

**Minutes from the Fifth Conference of the SEE Prosecutors Advisory  
Group**  
*February 22-23, 2006*  
*Belgrade,*  
*Serbia and Montenegro*

The meeting has been organized by the **SEEPAG Secretariat** and **SECI Center** and supported by **US Department of Justice, US Department of State, Stability pact and OSCE Mission to Serbia and Montenegro**  
The meeting was hosted by **Office of the Prosecutor General of Republic of Serbia**

**FEBRUARY 22**

Mr. Jovan Krstic, Chairman to the SEEPAG, greeted participants and gave a floor to Mr. Branislav Bjelica, Secretary to the Ministry of Justice of Serbia.

Mr Branislav Bjelica greeted participants on behalf of the Ministry of Justice of the Republic of Serbia. To day, at the opening of 5<sup>th</sup> Conference of SEEPAG we can confirm that the expectations of the participants about this initiative have been fulfilled. As an international mechanism of cooperation of prosecutors in the SEE in the domain of fight against organized crime, this initiative has a clear message. On one hand we have achieve concrete results in bilateral or multilateral cooperation between the prosecutors of the countries from the region, and on the other hand we have concrete results in the work of the specific court cases. The organized crime is of transnational nature, and one country cannot fight organized crime by itself. To day, according to the estimations by experts, at least 25% of profit yielded, created in the countries of the region comes from so-called “gray zone” controlled by the organized crime. This assessment made by experts, was enough, by itself, to justify large attention assigned by the countries in the region to fight organized crime. I will not repeat the very well known position of the EU, and other countries, about the organized crime. Joint statements of Ministers of Justice and Interior in London 2003 and Brussels in 2004, are clear and indisputable answer to organized crime. It is certain that this initiative is in accordance with the efforts of all countries in combating the organized crime. I hope that, during this Conference, you are going to improve the mechanism of your cooperation, and that this Conference will be successful. Once again, on behalf of Ministry of Justice of the republic of Serbia I wish you success in your work.

Mr Krstic invited Mr. Roderick Moore, Deputy Chief of Mission to US Embassy in Belgrade, to address participants.

Mr. Roderick Moore stressed that the SEEPAG initiative was strongly supported by the US government from the very beginning. I am convinced that the SEEPAG concept makes sense, as great portion of criminal offences are regional in its nature. We read about traffic of people, goods and drugs going through Balkans, and nets of criminals in Balkans who are engaged in corruption and even murders. You can be proud on progress that the SEEPAG made from its beginning. Recent usage of video video-conferencing equipment in a case of human trafficking is a good example. However, potential of the SEEPAG are not used enough. There is still much to do jointly, so this region would not be a host to criminals who challenge your democratic institutions. I urge you to be creative in finding a ways to cooperate together, and urge you to exchange information and witness testimonies, and thus help your colleagues in other countries to arrest more human traffickers, rapist and war criminals. I mentioned war crimes deliberately. I hope that the SEEPAG prosecutors will work together with war crime prosecutors, and will have a role in prosecuting hundreds and maybe even thousands war criminals who are still free to justice although committed some of the most horrifying offences in 20 Century. This is a challenge that is in front of you. Srebrenica case is the most obvious. In spite of thousands of witnesses, hundreds of hours of television material, visit of president Tadic to Srebrenica, tape material on «Scorpions», thousands of graves of Muslim boys and men, Ratko Mladic is more respected than any other public figure in Serbia. Despite all of this, less than 30% of people in Serbia believe that massacre took place at all. I am convinced that you and war crime prosecutors can help your governments to overcome this kind of denial. Criminal proceedings will make public aware on scope of crimes. SEEPAG could have role in this regard. You must not allow perpetrators to remain unpunished. Until they are punished those persons will live free in your communities, transferring their philosophy of hate to next generations. Ultimately, success or failure depends on you, your energy and commitment.

Mr Krstic invited Ms Ruth Van Rhijn, Head of the Rule of Law and Human Rights Department to the OMiSaM, to address participants.

Ms Ruth Van Rhijn welcomed participants to the 5<sup>th</sup> annual Conference of SEEPAG. The OSCE mission recognizes that organized and transnational crime is one of the major challenges the region faces. It presents a political threat to new democracies infringing the stability of the countries in the region. Organized crime is therefore foreseen as a great obstacle to the European aspirations of the countries of the region. SEEPAG received, since its foundation, continuous support from OSCE Mission, and this is part of the Missions policy to support the development of the regional cooperation of institutions acting within the criminal justice system to combat organized and transnational crime. In 2004 OSCE provided technical support to the SEEPAG chairman through providing a legal advisor and administrative assistant, as

well as supporting the organization of two regional conferences in Belgrade. From February 2005, OSCE provided support to the Secretary to the SEEPAG by funding the salary of the Secretary and providing office space. And, the most recently, the Mission has supported one-day seminar for District prosecutors and special prosecutor who deals with trans-border organized crime cases, and this seminar was held in Belgrade in December 2005. This seminar occurred because it was recognized that there was a need to increase awareness among the district and special prosecutors in Serbia on a role and functioning of the SEEPAG, as well on the advantages they could gain by using it in concrete criminal cases. I think that, when it counts for Serbia, it would probably also count for other European countries. The SEEPAG network aims at facilitating the rapid exchange of information, and evidence in trans-border investigations, and evidence from countries in SEE. It aims at timely exchange in information whether through the proper execution of mutual legal assistance requests or through more informal channels of information exchange. The OSCE Missions hopes that this Conference will succeed in further strengthening the activities of SEEPAG and also in rising it's profile so that becomes more effective as an institution for fighting cross-border crime. At the mere fact that senior prosecutors from across the region are present here today, is a good indication that SEEPAG is succeeding in bringing prosecutors together. The next steep for 2006 is to turn good will and cooperative spirit, which is essential for good working network, to turn into solid result in cases. And the OSCE Mission will continue to be ready to support SEEPAG initiative, when the chairmanship moves on from Serbia to one of the other countries in the Region. I wish you very good fortune in your endeavors, and a successful conference. Thank you.

Mr. Krstic invited Ms Vesna Medenica, Prosecutor General of Montenegro, to address the participants.

Ms Medenica expressed a pleasure to meet all colleagues that were participating. Pleasure comes from the friendship that was built, as well as from possibility to exchange professional experience in solving concrete problems. I do not want to elaborate how the SEEPAG helped us to fight transnational crime. Transnational dimension of crime is what we should always have in mind. We had limited experience when we gathered together in December 2003 to jointly challenge organized crime threat. Today we all have new laws and experience. If there were no cooperation we would have no results either. We are obliged to fight together against organized crime, as it is an evil of modern world. There must be no fear or reluctance, but we must enter into well thought fight. In any country, this fight is political question, as it indicates maturity of the state to protect citizens and their property. Challenging organized crime is possible only with wide public support, but firstly require enacting and implementation of adequate laws.

Wishing all of us good and successful cooperation, I welcome all of you on behalf of Prosecutors of Montenegro.

Mr. Krstic invited Mr. Slobodan Jankovic, Prosecutor General of Serbia, to address the participants.

Mr. Slobodan Jankovic welcomed participants to the Fifth SEEPAG Conference. Fight against organized crime is one of the most important challenges and tasks for the SEE Countries. Organized crime is serious threat to the region, infringing democratic processes, rule of law and stability. Republic of Serbia has been contributing for a long time to cooperation of prosecutors in the SEE. We especially focus on cooperation through the SECI, cooperation through the CARDS, and cooperation through the SEEPAG. Evaluation of cooperation conducted through CARDS indicates significant improvements, but also indicate challenges and next steps that need to be taken. Encouraging fact is that bilateral cooperation is improved through signing number of bilateral MoUs. In that regard, Office of the Prosecutor General in Serbia achieved concrete cooperation with Prosecutor Offices of BiH and Croatia. We estimate that direct communication of prosecutors speeded up process of MLA. Through the SEEPAG, we ensured that prosecutors are involved in international special operations. Exchange of experience also brought improvement of national legislation. However, there are also some concrete questions to be raised. Ambitious tasks of the SEEPAG caused that several organizational and material questions are raised. We need to wide and speed up cooperation through the contact points. To address these concrete questions, there are working groups working on definition of disputable issues. These issues had been identified as a priority for the future development of the SEEPAG. Firstly, it is necessary to develop statistic model, which would presents results of the SEEPAG contact points and the SEEPAG as a whole. Secondly, it is necessary to facilitate tracking of the SECI Center activities and results. Thirdly, we need to define material legal basis for cooperation, such are international agreements common for all SEEPAG participants. Fourth, SEEPAG experts brought conclusions related to improvement of cooperation in concrete cases. In this context, the SEEPAG, as the mechanism encompassing most of the SEE countries, and closely linked to SECI, should be a main mechanism of prompt exchange of information. We expect that this conference will contribute to the prosecutorial cooperation in this region, and result in establishing of harmonized contact points.

Mr Krstic invited Mr. Alexandru Ionas, Deputy Director to the SECI Center, to address the participants.

Mr. Ionas expressed a pleasure to be among such distinguish audience and members of the SEEPAG, who are of a such great support to the SECI Center activities. Also, the SECI Center supports the activities of the SEEPAG, and recognizes its necessity and importance. I do believe that this initiative of gathering the prosecutors from SEE in an active working group, was one of the most important steeps taken towards fighting organized crime in the region. The successful outcomes of the cooperation of the judicial authority is very immediately visible, mainly is a

facilitation of movement of the witnesses and arresting and convicting the criminals. The work of police and customs cannot be accomplished without the involvement of the prosecutors. This is why I believe that this involvement through the SEEPAG must become more and more present in the joint investigations, which we are carrying out. Taken into the considerations the new threat and trends of the crime in the region, and I am talking mainly about the cyber crimes, computer crimes, ATM frauds, money laundering, I think that in the future we will have to cooperate more and better and even to have common trainings. On the occasion of these trainings, we could realize that direct link between the executive law enforcement officers and prosecutors, and to create a real working team. Of course this is just a part of SEEPAG activity, it's effort toward bringing the legislation in the SECI center member, consistent to the international and EU Standards, are coming also welcoming our region need for fighting the organized crime. I want also to emphasize excellent activity done by Mr. Krstic who, as a first president was very active, and he promoted also SECI Center and SEEPAG activities. Also I want to stress the key role of the Government of the USA, and mainly the justice department through their prosecutors that are located in the SECI Center, who fight and help a lot in both SECI and SEEPAG. Such effort should continue in the future so all of us could be able to unfold our activity in order to better accomplish our common goal on fighting organized trans-border crime.

Mr Krstic presented overview of the SEEPAG activities to the participants, pointed out actual issues and present available information on operational engagement of the SEEPAG prosecutors.

Mr. Krstic stressed that overview aimed to present achievements of the SEEPAG in 2005, in accordance with requirements set up in the basic documents. We should remind on the long way that led to the adopting the basic documents of SEEPAG – General Guidelines and Prosecutorial Focal Points Recommendations. During the 2005, the Secretariat in Belgrade was focused at facilitating SEEPAG functioning as well as increasing its capacity. Secretariat performed administrative and organisational activities but also assisted in coordinating, developing and leading the work of the SEEPAG. In particular, the functions of the SEEPAG Secretariat included:

- Ensuring that the SEEPAG members were provided analyses and advises on legal, technical and policy matters regarding SEEPAG and promoting regional cooperation;
- Improving coordination of the SEEPAG's cooperation with other national, regional, European and international bodies and organizations related to SEEPAG's work such as national authorities of the member states, Eurojust, Europol, SECI Center, Interpol;
- Improving coordination and the organisation of SEEPAG's various functions including regional meetings.
- Co-organizing the 1<sup>st</sup> Extraordinary Meeting of the SEEPAG Experts,

on July 26, 2005, in Athens, Greece. The meeting was organized in coordination with US Department of Justice, US Department of State, SPOC Secretariat and SECI Center. The meeting was hosted by Ministry of Justice of Greece. Statistical Model is mechanism of evaluation of the practical achievements of the network. In this context, it is perceived to be the most appropriate basis for internal evaluation of the SEEPAG results, as well as presentation of the achievements to external partners.

