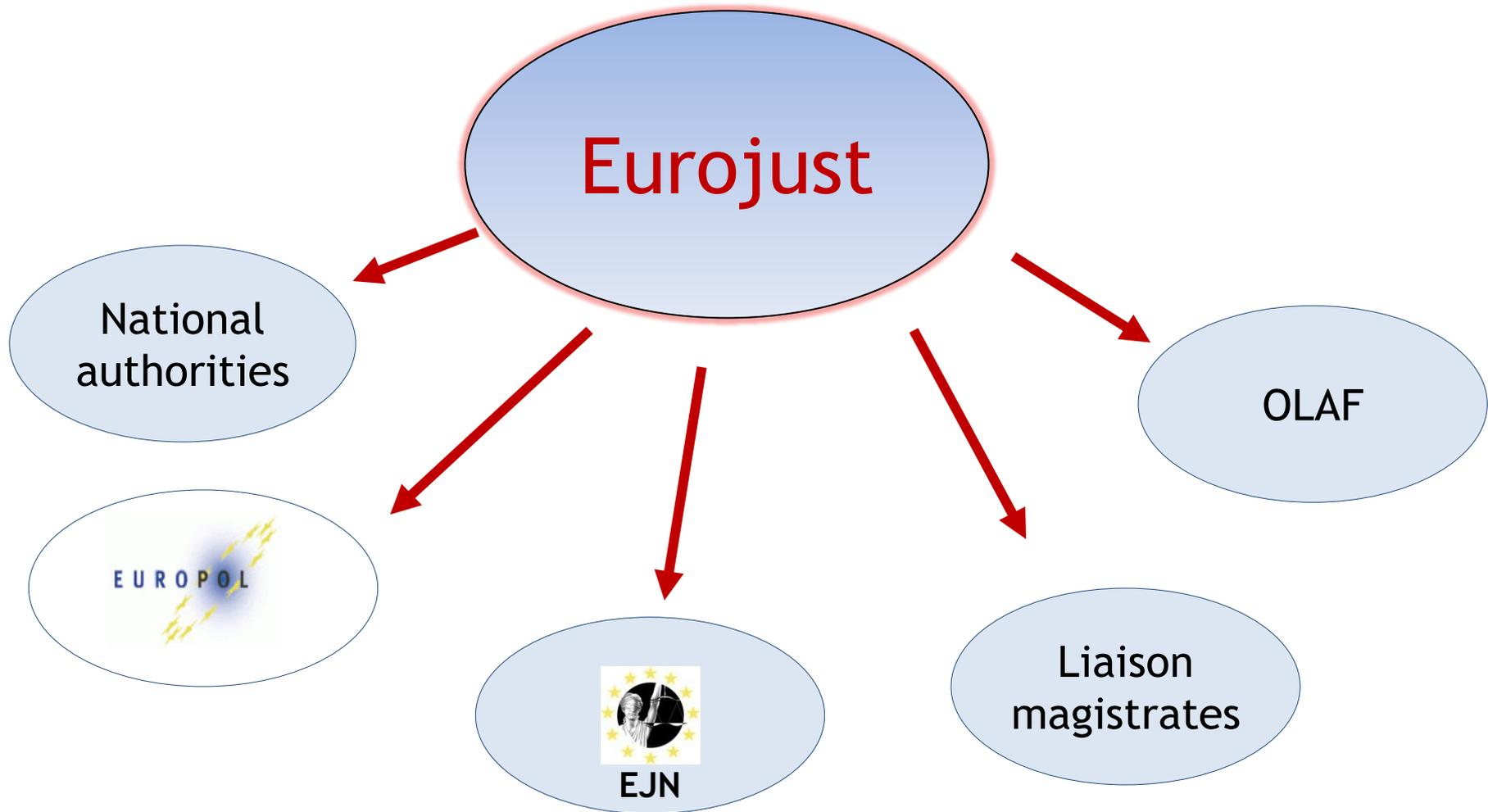
- Facilitate Eurojust tasks within the MS
- Create a link between Eurojust, the EJM, other network

Functions:

- Inform in an efficient and reliable manner
- Assist in deciding if a case should be dealt with by Eurojust or the EJM
- Identify the relevant authorities
- Maintain close relations with the Europol National Unit

ENCS Members: the national correspondents for Eurojust, the national correspondent for terrorism matters, the national correspondent for the EJM, up to three other contact points of the EJM, ...