- Organizing the Seminar on Regional Cooperation in Trans-border Crime Cases, on December 21, Belgrade, Serbia, supported by the Belgrade OSCE Mission Rule of Law and Human Rights Department,. The Seminar gathered Serbian District Prosecutors and Special prosecutors who deal with organized crime cases. Issues addressed included education on available MLA instruments and current trends in the domain of prosecutorial cooperation, information on the role of the SECI Center as a unique SEE agency in trans-border crime combating, and presentation of functioning, potentials and perspective of the SEEPAG. The seminar also included case presentation of the SEEPAG activities and discussion of the role of the SEEPAG Prosecutorial Focal Point in Serbia.

The main point of my presentation would be on the issue that is certainly the most interesting for all you here: operational engagement of the SEEPAG.

The SEEPAG facilitated prosecution of trans-border cases, in manner that was not possible before it was set up as a direct prosecutorial cooperation network, involving prosecutors to give assistance, advices and legal opinions in the special operations against organized crime. It is not possible to present all cases and legal issues where the SEEPAG members were involved. The SEEPAG Secretariat has not established mechanism to obtain information on number or details of the cases processed by the SEEPAG national PFP. National authorities did not officially submit this kind of information. In this context, adoption if the Statistical Model will represent legal basis that would enable maintaining and analyzing concrete operational data. Until this is achieved, the I can present only those operations that were made transparent as the examples of successful cooperation, such as: first video conferencing hearing of witnesses in the SEE region, conducted between the Moldova and Macedonia, and participation of the prosecutors in "Flash Hotel" special operation.

However, importance and frequency the operational activities conducted through the SEEPAG might be indicated by analyzing involvement of the Serbian PFP in concrete SEEPAG operations. Information presented encompass both cooperation that was achieved in support to the SECI cases, and direct prosecutorial cooperation which did not involved SECI. Cases processed by the SEEPAG network that involved participation of Serbian PFP are the following:

- Big scale special operations "Mirage", in support to the SECI Center Anti Trafficking of Human Beings (THB) Task Force. Results: several hundreds of

offenders were arrested, and over 1000 victims identified.

- Big scale special operations "Safe Haven", in support to the SECI Center Task Force for Small Arms and Light Weapons TF
- Participation in special operations of the SECI Center Anti-Drug Trafficking Task Force
- Participation in the special operation "Ali Baba", in support to the SECI Anti Trafficking of Human Beings TF
- Facilitation of special operation «Jocker».
- Participation in the Anti-Drug Trafficking Task Force Evaluation Meeting
- Participation in the small scale operation "Bus" (five SEEPAG countries were involved )
- Several MLA request from Bosnia and Hertzegovina and Croatia
- Facilitation of "Rambo" operation in Serbia
- Facilitation of the Anti THB Coordination of Operations on Balaton Lake

However, although operational engagement is certainly the most important aspect of the SEEPAG work, it is and should be not only activity. Firstly, in order to be effective, SEEPAG should have sufficient institutional capacity to conduct its tasks. In this aspect, various initiatives have been started during 2005, and we hope to have some them accomplished at this conference. Secondly, the SEEPAG should contribute in wider scene to fight against trans-border crime by linking together with other international organizations and provide input based on concrete experience. The benchmark for all these activities, that I am going to discuss, was the Athens meeting of the SEEPAG expert working groups, where these issues were discussed by the SEEPAG forum, and guidelines were given.

Secondly, one of the most important tasks of the SEEPAG is to assist the SECI Center. Under the Serbian chairmanship, process of strengthening the links between the SEEPAG and SECI was continued.

The issue of SECI SEEPAG relationship was addressed at the SEEPAG Meeting held in Athens, July 26 2005, and SEEPAG participants reached several conclusions:

- To improve the co-operation between the SECI Center and SEEPAG in concrete cases, where joint investigation teams have been established.
- To propose, in the view of the revision of the SECI Agreement, a SEEPAG prosecutor to be elected as a part of the SECI management.
- To ensure that representatives of the SEEPAG actively take part in drafting the SECI Center Agreement. To implement this, Mr. Mirko Vrtacnik, SEEPAG Delegate from Slovenia, has been invited and agreed to perform this task.
- To ensure involvement of the prosecutors in the SECI Center special operations needs to be intensified. It is necessary to introduce standard procedures of cooperation with prosecutors. The current method of cooperation between the SECI Center and Prosecutors' Offices of the region needs to be modified in a way that would ensure that the SEEPAG PFP is always included in the special operations of the SECI Center. In

such a scenario, the task of the SEEPAG PFP would be to ensure coordination of the activities that its respective Prosecutor Office conducts in the SECI Center operations.

Raising awareness on the work of the SEEPAG among the prosecutors in SEE region was identified as one of the key aims. In this respect, we conducted two important steps.

Firstly, the SEEPAG website was launched. Website is to help further promotion of role and activities of the SEEPAG within international community and national authorities.

Secondly, steps were taken to raise awareness among the prosecutorial authorities on the role and functioning of the SEEPAG, as well as on advantages they could gain by using it in concrete criminal cases.

Some of the SEEPAG members supported by the national authorities organized and hold seminars or meetings with the District Prosecutors and special prosecutors who deal with trans-border organized crime cases, same as we did in Serbia.

One of the important characteristics of MLA and specially one through direct channels of communication between prosecutors in the Western Balkans should be coordinated approach and harmonization. Lack of coordination and compartmentalization of different instruments for fighting organized crime is highlighted by the Council of the EU as one of the key pitfalls in fighting organized crime in the Western Balkans ("Friends of the Presidency Report", Council of the EU, Oct. 2004).

The SEEPAG is actively engaged to ensure this aim by providing its input to various international partners. We have raised discussion with CARDS project, aiming to find together the most appropriate way of harmonizing various instruments of prosecutorial cooperation.

The importance of this harmonization is obvious, as it is only guarantee that The ability of the SEEPAG to facilitate the SECI Center related cases would not be infringing as far as the operations in the Western Balkans countries are concerned.

During the last year, SEEPAG pursued its relationship with other structures that focus on international prosecutorial cooperation, such as the International Association of Prosecutors. SEEPAG has been recognized by the IAP as an important mechanism of prosecutorial cooperation. In one of exchanged letters, representatives of the IAP suggested possible joining of the SEEPAG into the IAP. We are proud to say that this process is in progress.

For the end, I would like to overview the most important meetings, in 2005, where the SEEPAG was represented and it's a role and functions were presented.

- Meeting on Combating to THB in SEE and Central Europe in Prague, Czech Republic
- SPOC Board Meetings in Bled, Slovenia
- Meeting on Organized Crime, Thessaloniki, Greece
- Ministerial Meeting in Loutraki, Greece,
- EJP Annual Meeting in Edinburgh, United Kingdom.
- IAP Annual Conference in Copenhagen, Denmark

- IAP East European Regional Conference, held in Sofia, Bulgaria.

I also want to explain what we did for the capacity building. It is not an easy task to provide consistent process of cooperation. We analyzed and proposed the model on how the SEEPAG is to assist the SECI Center in operational matters. This included proposals on co-operation between the SECI Center and SEEPAG in concrete cases. The SEEPAG members prepared draft SEEPAG Statistical Model which was accepted by the SEEPAG working groups at the the 1<sup>st</sup> Extraordinary Meeting of the SEEPAG Experts, held on July 26, 2005 in Athens, Greece. The Secretary advised on structure, design and the functions of the recently launched SEEPAG website. Website is considered to be an operational tool that both facilitate operational cooperation of the SEEPAG prosecutors, and help further promotion of role and activities of the SEEPAG within international community and national authorities. To conclude, I would like to highlight that performance of the SEEPAG in 2005 improved communication and coordination among SEEPAG participants, and ensured consistency of SEEPAG policies and activities. Participating countries to the SEEPAG benefited from the increase of SEEPAG institutional and operational capacity. International, European and regional partners benefited from the SEEPAG assistance in pursuing SEE countries to contribute to the enhancement of Europe-wide co-operation on trans-border criminal cases. Finally, activities of the SEEPAG provided judicial authorities of the countries in the SEE Region with an additional mechanism facilitating experience-sharing in fighting organized crime, and promoted positive image of all SEE Countries, especially of Serbia and Montenegro as 2005 SEEPAG Host Country to this important regional initiative.

Mr Krstic invited Mr. Angel Galgo, Secretary to the EJM, to present to conference participants topic "Web site as a Tool for Facilitating Cooperation in MLA Matters".

Mr. Galgo provided basic information on the EJM. The EJM was created by Joint Action of the European Union of the 29<sup>th</sup> June 1998 for judicial cooperation between member states, particularly in combating forms of serious crimes and following the Recommendation No 21 of the Action plan to combat organized crime, approved by the Council on the 28 April 1997. Afterwards the EJM has been recognized in a series of legal instruments, such as decision setting up the EUROJUST, the framework decision on the European Arrest Warrant, the framework decision on the execution of orders of freezing probable evidence, the framework decision on the application on the principle of mutual recognition of financial penalties. Also, EJM has been constitutionalised in article 31 of the Treaty of the European Union, which was amended by the Treaty of Nice. As general introduction, I should say that the principal that inspires the EJM is very simple. Idea is to identify and to put in contact those people in every member state who play fundamental role in practice in the area of judicial cooperation. The aim is to create a kind of experts network on the spot, and

to ensure the proper execution of judicial cooperation requests. It gains particular significance in the context of the proclamations the principals of the direct contacts between the competent judicial contacts. This is a very general picture of EJN, but here I am to talk about our web site. The first question is why did the EJN feel the need to create this web site. First we have to talk about legal obligations the Joint Action promotes as one of the main functions of the EJN: it is to constantly provide a certain amount of up to date background information. The reason for this is quite simple; I mean we are talking about an area in which each judicial operator has to deal with 26 different judicial organizations and legal orders. The idea of building the comprehensive information system was born from the belief that the effectiveness and utility of structure such as the EJN depend on assistance on the assistance of proper tools for the execution of their tasks. Of course, what I am going to show now is mainly referred to operational work of the contact point of EJN, but also to the operational work of judges and prosecutors in the 25 Member state. At the same time, it has an added value, because it is very useful tool to increase the standards of judicial authorities. At some point we have to think that not only real experts have to deal with judicial cooperation issues. Also simple judges or prosecutors have to deal with these issues, which depends on the legal system. We have seen that this tools that I am going to show you, are very useful to increase the abilities and standards for judges and prosecutors, and by the way to make your life easier.

The first question is a question of the language of the site, because we have a language problem. We have 21 official languages, and presumption was to reduce the language of web site to English and French. I would like to call your attention to this announcement – the launch of the SEEPAG web site; it was announced in November 2005. Here we are announcing the next plenary meeting, that will take place in 5 days time. Also, we have here the announcements of other relating important issues from EU domain of cooperation, and also we are using our web site to channel all the public information concerning legislative drafts issued by the EU Commission. We have news on events; We have also document data base, and we have the standard section about EJN, with FAQ. Here is a kind of a brochure, this is for marketing, and also a contact form to contact us and you will obtain a reply rather soon.