EXTERNAL RELATIONS



Eurojust and the victims of crime

Strategic project on “*Eurojust action against trafficking in human beings*”

Main findings of the project include:

- **Victims’ testimony** is essential evidence in THB cases and relied upon heavily in criminal proceedings
- However, obtaining and maintaining **cooperation of victims** throughout the judicial process is particularly difficult
- To secure convictions, **oral evidence** from victims should be **corroborated** with other types of evidence (e.g. hearing of witnesses, special investigative techniques, financial investigations)
- **Identification** of THB cases and **victims** is problematic. Knowledge and guidelines are needed
- *Modus operandi* of THB, **changing profile** of traffickers and **victims** constitute a challenge.

Eurojust and the victims of crime

The Contact Point for Child Protection at Eurojust - since November 2007

- To represent Eurojust in child protection and related matters;
- To follow the work of national authorities, law enforcement organisations and other bodies in the field of child protection;
- To advise National Members on possible tools and handling measures to use in their casework concerning children (e.g. witness/victim protection and Interpol's database on missing children);
- To maintain a constant and updated statistical overview of all the cases dealt within Eurojust related to the topic;
- To provide support to National Desks at Eurojust on the classification of the different types of criminality related to children.

Eurojust and the victims of crime

Tactical meeting on Travelling Child Sex Offenders, 2011

- Challenge to swiftly establish contact with competent authorities in the destination country and to *identify the victims*.
- Particularly beneficial is *cooperation with local NGOs* (for identification of victims, assistance during victims' interviews, gathering of evidence etc.).
- To combat *online* sexual abuse, collaboration between the financial sector, NGOs, law enforcement and internet service providers is required.
- “child sex tourism” is not categorised as a crime in all (destination) countries, hampering investigations, and, in particular, the prosecution of attempts to commit any such offences.

SECOND PART

EUROJUST IN ACTION

- **How does Eurojust operate?**

Casework

Strategic Work

EUROJUST IN ACTION

• Tasks and Powers

Eurojust fulfils its tasks:

- Through one or more of the *National Members* concerned (Art. 6 EJD)
- As a *College* (Art. 7 EJD)
- When so requested by one or more of the NM
- When the case involves investigations or prosecutions which have repercussions at Union level
- When a general question relating to the achievement of Eurojust objectives is involved

SOME TASKS

To support national authorities' cooperation by:

- Facilitating the execution of MLA and EAW
- Giving advice and helping with the preparation, follow-up and implementation of MLA requests
- Exchanging information
- Forwarding MLA requests
- Stimulating and improving coordination between judicial authorities of the Member States

KEY IDEAS

- Coordination,
- Facilitation,
- Assistance .

EUROJUST IN ACTION

Powers common to College and NMs (Art. 6(a) and 7(a) EJD)

Eurojust may ask the competent authorities of the MS concerned:

- to investigate or prosecute specific acts
- to accept that one country is better placed to prosecute than another
- to co-ordinate with one another
- to set up a Joint Investigation Team
- to provide Eurojust with any information necessary to carry out its tasks

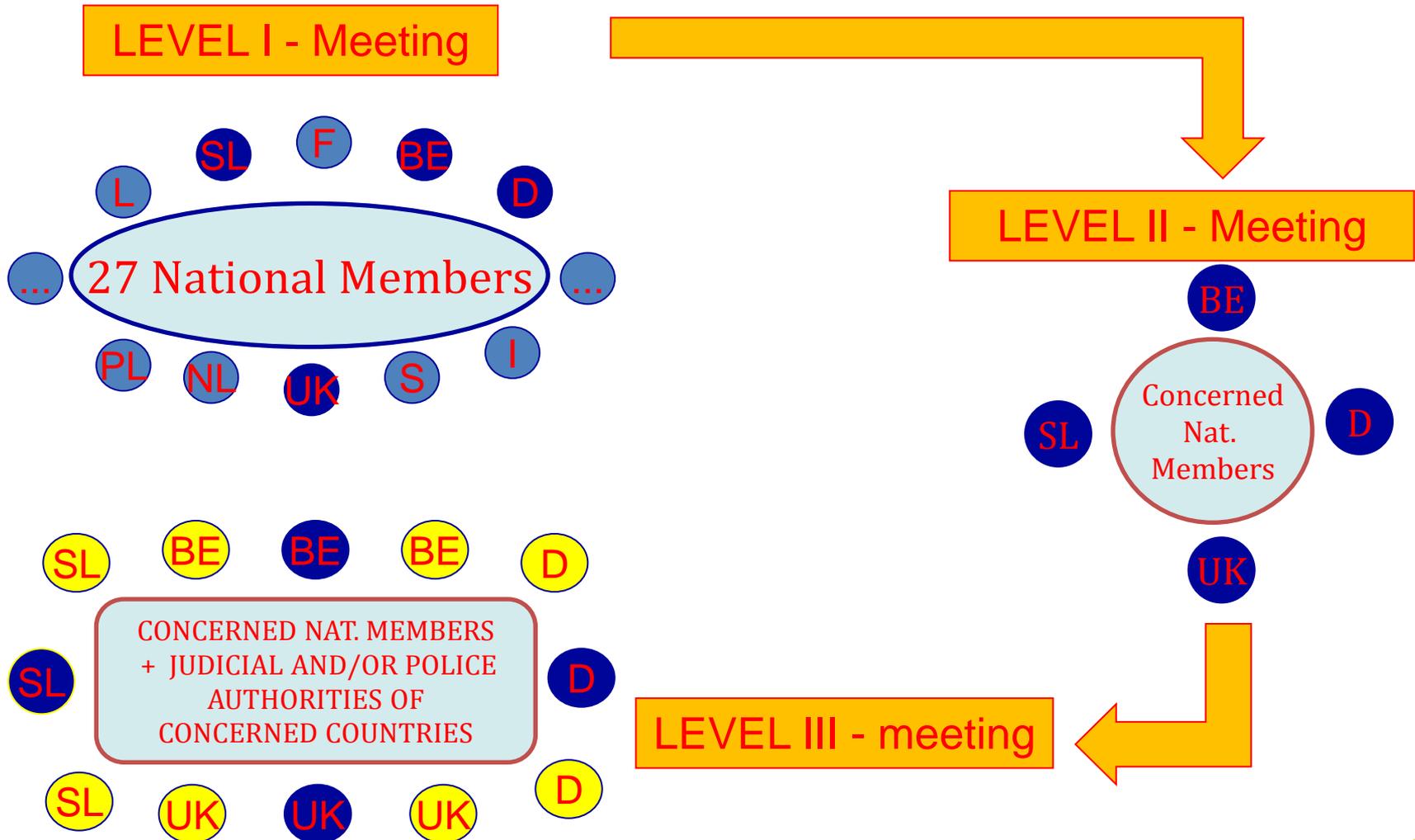
+ through its NMs (new EJ Decision):

- *to take special investigative measures*
- *to take any other necessary measure justified for investigation or prosecution*

EUROJUST IN ACTION

- **New powers of Eurojust acting as a College**
 - Resolution of conflicts of jurisdiction: written *non-binding* opinion when two or more NM cannot agree on how to resolve them (*Art. 7(2)*)
 - Resolution of difficulties or recurrent refusals concerning the execution of requests for judicial cooperation: written *non-binding* opinion (*Art. 7(3)*)

EUROJUST IN ACTION



Coordination meeting with interpretation



COORDINATION MEETING

- Coordination meeting – NMs, Public Prosecutors, Judges, Police
- Need to give very detailed information
- Need to coordinate action - house search, freezing of bank accounts etc.
- Need to solve legal problems
- Need to exchange information among states working on a same case
- Solving jurisdiction conflicts

COORDINATION MEETINGS

Number of Coordination Meetings

	<i>2011</i>	<i>2012</i>
At Eurojust	180	159
<u>Outside Eurojust</u>	<u>24</u>	<u>29</u>
<i>Total</i>	<i>204</i>	<i>188</i>

JOINT INVESTIGATION TEAMS (JITs)

Team of investigators/prosecutors/judges

- From 2 or more MS
- Based on an agreement
- To investigate offences with cross border dimension
- Specific purpose
- Limited duration