Most interesting part for you are tools that should make a life easier for those practitioners included in judicial cooperation activities. The joint action, setting up the EJN, fixed a number of tools, but afterwards the number of information tools has increased by all those legal instruments. First we have the list of contact points here. First remark, our model is different from yours; we are talking about 300 contact points throughout the 25 member state of EU. The number of contact points is not the same for every country. It depends from their constitutional, traditional and legal framework. There are only 2 requirements that have to be fulfilled by member state. They have to appoint contact point dealing with all the scope of a serious crime, and they have to cover all the national territory. For example, Malta has 1 or 2 contact point, but in France there are 35, in Germany 17, Spain 10, Italy 30...

So it is very important to know the coordinates of the person whom you can contact in any country of the EU, in order to get information, to get assistance from him or her.

This list of contact points is password protected. The idea is that you cannot be free available on internet, this is an invitation to block for example the phone number, or the e mail address of prosecution service. So the idea is that this has to be password protected.

The philosophy of the EJM is to be very open, so here in our contact point list we don't have only contact point of 25 member State, but also, let's say candidates accessing countries, and so on.

Mr. Bruce Todd asked whether the contact point, the focal point in each country, are organized by subject matter or geographically.

Mr. Galgo explained that there were only two requirements. Contact points have to be experts in judicial cooperation, both for specific matters and general matters, and secondly they have to cover all the territory.

Mr. Bruce Todd remarked that there were 35 contact points in France. One might be in financial crime, or money laundering (Yes). In that focal point for money laundering, would that be just one focal point, and that person would have responsibility for all of France? (Yes) So it is subject matter for entire country? (Yes).

Mr Galgo presented information tools; we have the list of contact points, Fiches Belges, list of MLA, list of EAW, we have glossary, and we have international legal instruments. Here we have a list of a contact points in Spain, and here you can find the last update date. In this case all this coordinates were updated on the 17. 01.06 or 16.01.06. If we click one of them, for example this one, and this is a contact point working at the Ministry of Justice, because single authorities are not excluded of the EJM, you will find the post, the function, institution, in this case Ministry of Justice, division, the address, the spoken languages. This is very important issue for EJM. All contact point has to be able to speak at least one language in addition to their mother language. Normally English or French. Also, the office days and hours, so that you can make contact by phone, phone and fax number, e-mail and dates of last update.

The second, we have what we call "Fiches Belges", this tool contains a practical and legal information on 43 investigative measures – interception of telecommunications, home search, witnesses examination by video conference or in standard form, interception of mail, as many investigative measures as you as prosecutors can imagine. They are gathered in 8 categories and for each of these measures there is a standard questionnaire. So in this case, for example we are talking about ways of interception of telecommunications, and this case is also related to Spain. Here we are talking about a group of measures. Here you have standard scheme of questions for every investigative measure. For example here, under the heading scope, you have the definition and scope, alternative measures in case that, for example, this investigative measure is not possible under judicial cooperation possibilities. Also, there is information on the competent body to authorize the measure and to execute the

measure. This information refers to the 25 Member state. So this is very important, as the differences are so big that difficulties for standard judge or prosecutor are many.

The 3<sup>rd</sup> instrument, and this is maybe the most, let's say, funniest, is the so-called Atlas. This device allows, enables the user to find out the competent authority to execute any of this 43 investigative measures in the 25 Member State. In principle it seems to be very easy. But if we are in a framework, we are situated in a framework of the direct contact between judicial authorities, you can imagine that, for example in Spain we have 8000 localities. Usually, a prosecutor from, for example Germany, willing to know where to address in order to examine a witness, usually only knows the place. However, we are talking about 8000 municipalities in Spain, and they are gathered in judicial districts, so he can know the place where the person lives but it is very difficult for him to know what is the competent court to receive the MLA request. So this is a tool to achieve that. Difficulties could be even worst, because in every country you have specific regimes for example for certain kind of crimes, and also for certain kind of measures, so it is very complicated. This Atlas allows the user to find out the competent authority either judicial or for example, police, in relation with all kinds of crime. So for example in this case we are trying to know something about Spain, and we are trying to find it in relation with the normal crime, let's say homicide. The following screen asks the user about the measure he wants to ask for. And here we have again the list, the part of the 8<sup>th</sup> block, and we have here the 43 investigative measures. Let's say that we are trying to intercept a phone, and again here we are asked about the legal framework in which we are requesting for this, in a framework of 59 Convention or in a framework of the Schengen Convention. When we identify the legal framework, we are asked about the place. Afterwards, after clicking here, we will have coordinates of the competent authority, where we have to address and send the request for assistance. At the beginning in 1998 it was foreseen that the scope of intervention of EJM would be only the MLA, but afterwards as I have mentioned before, the scope of activity enlarged. And now we have, for example, EAW, and we have created a very similar tool for EAW.

We are following very simple scheme, for example, in this case we are talking about Czech Republic. We have selected the region in addition to the information concerning the competent authority, because you know that, in a frame of EAW, the principle of the contacts has been established. In addition to the information about the competent authority to execute the EAW, we have some additional information, for example, time limits. In this case, time limit after the arrest of the person sought, for the reception of EAW, is displayed below, and here it is 40 days. Also we have here language accepted and other essential information to fulfill properly EAW Form. Also we have a table with specific information about competent authority for a specific case, for example for a transit cases, also related to EAW.

The next tool I would like to talk about is so called Solon. This is a glossary of equivalents containing legal terms and expressions. You all know that legal terms, except the English terms, are difficult to be translated into the other languages. So within the EJM, question was posed, why don't we organize something like a glossary, and I am not talking about the dictionary. Of course you can find at the

market some very good legal dictionaries. The idea was to find equivalences. The solon has 3 navigation languages, English, French and Spanish. This project was supported by Spanish presidency. At the very beginning, and this is some background information about EJM, from the very beginning we were placed in the 3<sup>rd</sup> pillar framework. It means that all our projects depended on state support. So for example Spain had this brilliant idea about the Solon, and Spain was supporting financing of this idea. Now this situation has changed, because now we are Secretariat of the EJM, it is stable, there are 4 staff members, I am the head of the Secretariat, and we are based in the Hague, at the premises of EUROJUST. From EUROJUST we receive our financial resources, but we have autonomy, we can make our own action plan. But, when the Solon was set up back in 2003, the Spanish was one of navigating languages. This situation will change; we are going to ameliorate Solon and to expand the terms in database. Here are 500 legal terms, concerning judicial cooperation in criminal matters, restored. Our intention is to extend and expand these up to 2000 words. I am not able to calculate the languages available here because we are not talking about 21 official languages, but we are talking about for example Turkish, or Bulgarian or Romanian, and they aren't still official member state.

After choosing navigational language, we have to choose our own language. If I am German judge I choose German. Please take in consideration that we are talking about legal terms, so we have French from France, French from Belgium, English from UK, English from Ireland, Dutch from Netherlands, so it is quite different from standard products. In any case, we put on British, and we have selected a very simple word "arrest", we click here and we have series of terms and legal expressions related to arrest-Arrest warrant, EAR, etc. Here, in brackets 2, we have British arrestable offences. We want to find the equivalent for EAW, and after selecting the target languages, Spanish, Turkish, Romanian, English, we click here and we will find in this case in Turkish, Romanian English and Spanish the equivalent for EAW. You can do this with 23,24,25 I do not know how many official languages are there. We thought that this was a very useful tool again in the frame of direct contact between judicial authorities. When you pick up the phone, and if you want to talk to a colleague in Sweden, you could find here what to tell him. If not, it would be rather difficult in some occasions. Finally, the last, for the time being, information tool is that concerning international legal instruments. We are not going to replicate what you can find in the market or in the internet, we are not going to create convention data base that is already set up by the Council of Europe, or by European Commission. This product provides added value. We established, created a links, so for respective international legal instruments there is a link that links the user to the to the e.g. official web site of the Council of Europe, and there you can find respective international instruments.

In addition to this, we have a document database, all documents concerning EJM, for example the outcome of proceedings, action plan, information concerning our information tools, but also the official documents of Council of Europe referring to EJM, and, for example, all documents concerning EAW. EJM documents are restored here. This is also password-protected chapter, because many of the documents of the

Council are not publicly available. So the only place, and let me insist on this, the only chapters password protected are the list of contact points and the data base. Atlas, Solon, Fiches Belges and all the rest are for free, anyone can access them. Of course we have a chapter about EJM. We have created here a very simple flyer in all official languages about EJM, you can download it there, this is for marketing, more or less, and some other issues. We have created also section with links to judicial cooperation related web sites within the EU. So we have here official site of the Council of Europe, EUROJUST, European Commission, EUROPOL, OLAF, EUROJUSTICE. From here you can access to these pages.

If we are trying to provide added value we have to be able to find this added value, so it is clear that we are providing information useful for the practitioners. Another question is to follow – who is going to provide us with the information to load the system, because if we are talking about for example a phone number of a very small court in a very small town in Sicily or we are trying to read practical details for interception of telecommunication in Sweden, who is the most or in best position to provide us with this information. The reply is quite easy-practitioners or even more the contact point.

So all the information provided by our web site have been provided by contact points and this is also way to involve contact points into the development of EJM itself, not only from the operational point of view but also from the team building and the philosophy of the network. But there is a very important added value here. We have to provide information, but we have to provide reliable information, from the point of view of the updated information. Because of that we have created a correspondent for each country. This is also contact point, so we are always talking about contact points in EJM. So there is one of these per country, and it is in charge of updating the information, and he/she is the only person entitled to access the so called back office. Back office means behind of a scenario and you have to access to change data information so there is only one person per country entitled to access this back office. Not even the Secretariat can access to this back office. This is the way to ensure that the information is provided by official way. This contact person can access to this back office, and change everything, from a very simple phone number to more serious issues. For example, a specific anti corruption division has been created within the prosecutor's office. It has competences for cases and, therefore, the link and the identification of competent authority has to be changed. This is the way in which we ensure that we provide reliable information.

Now, some statistics. In the first half of February, we had more or less 1600 different visitors to the web site. So maybe it is not too much, but I find it quite admissible. In any case we will be very pleased in continuing the cooperation we have started with the SEEPAG. As the Chairman informed you, the SEEPAG was present at our plenary meeting in Edinburgh, under the British presidency. We have plenary meetings under every presidency, so we have 2 plenary meetings a year. We have also set up some working groups. We have also Committee, to deal with the most important decisions. You can imagine that we cannot pose a decision before 120 persons attending the plenary meeting without some pre-cooking, so this is a role of

this informal group meeting, Committee and so on. We are already proud of what we have done until now, considering that very similar informal structures, (read very cheap structures) have been set up in different part of the world. We have the South American network, which follows more or less our model, we have also the Portuguese speaking countries in Africa, together with Brazil, they follow our model. Now the Commonwealth countries are about to set up similar network with 40 –some countries, so it means that things are working. And, well, I will not forget the operational side, because I am not technician, I am very fond of our web site but I am not technician. We have every three years an evaluation report, and practitioners in all member states are asked for their opinion about EJM, according to the questioner. For the time being we have had 2 evaluation reports and we are quite happy with the outcome. So this is all I wanted to say for the time being. Thank you for your attention.

Mr. Djordje Mancic, Secretary to the SEEPAG, asked question that related to the SEEPAG web site. As you know, the SEEPAG is also trying to collect some data related to information concerning judicial procedural systems which are basically similar to data on the EJM web site. We did it through the questioner that address investigation measures on documents gathering and witnesses hearing. Now what I understand is that EJM data base is expanding due to the EU enlargement, which is ongoing process. So my question is weather this observation is correct, and if yes weather there are ways to make synergies in order to, perhaps SEEPAG might be additional user of those processes of gathering documents, as we in that case would have certain countries that basically belong to both networks?

Mr. Galgo pointed out that it was necessary to take thematic approach to this issue. If you are talking about witness protection, and so on, our experience is that you have to set up very clear criteria for this. If not, and this was the case of first version of Fiches Belges, which is a version available now on internet while the 2<sup>nd</sup> will be available by the end of March, result might not be the most appropriate. We are talking about 12 questions for 42 investigative measures. The result was something like this. There is a fact that, when you are asked about some question, you feel the need to express all your knowledge. So you have to think that this information was valid before your national court, but this is not useful for German prosecutor, that is only interested in knowing if an interception of telecommunication is possible in UK, and under which conditions. So there is a clear risk. The 2<sup>nd</sup> version of the Fiches Belges contains reduced number of questions, and with very clear criteria about practical information, essential legal information, a scheme yes or no, and, afterwards the necessary, I repeat only necessary, remarks about, for example, jurisprudence. So this is, useful information, when you are gathering the information about thematic area. Now, going back to your main question, how we could link SEEPAG and EJM. The 1<sup>st</sup> clear link is that many members of SEEPAG are or will be in short members of EU. So they will be participating in our information system. For example Romania and Bulgaria will be participating as from 1.1.07. We have met the responsible

officials within Ministry of Justice of Romania and Bulgaria, and we have set up an action plan, so boat is launched. So this is the first link. The 2<sup>nd</sup> link, I am sure that we could find very easy ways, for example I can not imagine that practical information coming, an legal information, and useful information coming from every part or anyone in the world would be highly appreciated by any practitioner, so we can find ways to do it. Of course you can access to our information system except for, I insist, list of contact points and document data base, for the rest you can access, this is also going to be the philosophy for the next information tool, and we are going to put in place. For example we have developed a prototype to draft a rogatory letter, and this will be a common form for the 25 member state in 21 official languages. Maybe this is a very good start to draft something similar for this area. You will see it by the end of the year. But in any case I am sure that there will be areas of common interest, and there will be easy ways to link these information database.

Mr. Alexandru Ionas stressed that the explanations were very helpful and useful for participants and for region. He asked about financial resources needed to support the system. Is it difficult to sustain this system of finance, what means are needed? I suppose that system needs a lot of financial support?

Mr. Galgo stressed that developing tools implies costs. For the time being, we spend more or less 200.000 euros per year, but this is for technical development of these tools. Afterwards you will have to maintain these tools. The maintenance implies a server or servers, we have a kind of replacement server, and implies hard disk, and also implies updating, improvement. So in our case it is clear that we have the umbrella of EUROJUST concerning administration. I am not talking about the development. Concerning the administration we have umbrella of EUROJUST and our staff is paid by EUROJUST, but it is not so expensive. Taking into the consideration that the people who are providing information and working closely with technicians are the contact points. They are responsible about information like phone numbers in their own country. That don't mean that they have to go through phone lists to have this information, but they are responsible to contact the Ministry of Justice and to ask for these lists of practical details. So it is not so expensive, but you'll need some permanent staff, taking care of these. You cannot create a web site, with this information tools and leaving it for a year without updating and maintaining.

Mr. Mirko Vrtacnik remarked that he was involved in this activity of EJM. Maybe it is necessary to stress that EJM is the matter of member states of EU. It is not legal entity, legal body. Its Secretariat is involved into EUROJUST. Apart from EUROJUST it is not self-standing judicial body, and there is no obligation, especially for the member states. Member states had obligation to fulfill this request for new development of our legislation, to fulfill questioners about Fiches Belges etc. I would like only to stress that this is a task only for member state, and Secretariat is inside of EUROJUST.

Mr. Jovan Krstic remarked that web site was a great achievement and was very useful, very informative site. We wish to have on SEEPAG some kind of data base and some comparable legislation for our prosecutors. We are obliged to you for putting us on you internet site as a partner.

Mr. Jovan Krstic invited Mr. Alexandru Ionas, Deputy Director of SECI Center, to address participants with topic ” **SECI Center Business**”.

Mr. Alexandru Ionas stressed that he, although a police officer from Romania, did not represent Romania, but the SECI Center. I am Deputy Director of SECI Center, Operational Department. I think you all know what SECI Center means, and what SECI Center represent in the region. I think it is not necessary to repeat the history of SECI Center. 12 countries are a part of this international regional organization. Beside our member countries, there are 15 other countries that have status of observers, among them is Austria, Belgium, France, Germany, Georgia, Italy, Japan, Netherlands, Portugal, Spain, Ukraine, UK and USA. That is the first time that 27 countries cooperate in police and custom issues, focused on the SEE regional framework of permanent information sharing, what is excellent. And we have a very good network here. Actually there are 2 operational components of SECI Center, which complement and support each other. The information sharing and exchange, and the task forces. The exchange of information is done through liaison officers. The SECI Center exchange information is composed by 24 police and custom liaison officers, who work permanently in Bucharest, where we have headquarters. The liaison officers are directly connected to their national databases, so the information can be obtained very fast. This is reason why last year in 2005, the countries exchanged more than 500 pieces of information. The task forces are regional operational mechanisms that employ specialized methods such as regional operations, coordinated investigations, strategic analysis and sometime trainings. We have established task forces in following areas: anti drug, trafficking of human beings and immigrants smuggling, financial and computer crimes. When we discuss financial and computer crimes, we discuss about money laundering, ATM frauds, cyber crime, and intellectual property thefts. We also have task forces for stolen vehicles, antiterrorism and container security task force.

I will give you some examples about regional measures implemented at the level of SEE in the frame of our task forces. In only 4 years, 2002-2005, 21 regional wide operations were implemented under the SECI Center coordination. 7 for drug interdiction operation with the containment type cooperation, 3 operations against trafficking of human beings, “MIRAGE TYPE” of cooperation. 5 operations of stolen vehicles, code name “ROAD SHOP” 3 anti smuggling operations and focused on cigarette smuggling, code name “SHADOWS”. In 2004 there was operation “SHADOWS”, thought 3 months we monitored smuggling of cigarettes of the region, and after 3 months we realized and seized more than 1500t of cigarettes. Analyzing the operation we established that most of counterfeited cigarettes came from China.

In the same matters we monitored the export and import of petrol products. Last year, in 2005, we initiated the operation, with the code name "Black Pearl" for 5 days and within 5 days we monitored import-export of petrol products in the region and we exchanged more than 1200 information. You can see in the fact how many export-import we have in the region, related with the petrol products. Also we had 2 operations on small arms and light weapons, with the code name "SAFE PLACE", and one operation on counterfeited US Dollars. Also, never before have such kind of operation have been tried, and when we started this operation it was not clear if such coordination would be possible. But operations did prove to be a success. Joint teams were established in the region, including prosecutors and dozens of coordinated investigations were developed with the financial support of the SECI Center. In recent years organized crime activity and terrorism activity have begun to cooperate to create the security challenge, that, in SECI Center we call criminal terrorism. The criminal terrorism is perhaps one of the greatest challenge. It combines a financial power of organized crime and the methodology of terrorism. I want to tell you that SECI Center did not only identified this treat, but its moving to actively combat criminal terrorism by establishing an operational working group to draft a road map of actions and projects to meet this challenge. This is why we, at the beginning of March 2006, organized one expert working group meeting with the title "fighting organized crime and terrorism in SEE". The result of this meeting was that a basic working documents will be drafted, and afterwards submitted for the debate and practical decision to the high level officials, Prime minister, ministers of interiors, security agencies of the SEE countries. SECI is a model for other similar groups, we gave experts for GUAM and UN want to establish a similar center like SECI for drugs in Central Asia. Couple of days before, I have signed headquarters agreement with Kazakhstan, and this center named "CARIC" was established in Kazakhstan. Also, UN wanted to establish a similar center in gulf area with the name "gulf cooperation council", and USA, based on the SECI experience, want to establish a similar center in Columbia. Actually I want to say to you something more about the future of SECI Center, how we can improve SECI legal base and structure, and also I have to stress, this regional operation and concrete case operations wouldn't be possible if we hadn't have a strong support of USA. I don't mean only a financial support of USA, but I mean the help that different agencies and institutions from USA, who sent in SECI Center special agents. We have permanent agents from FBI, DEA, Secret service, and also we have a legal advisors of US Department of Justice Department. One of them is now among us- Mr. George Hardy. Also SECI is very interested in regional strategy for ensuring close cooperation between law enforcement authorities and judicial authorities, and in this respect SECI has facilitated, from the very beginning in 2003, activity of SEEPAG.

Based on SECI center own building and development experience we understand the importance of the SEEPAG. It was for the first time that such group of prosecutors has been brought together in the region. We have always invited prosecutors to our task force activities in order to share our ideas, principles of work, and also we shared with them intelligence and information which we have in concrete cases. The result

was that they assisted our coordinated investigations and witnesses program and assisted in implementation of better solutions to combat organized crime in the region. Here I want to stress recent events, one is a Conference on combating cross-border crime in SEE, which was held in 1-2 February 2006, in Thessalonica, and the other one, Ministerial Meeting of the Ministers of Justice and Home Affairs, held in Loutraki on 8. February 2006. Actually, in this two events practitioners from SEE who attended this two events made concrete recommendations to strengthen regional cooperation. Also, on this two events key EU and USA regional bodies and international organizations were also represented. In addition, to these two events, the participants made the following recommendations: on the national measures, on national level, it is essential to ensure dedicated law enforcement institutional building, including interagency's coordination and the exchange of the intelligence. Training and support for specialized police units dealing with organized crime should also be reinforced. Use of technology such as digital video conferencing for witnesses' testimony and other tools should be allowed for national legislation. Also another recommendation was to promote regional cooperation to use SECI and SEEPAG national focal point. This recommendation was very important for us because that means we have a political will of the countries from the SEE, and also we have the support from the EU and USA, what is very important for our future activities. Now, based on this political will, based on our experience, let me say something about the future cooperation between SECI Center and SEEPAG. It is very important for us. When I say us, I think law enforcement of SEE region. I am here as a representative of 12 country's police and custom representative. Based on the experience gained by the SECI Center, one of our suggestions for the future development of the SEEPAG, and, actually, it is my suggestion, is that it should become an independent international organization, based on agreements signed by all SEE countries, except Hungary. Actually SEEPAG can be and have to be independent body. That is very important, because SEEPAG is not administrative body; it is judicial body and have to be a completely independent from SECI. Secondly, the working procedure of SEEPAG should be similar to those of EUROJUST, and then a permanent staff and location are needed for SEEPAG Secretariat in order to specialize the knowledge and to respond better to regional cooperation problems and regional challenges. Thus it should be avoided to move Secretariat from one country to another according too a SEEPAG chairman rotation principle. This is just one of mine ideas, I stress my idea, based on the experience that we have in SECI Centre. If I have to continue this idea, I think that the premises of SPOC Secretariat in Bucharest are possible venue for the Secretariat of SEEPAG, but this is only one of solutions, there might be another solutions. It can be also located separately from SPOC Secretariat but the advantage of location in Bucharest, near the SECI Center, is clear. It will speed up and strengthen direct cooperation between SEEPAG and SECI Center and also with the SPOC Secretariat. Moreover, because this proximity a lot of experience can be directly transferred from SECI to SEEPAG on the daily basis and necessary logistical support assured, whenever is needed. I think it is clear the advantage of this kind of linkage between SEEPAG, SPOC and SECI. Because we have the same

target, because we have to focus on the same criminal network, because we have to focus on the organized crime in the SEE Region, this 3 independent bodies can be very close, if there are also located very close. As for long term, cooperation between SEEPAG and SECI Center, a common and very coherent vision on the harmonization of the legislation in the region, can be achieved according to the European cooperation model. EUROJUST and EUROPOL go further in so much desired harmonization of procedures on controlled delivery, undercover cooperation, witnesses protection. This will be closer than ever to realize because of a dialog SEEPAG-SECI AND SPOC. The advantage in long-term is that the prosecutors in the region will be able to use national facilities of the national focal point as well as the SECI Center existing communication network, and the forthcoming video conference system for their need for transmitting the evidence or the judicial proceeding. And finally, in the SECI Center we will be in a better position to get a feedback on a value of its work. The judicial result of regional law enforcement cooperation, through regional operations and coordinated investigation. Let me to resume what this means. Actually SECI Center has a very good communication network, very sure one, very well prepared, very good network communication. It is not necessary to make another one for SEEPAG, because in the same time SEEPAG can use this network. In meantime, with the help of USA, mainly with the help of FBI, we want to develop our national focal points, and we want to have for the first time in the history of the region a video conference system with all 12 countries. Main part of the video conference system should be in a SECI Center, and we would have other 12 mobile video systems for the national law enforcement of the countries. With this video conference system we can save time, money and we can be very close to each others. To conclude, let me say that this is my strong belief that SECI Center and SEEPAG make a valuable contribution to all nations to combat trans border crime by offering specialized framework for regional law enforcement and judicial cooperation.