No standard JIT: each JIT varies in size, expenses and also according to the underlying national legislation (different evidential/procedural rules)

JOINT INVESTIGATION TEAMS (JITs)

Legal Basis:

- 2000 MLA Convention - Article 13
- Framework Decision on Joint Investigation Teams (2002/465/JHA, from 13 June)
- Others

Added value:

- Gathering evidence in a valid way;
- Release of information

CASE EXAMPLE

- **Background:** Extremely well-organised drug trafficking networks in various MS. Transports of heroin organised from the former Yugoslav Republic of Macedonia. Large quantities seized and OCG members arrested, but easily replaced. Need to coordinate and to promote investigations and prosecutions in FYROM
- **Eurojust Coordination Meetings (4)**
- **Outcomes:**
 - FYROM initiated criminal proceedings
 - Coordinated investigations leading to arrests and convictions
 - Solution of legal problems caused by different legal systems
 - Set up of a JIT (Joint Investigation Team) involving also FYROM
 - In addition, EJ financial support to this JIT

Source: Eurojust Annual Report 2012

ADDED VALUE OF EUROJUST INVOLVEMENT

- Collection and analysis of information coming from the Member States conducting investigations (*links, new investigation trails*)
- Coordination of activities in linked investigations, stimulating further *exchange of information* during coordination meetings, assuring the *contextual execution* of several investigation measures
- Identification of legal problems, identification of possible solutions, sharing of *good practice*
- Avoid duplication of investigations and *prevent the conflicts of jurisdiction* and “ne bis in idem”
- Facilitating the setting up of *JITs*