Mr. Jovan Krstic thanked for presentation. We have had already a discussion on issue of the SEEPAG Secretariat in our contact at the meeting in SECI Center, and we do agree that we should strengthen the network by using all other regional networks. We should not waste time by establishing our own, if it is not necessary for specific purposes for connection between SEEPAG and SECI Center. But this issue is related to new SECI agreement obviously, and to new project.

Mr. Alexandru Ionas stressed that there was nothing relevant in new agreement related to SEEPAG. Maybe we can introduce in the new agreement some rules related to how we can improve the exchange of information. Maybe we can introduce a new agreement, to enable the prosecutors to exchange evidence through SECI network, This would be useful for the prosecutors, because you could follow EUROJUST model in the region. If we have same police procedures, we could introduce and use SECI to have interrogatory letters, because it is very well connected, very fast. However, it depends also on national law. You know sometimes it doesn't matter if

we have video conference system, if the national law don't allows use of video conference system, you can not use it.

Mr. Mirko Vrtacnik stressed that he need to add something about the Secretariat. I think that this question is strongly connected with next presidency and if we are talking about this I should stress that we have discussed possibility that Slovenia will take the next presidency. I didn't have intention to say this before this will be on agenda, but maybe it is a moment to stress our opinion. I think that from point of view of Slovenia, condition to take over the presidency is that the Secretariat is placed for one year term in our office. The work of presidency is in huge part connected with the administrative tasks not only in context of our meetings, but in the context of our teams, which will be in discussion. So, as I said, the precondition for us is to have Secretariat together with our communication with dislocated Secretariat. So, we had the discussion in Ljubljana, few days ago, with Mr. Hardy and Mr. Krstic and some other representatives. There were a lot of words about this question and different idea and modifications about possible Secretariat. One question was on the strong position of the SECI representative that SECI Center should have permanent Secretariat of SEEPAG. I think this is possible, but not in the time of our possible presidency. This is for us, precondition to take over the presidency. I also opened this question with Mr. Hardy, about organizational issues concerning financing organizing the traveling coast etc, and answer was that everything will be on the hand of SECI Center and it will not be our task if we take over presidency. Maybe today is another big question in front of us, but, because I see that around this table we don't have quorum for any decision, and because this is important decision, I think it should be brought with the quorum which is stipulated in General Guidelines.

Mr. Ionas stressed that he I had never had in mind to make proposals for this meeting or to debate it. I fully understand that it was long term proposal and never the SEEPAG Secretary should belong to SECI. SEEPAG should be somehow close to SECI but should never belong to SECI. SEEPAG should have separate Secretariat and in long term, very close Secretariat to SECI. I never had on my mind to debate where should be the location of Secretariat. That was a long term proposal, maybe I will not be able to attend the next meeting of SEEPAG, and I used this opportunity to express my opinion.

Mr Krstic invited Mr. Veselin Sukovic, Executive Secretary to SPAI, to address the participants.

Mr. Veselin Sukovic thanked Chairman. I will use this opportunity to present to you shortly the Secretariat that I run, which means Stability Pact Anticorruption Secretariat, regional Secretariat based in Sarajevo. We have here two representatives from Stability Pact, my distinguished colleague from SPOC Secretariat, that means for organized crime, and myself as Anticorruption initiative. We are under the joint umbrella, that means working table 3-Security issues, and under the Justice and Home

affairs. This is our field of action. In the flyer that is in front of you, you can find all the necessary information about our Secretariat, our contact-web site and everything else. So my role is here to introduce Secretariat very briefly, because this is the first time that we are participating at the annual meeting of SEEPAG. I want to inform you about our activity in past two years, in the area of cooperation between the SEE prosecution offices, and also what we attended to organize in the future. I am honored and pleased that we have our place in the agenda and got the invitation, and that we will continue our cooperation in future activities. First of all, very brief information about Secretariat. We are not investigative or operative law enforcement body, we are some kind of preventive body. We are not coordinating, but we are facilitating the anticorruption activities of 8 countries in the region. Those are all ex SFRJ republics, minus Slovenia, and plus Romania, Albania and Moldova. I hope that we will get Bulgaria onboard very soon. It depends on the general politics, but we covered whole Balkans. Our regional Secretariat in Sarajevo is some kind of focal point executive body of our initiatives. This means that we conveyed a leadership from the Brussels and other European centers to the region. Our main role is to complement international and national anti corruption efforts. We are designing and implementing our work plan, that was adopted by our governing body, and we have our work plan for 2006 and 2007. Our Secretariat depends on participation of SPAI countries. I am coming from Montenegro, we have one anticorruption expert from Romania, and local staff from Bosnia, and we are trying to impose internships so we will have every 3 months this new layer beginners from Ministries of Justice or security ministries from our member countries. Main objective is supporting the process of adopting and implementation of UN Conventions against corruption, very well known Merida Convention. It is one general and very important framework in anticorruption frame for our activities. 3 SPAI member countries, Romania, Croatia and Serbia and Montenegro ratified it. Romania was the first country that ratified that UN Convention. Second our pillar, as we used to say, is developing and coordinating regional anticorruption program for raising public awareness that means prevention and a region wide implementation of anticorruption program for raising a public awareness. Third thing is sharing best practice in fighting high level corruption, and fourth is, let say to get information from the regional countries, what is their anticorruption needs and specific requirements, and we try to establish some kind of anticorruption network within the countries. We have our national focal point, than senior representative here from Serbia and Montenegro, Mrs Alexandra Popovic, from Ministry of Justice of the Republic of Serbia, assistant to the Minister. During the period of more than a year and halve, we organized or co organized, and we are very proud on that fact, 33 international, regional, national conferences, roundtables, thematic seminars with more that 3000 participants, experts and analysts. Until now we established daily communication and co operation with various international organizations and institutions such as UN, UNODC-UN office for drugs and crime, Council of Europe, TI, OSCE, OSCD, Open society, USAD, ABBA – CELLY, and another relevant international and regional organizations. Secretariat is financed by State department, through USAID and ABBA – CELLY, and has resources until the

end of this year for our operative and program goals. All our activities will be to strengthen bilateral or multilateral cooperation in exchange of information at operative level and we tried to do it in our activities. So we organized two very important events. State prosecutor from Montenegro, Ms Medenica, and her staff visited special prosecutor office in Croatia-USKOK. This was in September 2005, and we organized and initiated the pilot project designed to ensure networking and exchange of the experience among the prosecutors in the region. It was the first time, and we intent to continue that project, so I think in few months we will organized the visit of Croatian prosecutors to the very famous NAPA office – that means – special prosecutor office in fighting against organized crime and corruption in Romania. The visit in September 2005 to Zagreb was study visit that lasted 5 days, and prosecutors shared their experience, information, case study, and were trying to establish network between them. It was on the level of state prosecutors, and in those delegations were special prosecutors for fight organized crime from Montenegro and Croatia. Second event that we organized with help and cooperation of UNDOC was held in Sofia, in November 2005. We organized so called anticorruption week in Sofia, Bulgaria. First, there was back to back meeting, and there was pre ratification conference. Around 30 countries were present, and they talked about ratification and implementation of Merida Convention. We had special training sessions on anticorruption prosecutions. I think that Mr. Krstic was there. Third event was training and building capacity of special prosecutors handling the corruption cases on regular bases, focused on asset forfeiture and asset recovery and international corruption. At these events there were presented Un manuals, legislative guide for implementation Merida Convention and handbook of of practical anticorruption measures for prosecutors and investigators, as very important tools for fighting against corruption and creating the cooperation between prosecutor offices. I mentioned we intend to develop this pilot project and try to put prosecutors in our activities and stress the importance of the prosecutors in very long chain. I hope we will succeed together. And I will, let say put in a general framework Mr Ionas' triangle. Let say we have here SEPAG, SECI and SPOC Secretariat, SPOC initiative. So, let's say SPAI, as anticorruption initiative, is very important part of organized crime. We will have to have some kind of frame for fighting organized crime and anticorruption on operative level. I hope that we will continue our cooperation in the future and strengthen our role in this very important topic.

Mr. Jovan Krstic stressed that he had attended conference dealing with the problems of corruption and abuse of power in Sofia. It was very well organized, there were two parts of this conference. One was for high policy and decision makers, and the other one for experts from law enforcement agencies. I think that this method was very good because that was a chance to see Far East countries, such as Azerbaijan, Uzbekistan, and their national prosecution offices, and to see what they are doing and how they combat organized crime.

Mr. Alexandru Ionas remarked that in the SEE region word corruption is very often mentioned. Sometimes it is with reasons some time not. Maybe I could proposed to SPAI to make some kind of booklets and to collect all the anticorruption measures, what the countries in the region have. It could be distributed to the countries because it should be nice and efficient to see what kind of measures take Romania, what kind of measures take Slovenia etc.

Mr. Veselin Sukovic agreed that was relay a good idea. We have it on our web site, not yet in hard copy, but all necessary information about anticorruption activities within 8 countries are on our web site, updated almost everyday. You can find there national anticorruption strategies, action plan on national level, legislation, regional events, national events, round tables, all necessary information, some information from Brussels, a whole data base. We did it together with ABBA CELLY office and for this kind of meetings we copied some parts of that data base.

Mr. Jovan Krstic remarked that there was an initiative of UNDP office in Vienna. Idea is to amend the strategy and to create a new auditing body in each country for anticorruption, some form of commission to fight organized crime. Governmental committees to combat organized crime were unsuccessful due to reasons of lacking strong link between law enforcement and these supreme bodies.

Mr. Veselin Sukovic pointed out that he knew about national strategy of Serbia and Montenegro. In Bosnia they drafted totally new anticorruption strategy after 4 years, but very important thing is that European organizations are involved. Yes I know about UNDP and UNDOC. According to the UN Convention, it is obligatory so Romania, Croatia, Serbia and Montenegro are still in obligation to establish independent state law enforcement anticorruption body. So, if it is one article from UN convention, the frame of UN convention, some are obliged to establish as soon as possible that kind of anticorruption law enforcement body on the national level. It should not be within NGO umbrella, not within the government umbrella, but should be state body. That means to create something connected or covered directly by the parliament. I think that this is the most appropriate position for such body, so you are right.

Mr. Krstic invited Mr. Arqilea Koca to present to participants role and functions of the SEEPAG national PFP and progress in PFP establishing in Albania.

Mr. Koca explained that in Albania the role of PFP was done by him. I am also the national delegate in SEEPAG. This situation is because of the recourses we have in our organization, so I am trying to be PFP for Albania. During this year I will try to do this role the best I know. I presented SEEPAG in our prosecution office in my country, and particularly made aware prosecution office dealing with serious crime, which has national wide competency. Regarding this role I have tried to have some activities in changing information with two most interesting countries from our point

of view-Montenegro and Macedonia. I have been involved in cases that we had during this period with Montenegro, much more than one. It was in the case of smuggling cigarettes where we asked for some information from Montenegro. We found out, during our investigation, that the group was importing cigarettes from Montenegro, and we asked for information Montenegro. We have put lot of efforts in that case but finally we didn't get the answer from them, because it was difficult even to speak and to coordinate work with the office in Montenegro. On the other hand, with Macedonia we had much better cooperation, and I can say, that this cooperation, in my opinion, was on the best level that we ever had. Regarding other things connected to PFP, like equipment and other things, I must say that we are not in a good situation. Prosecution budget for this year is about 30 % lower than budget for last year, so in this field we are not so compatible with PFPs that are working in maybe better situation.

Mr. George Hardy, US RLA to SECI Center, noted that Mr. Koca had indicated that cooperation with Macedonia was very good. Do you have any examples that could demonstrate to us that cooperation, and if you could explain how SEEPAG had a role in it.

Mr. Koca presented case. The last one was, and Mr. Ilievski know it very well, when I was asked by serious crime prosecution office to have a meeting with colleagues regarding smuggling of immigrants from Albania through Macedonia to Greece, crossing Macedonian-Greek border. We decided to have a meeting in Struga, where we exchanged all the information we had. We planed how to go further in that investigation and how to use special investigative means, and to finalize it with the arrest of people in both countries. In my country we were discussing some technical issues regarding to the law, because there are some problems that we have to clarify before we go on in that case. So Mr. Ilievski and me had to coordinate people that work on that case, and to exchange information. The Serious Crime Prosecutor Office knows very well that it is good possibility to use their work regarding trans border and international crime.

Mr. Hardy noted that the exchange of the information that was described, was obviously done with the cooperation of everybody present. I am sure that everybody was complying with domestic rules regarding cooperation.

Mr. Koca stressed that members of police and prosecutors attended that meeting. So the police was discussing operational problems and the prosecutors were discussing about law problems. We tried to fit the police problems and law problems, so it was necessary to have police and prosecutors at the same place, so prosecutors could cover by law every action the police tended to do in the future. We asked, for example, if it is possible to do this in Macedonia, and prosecutors from Macedonia said it is possible by this law.

Mr. Ionas noted that, because of the lack of communication with Montenegro, it could be good to forward the same investigations through SECI Center.

Mr. Koca explained that he had tried to send this information through SECI, through Albanian representative. He told me that he had discussed it with, I don't know whether Serbian or Montenegrin liaison officer, but there were no answers regarding that. On this case, we are not satisfied. In other cases, for example smuggling weapons, we had much better cooperation with Montenegro.

Ms Vesna Medenica noted that it is necessary to asked two questions here, on basis for cooperation between prosecutors and courts. Every case of cooperation between state prosecutors of Montenegro and Albania is successfully finished, quickly and efficiently. If state prosecutor of Albania asks the court of law to perform some actions for him, e.g. witness interrogation, it will be a slow process, because national legislation does not allow that. That can only be done by diplomatic ways, via ministries and that's why it is a slow process. I have tried, in personal contact, to explain that to my colleague, I have abused my position of chief state prosecutor so I asked the court to deal with those actions, but courts are independent and no one can ask them to do something unless it is written by law, so that part of cooperation is now slower than it used to be. While I am speaking, I want to tell you following: cooperation with Albanian state prosecutor is outstanding. It was not only, as Mr. Koca says, something about weapons, it was about 10kg of heroin, ground-ground missiles, we had cooperation dealing very dangerous remote controlled explosive devices for mass destruction so the great deal of work on transnational criminal with elements of organized criminal is finished with help of state prosecutor of Albania. When the reformation of ZKP is done and Montenegrin prosecutors take the investigation, we will not have these problems again.

Mr. Krstic added that, in the course of the reform of the legislation of the Serbia, we are also planning to replace the investigative judge by the prosecutor.

Mr. Krstic invited Mr. Jovan Ilievski to present to participants role and functions of the SEEPAG national PFP and progress in PFP establishing in FYROM.

Mr. Ilijevski thanked the chairman. I am chief of Specialized unit of prosecution for organized crime and corruption, within the Public Prosecutor Office of Republic of Macedonia, and in the same time I am contact point from the Public Prosecutor Office of Republic of Macedonia in SEEPAG. The Public Prosecutor Office of Republic of Macedonia has been actively participating in the SEPAG since the initial forming of the group till today. The representatives of Public Prosecutor Office of Republic of Macedonia participated on all the held meetings of the group. Public Prosecutor of Republic of Macedonia, after the closing of the 3<sup>rd</sup> meeting of SEEPAG, held on 21-22.07.04 determined the contact point from the Public Prosecutor Office of Republic

of Macedonia, and his deputy, and about this fact the Secretariat of SEEPAG was formally informed. During this time of work the determined contact point has been practically functioning and as an example for those concrete activities I could name the contact with NPPF of Serbia during the conducting of the operation "BUS", or the contact with NPPF of the Republic of Moldova, during the preparation and operation of the testifying of the witness of the republic of Moldova through video conference. This video conference was conducted in a very successful manner. In this context I must repeat that the NCP of SEEPAG from Albania through our contact organized a meeting. On this meeting were representatives of the prosecutor's offices, Ministries of interior and determining activities on concrete cases. As you are probably familiar with the Public Prosecutor Office of Republic of Macedonia was initiator for establishing a public prosecutor network between the countries of Western Balkans. Those activities were crowned with the signing of the memorandum for understanding and regional collaboration against the organized crime. Signing parts of this Memorandum are Public Prosecutor Office of Republic of Macedonia, General prosecutors office of Albania, Public Prosecutor Office of Republic Bosnia and Herzegovina, Public Prosecutor Office of Republic of Croatia, Public Prosecutor Office of Republic of Serbia, and State prosecutor office of the republic of Montenegro. According to the article 3 of this Memorandum the prosecutors' offices has the obligation to establish national contact points and if it is possible this NCP should be identical with the CP established for EUROJUST and SEEPAG. According to this article the Public Prosecutor Office of Republic of Macedonia determined NCP for the public prosecutors' network between the countries of Western Balkans, and it is the same person as NCP for the SEEPAG. About this fact all the prosecutor offices signing parts of Memorandum were formally informed. Regarding the technical equipment, I could say that it is on a satisfying level. The Public Prosecutor Office of Republic of Macedonia has on its disposal and use certain number of computers, we have a equipment for video conference, and mutual contact are conducted by exchange letters and information through internet and email addresses, as well as by phone and fax

Mr. Hardy stressed the example of using the video equipment in the prosecution in Republic of Macedonia, when the victim remained in Moldavia is perhaps one of the best examples of cooperation that we can point out, showing concrete results and a benefits from both SECI and SEEPAG. I am curious whether or not or why they haven't been another opportunity to do the similar kind of case, or similar kind of video link up. Was that case so unusual that it was unique that we were able to use equipment for this fashion for that case? I am asking this question around the room, it seems that the use of video equipment in this fashion is such a good idea, and there should be a lot of opportunity to do that. I am just curious about your experiences in this area. Why it has been used in one country more than in another countries, why it hasn't apparently been used at all.

Mr. Bonifacic reminded that this had not been the first time that through the SECI and SEEPAG links we used this way of testimonies of witnesses. The first case was Milankovic case in Bosnia and Herzegovina, also with link with Moldova, and the 3<sup>rd</sup> case was one unsuccessful case. It should be link between Serbia and Montenegro and Bosnia and Herzegovina, but the case was not managed through this link because victim or witness refused to testify by this way, because on her opinion, she claimed, maybe this way of testifying was the first time used, so it could be much underlined by newspapers and everything. We very strictly try to cover identity of this witness.

Mr. Krstic invited Ms Vesna Medenica to present to participants role and functions of the SEEPAG national PFP and progress in PFP establishing in Montenegro.

Ms Medenica thanked the Chairman. It appears that we would not have full picture if i hadn't take the floor, because I accidentally put the light on cooperation with Albanian prosecutor, which is evaluated by Montenegrin prosecutors not as good but as fantastic. We all know that we cannot choose the country to cooperate when dealing with organized crime. Criminals themselves already choose it. The cooperation between Montenegrin and Croatian state prosecutors was good as well. I want to stress that, thanks to these direct contacts, fast information stream and evidence exchange, we resolved one case of organized crime, involving computer crime, whose perpetrators were from Croatia, Serbia and Montenegro, and money was collected in Montenegro. Then we uncovered narcotic dealers. It was about 3.5 kg of cocaine and it was the first time to apply the institute of protected witness or the witness-cooperator. We had a lot of other kinds of cooperation with Croatia, including stealing boats, sailing boats, speedboats etc. which were also finished successfully. We had cooperation with prosecutors from Serbia and Italy. It was about controlled shipping of 200kg of cocaine. I would like to point out another example where a large and organized trafficking was stopped by a swift cooperation between state prosecutors: Montenegro is a place where civil works are expanding and people are brought from other countries. In this case people were engaged in Ukraine, a whole network was formed, the Ukrainians were giving money in order to obtain a workers' permit then they were transferred to Montenegro with a help of Ukrainian citizens and were exploited. We prevented that and they were uncovered and sentenced for over 45 years in prison for act of organized crime of trafficking. I think it is not necessary to comment how swift intervention and this kind of cooperation between state prosecutors is necessary to all of us. I think that we don't need some specially framed codex of behavior. The point is we have to want to fight organized crime. If we want that, we will surely find ways of achieving cooperation through the framework of our national legislation, Memorandum we have signed, or within the Memorandum of Understandings.

Mr. Hardy expressed his interest interested in 25 years sentence that was given to the traffickers in Montenegro for the trafficking in human beings case, that was described. I was curious whether or not that investigation and prosecution was able to identify

participants in that organization who were out of Montenegro, and whether or not there were any ability to pass on that information to the appropriate country.

Ms Medenica: Naturally, during our investigation we were in contact with judicial institutions of Ukraine. They were conducting paralleled investigation against suspected persons there. We had female Ukraine citizen who accommodated the people from Ukraine, and she has just been convicted in Montenegro to twelve years or so in prison.

Mr Krstic added that there would be a visit of the General Prosecutor of Ukraine to the Office of the Prosecutor General of Serbia, from 28.02 to 2.03. 2006, in Belgrade We prepared to sign a Memorandum of Understanding in which we will emphasize our national focal point towards Ukraine ,and we will be much more efficient.

Mr. Bruce Todd wants to pose a question.

Mr. Todd thanked the Chairman. Before I left the Commission I was trying to find out, with a help of another unit, what a situation is with a video conferencing static systems in courts in Western Balkans. I know the US have been quite engaged in the supplying of mobile units to some countries. A lot of people think it is a very expensive business to get into buying, purchasing of video conferencing equipment. It doesn't have to be, as I think U.S. have proved with Albania and Macedonia. I know that the U.S. aid have been targeting setting up a static system in courts in Croatia and I believe that there is a linkage with a court in Belgrade.