EUROJUST CASEWORK 2012

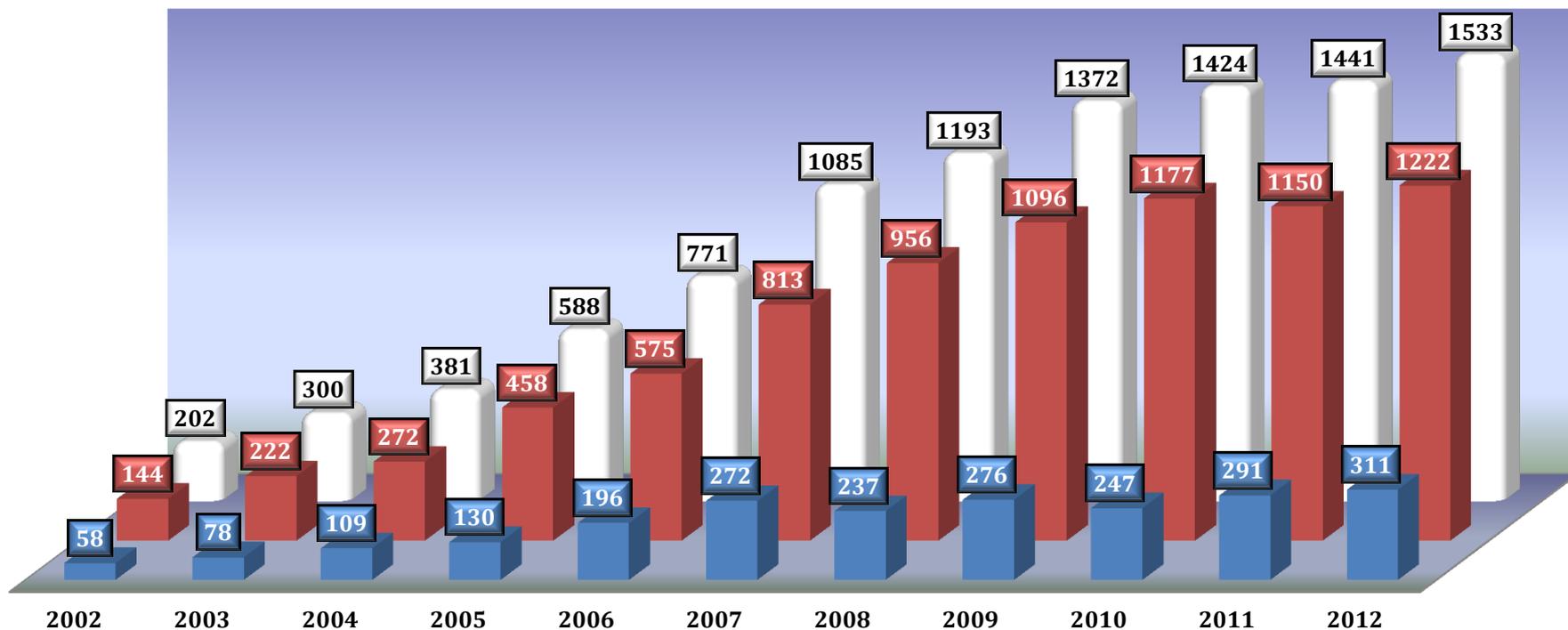
- **General problems:**

- Different legal systems (*e.g.* different rules on admissibility of evidence, different data retention rules)
- Different procedures (for house searches, hearing of witnesses)
- More practical difficulties
- Delays in the execution of MLA requests
- Limited feedback to Eurojust