Mr. Krstic stressed that there was a video link between Belgrade and Croatia for war crime cases.

Mr. Todd asked participants to explain what the situation is in SEE countries as for video conferencing equipment is concerned. What are the needs? What do you have and what are the needs? If I could quickly go around each country starting with the Montenegro. So I'm talking about static video conferencing equipment in courts and mobile equipment. What do you have?

Mrs.Medenica explained that, in Montenegro, investigative judges lead investigations, so it is their issue. As for other technical issues, we have computers, web pages, e-mail addresses, faxes and phones.

Mr. Ilievski stressed that Prosecutor Office of the Republic of Macedonia have mobile equipment for the video conference. In our courts we don't have static equipment for video conference.

Mr. Koca stressed that his office did not have this kind of equipments. Yes, I know U.S. Department is going to provide us such equipment. I am not sure whether it is going to be mobile or not mobile, but, as I know, this equipment will be at the serious

crime court and with the permission to use by all the offices that need this kind of equipment.

Miss Dinu pointed out that her office did not have such kind of equipment in any of the prosecutor's office units or the courts. It will be bought this year. We have a project. Actually it's a foreign project, they will buy some equipment.

Mr. Todd: remarked that it was probably a money from the delegation, the European Commission delegation.

Ms Dinu explained that it was co-financed.

Mr Todd stressed that financing for equipment such as video conferencing is essential. I'm amazed that no member state of the EU has come forward and paid for this equipment already. It seems that the U.S. have been taking a lead on this, without much assistance from the European Commission. For instance, for some EU member states it's a very small investment, it's a very small amount of money to put forward, and a huge results can come from it. So, I would suggest that, if anybody is looking for money for this, first of all to consult with all other countries involved and see what system they have, to make it compatible. Secondly, go to a member state or go to the U.S. because they can finance these things much faster than the European Commission can. I got money for it before I left. I secured 1000000 Euros for this and other things before I left the Commission, but getting simple projects like supplying video conferencing equipment can take up to a year, even longer. So, my advice to you would be: go directly to member states or the U.S. and get the job done soon as possible.

Mr. Turan stressed that there was no equipment for videoconference system in Turkey. Recently our system in criminal matters changed and, if it is possible, we have to use videoconference system in getting statement in prosecution offices and the courts.

Mr. Vrtacnik explained that, in Slovenia, the situation was practically the same as in Montenegro. The technical equipment is the task for our courts. I'm not informed if they have this sort of equipment.

Mr. Ionas stressed that SECI, in a very near future, will have such kind of video conference system, mobile system. Each of the national focal point will have a mobile video conference system and they can use it, they can go in court or the prosecutor, doesn't matter where and they can use it. I think maybe till May, June it will be possible to install this video conference systems. And please just ask for it and use it.

Mr. Todd: So, if I understand correctly, the SECI will have its own system in house, static, and you'll be supplying countries with mobile systems, 12 countries.

Mr Ionas confirmed this. We already have eight mobile video conference systems and we need four more. And when we get this four more, we will be able to give all the member states one mobile video conference system, and if the court or the prosecutor need to use they'll just ask the national contact point to use such mobile video conference system. I want to point out that this was provided by FBI funds. This is a direct grant from the FBI. We had a plan for the SEEPAG members to have this mobile multimedia on their lap top.

Mr. Krstic explained that in Serbia there was static equipment in special prosecution for organized crime in Belgrade.

Mr. Krstic asked participants to continue with reports, and invited Ms. Elena Dinu to present to participants role and functions of the SEEPAG national PFP and progress in PFP establishing in Romania.

Ms Dinu thanked the Chairman. I'll be very brief in my presentation. We don't have this equipment for videoconference but we have all other necessary needs to fulfill the tasks of national prosecutorial focal point and we are eager to cooperate with other prosecutorial focal points in SEEPAG. That regards the contact and common activities we had so far. I have a permanent contact with Moldavian SEEPAG representative and we had some exchanges of information regarding legal solutions. We also used this contact to submit each other requests for traditional assistance, and we took part in some exchanges of information regarding operations conducted through the SECI Center, which were successful. But these cases involved mainly Moldavia and Hungary so I'm not aware of another cases that were done in cooperation with other SEEPAG countries.

Mr. Krstic stressed that in Serbia there were organized various campaigns about SEEPAG activity. We gave our contacts to the other prosecution offices in the countries of the region and we even gave some extended network of prosecutors in Serbia for contacts. These are all district attorneys offices in Serbia. We also, as you have seen in my report, had some organizational activity with regard to Secretariat of the SEEPAG. It is situated here in this building. We have facilities here, as we have computer and some gadgets in this building. It is quite capable for serving as national focal point and national contact point for EUROJUST. What we lack is capacity in the department for international relations of the Serbian prosecution office. We need a reform, we need new people, we need education and we need more equipment. There should be more people engaged in mutual legal assistance, because this field is very complicated. So we are in process of reform. We are expecting new criminal proceeding law. We are now taking part into a commission drafting new criminal proceeding law. We also expect that there will be some changes with regard to authority for executing mutual legal assistance. We now have, as you know, federal system, and supreme authority is in the Ministry for human rights and rights of

minorities. But, there is divided competencies between federal state and the Republic ministry of Justice in charge of MLA. I think that this should be changed in the future legislation. We also unified contact points and we now have three authorities in prosecution services in Serbia. We have war crime prosecutions as independent institution. We have department for organized crime combat which has large competencies and we have Office of the Public Prosecutor General. These are, in fact, contact points for legal assistance. As you have seen, Mr. Mandic is in charge in special prosecution office for legal assistance from their side. This is the state of facts in prosecutorial cooperation in Serbia.

Mr. Krstic invited Mr. Mirko Vrtacnik to present to participants role and functions of the SEEPAG national PFP and progress in PFP establishing in Slovenia.

Mr. Vrtacnik thanked the Chairman. As an introduction, I would like to say some words about Recommendation for Establishing Prosecutorial Focal Points. I remark that this act was not discussed in Belgrade session in December 2004. I say this because with all this presentations and discussions we were on some point far away from the most important questions - of the contact points. As I said in December 2004 we did not discuss this. Now this act is here and maybe it is now the opportunity for all of you, as delegates, to discuss little bit more about it. From the State of Slovenia we have no remarks and no need to change this document. It is actually in accordance with our legal system in the area of international cooperation. I stress again, maybe this meeting is the opportunity to clarify possible obstacles to the document from the position of other delegates from member countries. I think that it's possible to change these provisions in the near future. I'll give you some remarks about the current situation in Slovenia. According to provisions of both acts we were not nominating separate prosecutor as the SEEPAG focal point. Our SEEPAG member, it's me, is at the same time contact person for the SEEPAG. There is not enough time this afternoon to give you the report about all the international cooperation between Slovenian prosecutors and SEEPAG member states prosecutors, because these contacts are on every day basis. We have had a lot of cases with Croatia and with other countries on the region. But this is not, as I said before, the key question for SEEPAG contact points. For the time being, I, as contact point have not had real case of international cooperation with the SEEPAG states. Twice we have exchanged some information with Montenegro and BiH. But, as I said, I strongly believe that our state prosecutors at the first instance have had many contacts and concrete cases without intervention of the SEEPAG contact points. Our prosecutorial organization does not have centralized point to follow or to work on this international corporation. This activity is devoted to the responsible prosecutor who works on concrete case, and not to the supreme state prosecutor in the higher stage of our organization. But anyway after the Belgrade meeting I mentioned before, I gave the presentation in our annual meeting for all the prosecutors. We have every year annual meeting, and there are some educational activities. I presented our participation in SECI Center, and our participation in the SEEPAG. I also translated the General Guidelines for the

Slovenian prosecutors. We have Slovenia prosecutorial gazette and all of this was published in there. I published the article about this. The reason why I didn't translate the Recommendation for Establishing Prosecutorial Focal Points was the same as I mentioned in the beginning. I'm not sure that this act will stay in the same form. Maybe this will be all from Slovenian side, but I would like to stress that for the work of the prosecutor it is the most important to have the proper domestic legislation which enable international cooperation. Concrete state for example is Slovenia. And the key element is the knowledge; the prosecutors who work on concrete cases should have the knowledge about this legal possibility how to cooperate. We have seen today in the morning from the presentation of European Judicial Network that in their website is contained all the knowledge that one concrete prosecutor need to have when he works on concrete case.

Mr. Krstic thanked to Mr. Vrtacnik and gave floor to Mr. Tufan.

Mr. Turan thanked the Chairman. My name is Tufan Turan and I represent Ministry of Justice of Turkey. I am the judge actually and work on international law and foreign relations issues. And I have to express my pleasure to be here in the meeting of this advisory group, and it is very useful I hope for me and for my country. I noticed that the main issue of this meeting is the contact points and statistic model proposal. Related to this issue, I have to give some information about my country's legal system because we have some difficulties in establishing contact point and to obey proposal. When I talked with my colleagues in cocktail today, I saw that the prosecutorial system is a little bit different than in Turkey. In Turkey there is no General Prosecution Office. In Turkey there are approximately 900 provinces with cities and towns and there are all separate prosecution offices and they work independently from each other. There is one head of prosecution offices in cassation court but there is no organic relations with district prosecution offices so it creates difficulty to establish the contact point for SEEPAG. In the process of approximation to EU there is radical change of legal system of Turkey. Nowadays it is discussed that one structural body of general prosecution offices should be established. If this happen this problem will be solved. Meanwhile the contact points role is being done by Ministry of Justice of Turkey, generally. But there is no institutional body and it depends on persons so it is problematic. In general, Minister of Justice was appointing judges as the contact point for the European Judicial Network and Eurojust in 2001. Necessary computer network has been created in accordance with Ministry of Justice IT project. The project has already been realized for the central authority and for the local courts it will be finalized till 2006. As a judge and as a human being I support to see this aim very sincerely. Thank you very much.

Mr. Krstic thanked to Mr. Turan and closed the first day of the Conference.

## **FEBRUARY 23**

Mr Jovan Krstic welcomed participants and announced changes to the agenda, including discussion of Mr. Mario Thurner. He invited Mr. Angel Galgo, Secretary to the European Judicial Network, to present topic "Role and Functions of the EJM Contact Point".

Mr Angel Galgo stressed that EJM was created by the Joint action of the EU Council, in order to improve cooperation in combating serious forms of organized crime. It is a first truly operational structure. The principle that inspires it is quite simple: to identify and promote people in every Member State who play a fundamental role in practice in the area of the judicial co-operation in criminal matters, with the purpose of creating a network of experts to ensure the proper execution of mutual legal assistance requests. EJM gains particular significance in the context of the proclamation of the principle of direct contacts between competent judicial authorities. Idea is to avoid delays but also to simplify transmission of requests. It also implies superior level of responsibility of authorities. The EJM is a non concentrated, dynamic structure, with horizontal character and possessing only the minimum integration level necessary to its functioning. Therefore, flexibility is its main characteristic.

Every member state appoints contact points in accordance with constitutional rules, legal traditions and internal structure, providing that there is coverage for all forms of serious crimes throughout the country. This is why EJM is different from country to country. There is about 300 contact points in total. Contact points are active intermediaries, but do not form new links. We do not open a file when supporting judicial authority. We just enable local authorities to establish direct contact.

In practice, we can talk on phenomenon that EJM encompass all kinds of transnational criminality. Information provided by EJM encompass both active and passive MLA providing information on foreign laws, material and procedural, info on executions, advice on approach on collaboration in complicate cases.