- **Importance of Eurojust early involvement**

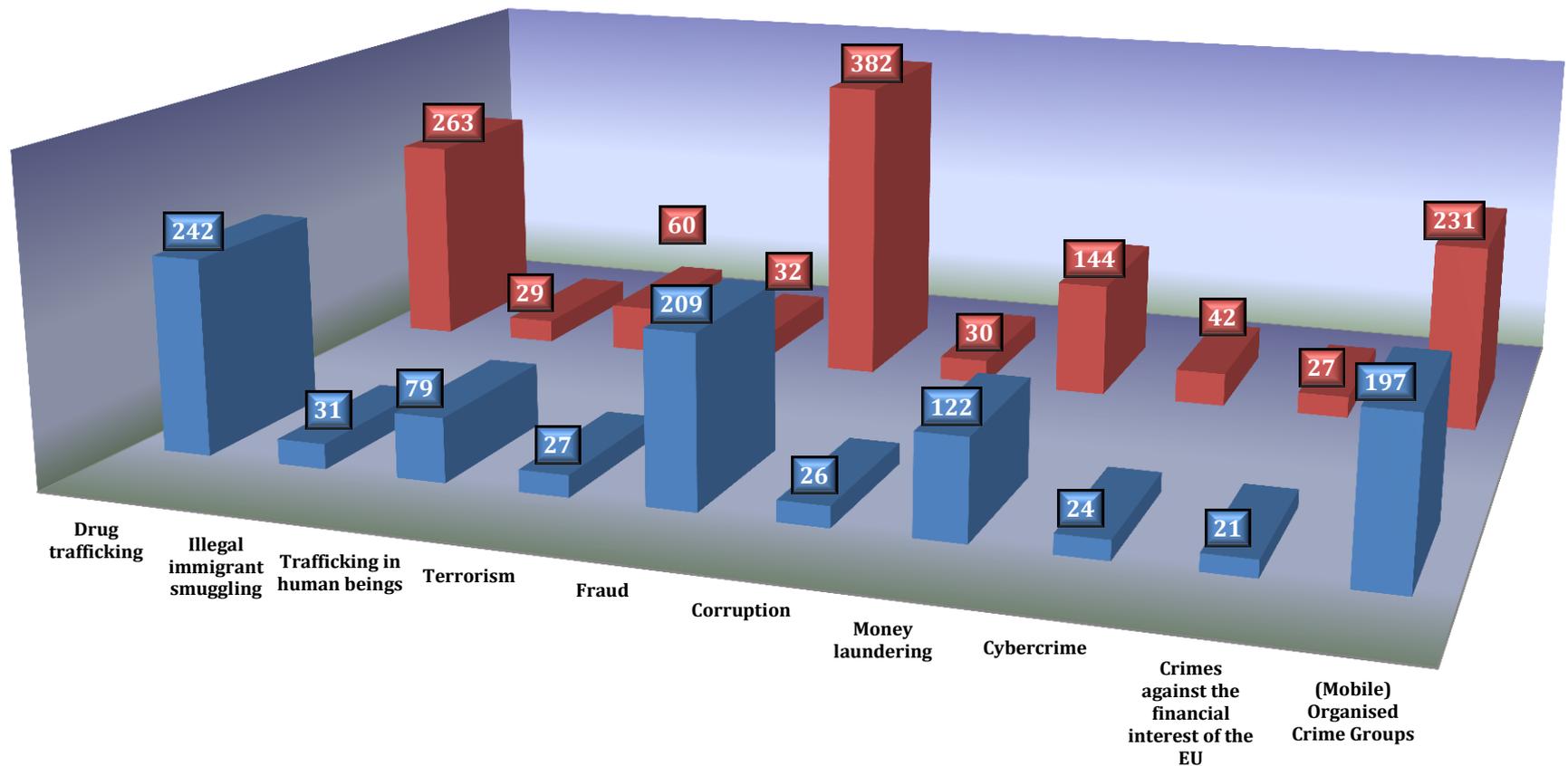
CASE EVOLUTION 2002-2012

■ Multilateral ■ Bilateral ■ Totals



EUROJUST CASEWORK 2012

■ 2011 ■ 2012



THIRD PART

EUROJUST FUTURE

- **Finalising the implementation of new Eurojust Decision**
- **Article 85 TFEU** (Treaty on the Functioning of the European Union)
- **Article 86 TFEU**

EUROJUST FUTURE

Article 85 TFEU

1. *Eurojust's mission shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.*

*In this context, the European Parliament and the Council, by means of regulations adopted in accordance with the ordinary legislative procedure, shall determine Eurojust's **structure**, operation, field of action and tasks. These tasks may include:*

- (a) the **initiation of criminal investigations**, as well as **proposing the initiation of prosecutions** conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union;*
- (b) the coordination of investigations and prosecutions referred to in point (a);*
- (c) the strengthening of judicial cooperation, including by **resolution of conflicts of jurisdiction** and by close cooperation with the European Judicial Network.*

*These regulations shall also determine arrangements for involving the European Parliament and national Parliaments in the **evaluation of Eurojust's activities**.*

2. *In the prosecutions referred to in paragraph 1, and without prejudice to Article 86, formal acts of judicial procedure shall be carried out by the competent national officials.*

EUROJUST FUTURE

Article 86(1) TFEU

*“In order to combat crimes affecting the financial interests of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure, may establish a **European Public Prosecutor’s Office from Eurojust**. The Council shall act **unanimously** after obtaining the consent of the European Parliament”.*

Article 86(1) §§ 2 and 3:

Possibility of enhanced cooperation (at least 9 Member States)

EUROJUST WEBSITE

http://www.eurojust.europa.eu/Pages/home.aspx

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Home The Stockholm Pr... Home History of Eurojust

European Union's
ial Cooperation Unit

Welcome to Eurojust

Latest press releases

Major hit on international Albanian organised crime network
11 / 04 / 2013 An organised criminal network of Albanian speaking criminals, suspected of illegally trafficking drugs with links to trafficking in human beings for prostitution, has been dismantled with the support of Eurojust and Europol. 19 persons were arrested yesterday during a joint action day which involved judicial and law enforcement authorities in Italy, Belgium, the Netherlands, France and Albania ... [read more](#)

Information for Practitioners

On-Call Coordination
Requesting Eurojust assistance in urgent cases on a 24-hour, 7-day basis ... [read more](#)

- Joint Investigation Teams (JITs)
- JIT Funding Project
- European Judicial Network
- Genocide Network
- JITs Network
- Child Protection at Eurojust
- Independent Joint Supervisory Body

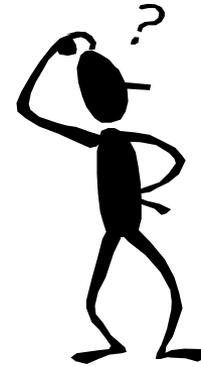
Latest news from Eurojust

Eurojust hosts the visit of the EU Anti-trafficking coordinator Myria Vassiliadou
10 / 04 / 2013 Ms Vassiliadou spent the day meeting with the College of Eurojust, the Presidency Team and the Trafficking and Related Crimes Team. Ms Vassiliadou expressed her wish to discuss the possibilities for stepping up the fight against trafficking in human beings. She emphasized the importance of successful THB prosecutions in the Member States and the essential role of Eurojust in facilitating international judicial cooperation. ... [read more](#)

<http://www.eurojust.europa.eu/Pages/home.aspx>



Almost at the end ...



QUESTIONS?

**THANK YOU VERY MUCH
FOR YOUR ATTENTION!**



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