Not only operational cases are activity of EJM, but also advisory role. There is also active role in particular missions such as trainings of colleagues in other countries, which reflect current needs coming from EU reality.

Relation with EUROJUST is also important question. In some cases EJM is defined as privileged partner to EUROJUST. Technically, EJM Secretariat forms part of the EUROJUST administration, but such situation is paradox, as EJM is autonomous in operational matters. EUROJUST focus on complex cases on transnational serious crime, and consequently, EJM should focus on bilateral cases, on horizontal level. On contrary, EUROJUST is operating on vertical level, in cases encompassing multilateral cooperation. In addition, EUROJUST has complementary role in bilateral

cases. Special relations might be illustrated by the fact that EJM contact points are considered as the most appropriate candidates for EUROJUST.

It is important to notice differences with between the SEEPAG and EJM contact points. EJM contact points are not only prosecutors, but also judges and representatives of central authorities.

Second, composition of two entities is different. There is one contact point in SEEPAG. IN EJM, there as many contact points as country wants.

Mr. Todd asked how much EJM could handle level of interaction of the EJM contact points.

Mr. Galgo stressed that EJM had to submit action report every three years, and had to submit evaluation report. However, I assume that you are referring to statistics. We do not have it. Certain contact points have daily contact, ad it is hard to them to maintain statistic. Contacts are dealt with phone or e-mail, which is not appropriate for opening a file. Also, it depends on needs for MLA. In Netherlands, cases have been received and processed daily. Contact points do have domestic records, but we did not manage to make overall statistic.

Mr. Vrtacnik remarked that Slovenia has 6 contact points and do not has any records. This would be impossible due to the facts that contacts are informal.

Mr. Todd asked which Balkans countries were not represented in the EJM, or were not active enough, and why was that.

Mr. Galgo explained that Romania, Bulgaria, Turkey and Croatia were represented in EJM, and Macedonia has been invited to appoint contact point. Other countries are not part of EJM, and this is one of the reasons for my being here. Yesterday we discussed ways that the SEEPAG could cooperate with EJM

Mr. Krstic added that, although some countries are not represented in EJM, they have representatives in the EUROJUST, and these are the same as SEEPAG Contact point. He suggested that this might be appropriate methodology.

Ms Dinu asked how can EJM help to get quicker answer to MLA request, as according to international conventions, these requests needs to go through central authority. Process could last a year. Right now fastest way is through foreign liaison officers, which takes few days.

Mr. Galgo pointed difference between official an unofficial ways of obtaining requests. I can not advise to avoid liaison officers, but have to ask what if problem arise for using these unofficial ways. We can help with facilitating contacts. We do not touch procedural stages, but do manage procedure, and therefore work between lines.

Mr Todd asked whether there is a full list of contact points on the EJM website.

Mr. Galgo explained that list exists, but is protected and not for public use.

Mr Krstic invited Mr. Mario Thurner to address the forum.

Mr. Mario Thurner recalled process of reaching MoU for Western Balkans, and informed that it has been signed. Next steps included fact-finding missions, and we plan to organize round table in Tirana. Mr. Thurner informed participants on conclusions from regional Interim Conference. There have been three main conclusions. First is that perspective of WB prosecutors is to establish formal network including issues such as witness and data protection. Secondly, round tables will be organized on a half year basis. Thirdly, there was idea to set up formal network by creating international treaty and thus widening MoU.

There is also strong need for English language trainings. There is also need for further training on specific topics, regarding fighting organized crime and corruption.

Mr. Krstic stressed that SEEPAG is compatible with CARDS, and that the SEEPAG is devoted to support CARDS.

Mr. Krstic invited Ms Diana Rorundu to address participants and present case presentation.

Ms Diana Rotundu appraised the fact that participants gathered for the fifth time at the SEEPAG conference.

Ms Rotundu stressed that it is essential that the SEEPAG mechanism was used in concrete cases. This is the only way to evaluate practical achievements of the SEEPAG, and way to approve name of consultative group.

Ms Rotundu acknowledged role of the SEEPAG which include: assistance to the investigative bodies in their work of gathering the proofs and using information or intelligence as evidences, exchange of information on legislative regulations regarding the mutual legal assistance and structures of the Prosecutors' Offices in the Member states, sharing the best practices from SEE countries, discussing the statistic model that will provide possibility to count the cases that were solved through the SEEPAG;

Ms Rotundu informed participants on case of successful cooperation through the SEEPAG between the Moldova and Macedonia, which was facilitated by the SECI Center.

On the April 28, 2005, at the request of Macedonian authorities the Republic of Moldova made the first interrogation of person via teleconference. The first information about the request for videoconference testimony of person was sent to the representative of SEEPAG from the Republic of Moldova by the police liaison Officer of Macedonia in SECI Center. The request did not come from the competent

body; it was just a request to inform if it could be possible to execute such a request and, if so, to arrange the video-conference.

The criminal proceeding legislation of Moldova provides the possibility of special ways of hearing a witness for his/her protection. The woman that was asked to interrogate was trafficked in Macedonia and the request was issued in the case of criminal prosecution of her traffickers. The responsible authorities located the woman and explained her subject of Macedonian authority's request. In the same time, we asked the Macedonian authorities, through SECI Center, to send the official request of criminal assistance in criminal matters. After a while, this request was received by the Prosecutor General Office. It was decided to execute the request jointly by the prosecutor office and the police Anti-Traffic Unit. Competent Court was contacted because, according to criminal proceeding legislation, a witness must make statements in conditions of using the special technique equipment, and is assisted by the respective instruction judge.

I must to mention the role of the SECI Center in organization of this event and of course the role of the United States Department of Justice that put at our disposal the equipment.

This is one of the most important cases for Moldova of cooperation through the SEEPAG and using SEEPAG possibilities, and presents the model of cooperation with SECI Center.

To give testimony using the modern technology is not only a step ahead, but is also a way to protect the witnesses or the victim that is questioned. Too many times the investigative bodies lose the main proof - the victim's declarations –only because the victim has fear to testify. The fear of traffickers, the fear for family, for life. Videoconference could solve the problem and allow to the officers or prosecutors the possibility to finish successfully the prosecution and have a sentence.

All representatives in the SEEPAG are practitioners and, for me, who directly deal with organization of a process of international legal cooperation, the practical activity of SEEPAG is very important. In Moldova both prosecutor and police officers have the right to execute, to carry out the case. More, the prosecutors conduct the criminal prosecution in all criminal cases. And at this stage of the case, only the Prosecutor's General Office is competent to decide and organize the international legal cooperation. So, without the prosecutor's participation it is not possible to gather the evidences abroad. I consider a good example of cooperation with SECI Center is including of prosecutors to participate at the meetings regarding SECI regional operations.

At our meetings we discuss that we have to give the statistic reports, and that we have to find a mechanism to work or to cooperate with other organizations. But I think that the most important is to start the work. To start to use the SEEPAG network in our job. Only in such a way we will understand if this organization is useful and how we could obtain the results we wait.

The legal cooperation is not only a way of gathering the evidences on the territory of other state, but is also exchanging information about the crimes that were or will be

committed, about the criminals. Therefore, it is a great opportunity to prevent the committing crimes.

We can not be indifferent. Indifference and unconcern is a grave disadvantage and we must do our best to do our job professionally and to deserve to be named as Consultative Group.

Mr Krstic introduced proposal of the statistic model to the participants.

He stressed that the SEEPAG represents a network of experienced prosecutors who are tasked to assist the SECI Center in operational matters and facilitate, to the greatest extent possible, the rapid exchange of information and evidence in trans-border investigations. This is to be implemented through the activities of National Prosecutorial Focal Points, which represent net of the prosecutors from the SEEPAG countries with competence to directly communicate with each in order to provide mutual legal assistance.

Because of these unique features and operational dimension of the SEEPAG, most of the main international actors in the field of judicial cooperation are providing support to the SEEPAG. Besides the SECI Center, the United States and OSCE, EU institutions with similar aims and roles such as EUROJUST, the European Judicial Network, and the EC CARDS Program, are interested in development of this initiative, seeing SEEPAG as counterpart that could contribute to the enhancement of Europe-wide co-operation on trans border criminal cases.

However, further development of the SEEPAG requires setting up mechanisms of evaluation of the practical achievements of the network. In this context, maintaining statistical data on the SEEPAG activities, based on comprehensive statistical model, is perceived to be the most appropriate basis for internal evaluation of the SEEPAG results, as well as presentation of the achievements to external partners.

The statistic model that is proposed is consisted of general statistic data on the contacts within the SEEPAG network, and operational data that includes particular details of cases that were processed through the SEEPAG.

As concluded in Athens, members should submit reports on all activities conducted through the SEEPAG.

After the first step reports should be submitted on the six months basis. This is to be done by fulfilling tables.

Statistic model is simple, but would be a success for the SEEPAG to adopt it.

In column one there is evidence on country. This column should serve for identification of the country that received request for assistance through the SEEPAG.

In the second column there is data on type of request; Since the activities of the SEEPAG are not limited to providing assistance in concrete cases only, but can involve other kinds of assistance e.g. advises on respective legal solutions in particular country, etc. This column should indicate general nature of request for assistance.

Third column is date of submitting request and date of realising request. The rationale of these columns is to identify speed of assistance that has been provided through the

SEEPAG. Since the basic principle of assistance through the SEEPAG is promptness, these data should help in identification of the possible shortcomings in the domain of rapidity of assistance provided.

Next column is legal base for cooperation; This is to indicate exact articles of national laws or international legal instruments that provides basis for providing legal assistance through the SEEPAG network.

In column five there is a register on stage of proceeding. This column should contain data on respective stage of criminal proceeding in which requesting country submitted request for assistance through the SEEPAG.

In column six we have a type of the criminal offence; This column is aimed to indicate type of the case for which legal assistance was requested. This is to be done by indicating exacts articles of material criminal law that are basis for prosecution in respective case.

In column seven we have measures undertaken; This is to indicate what operational measures were undertaken as a result of request for assistance through the SEEPAG e.g. any measure we can do. Even if we did not do anything we did something i.e. informing requesting country.

Finally we have outcome of the criminal proceeding. There is a need for country which responded to request to know what happened.

Mr Krstic pointed out that the statistic model was discussed at the Athens meeting of the SEEPAG experts, and stressed that having statistic data is essential for analysis criminal tendencies in the region and consequently providing adequate respond. Having overall view what are tendencies in countries is necessary for responding adequately. Also, national offices should have much more detailed statistic and data systems. This corresponds with strategy for combating crime that consists of 90 percent of intelligence and 10 percent of operations.

Ms Medenica recognized her involvement in discussion of statistic model. First draft of statistic model contained personal details, which she founded peculiar. First draft was submitted SEEPAG delegates in Athens.

Statistic model needs to be analyzed thoroughly, and all countries should engage in discussion of its merits, as well as to discuss whether it is needed at all. It is needed to acknowledge that prosecutors undertake a lot of activities in pre-investigative stage of criminal proceeding, where the confidentiality is guaranteed. She stressed that there is no need for one SEEPAG country to be informed on results of the activities conducted in another country. Ms Medenica invited all SEEPAG delegates to express their views on this issue.

Mr. Krstic agreed that all participants should declare their views on statistic model.

Mr Vrtacnik remarked that the last column of the Statistic Model should be removed, and the title should be changed to "Statistic Model of the SEEPAG Contact Points", as the statistic should be maintained only for the activities of the contact point. Mr. Vrtacnik stressed he in general supported Statistic Model.

Mr. Krstic agreed that the name of the Statistic Model should be changed. Mr Krstic argued that it is necessary to preserve column on outcome of the proceeding, and consequently get feedback. It is particularly important in cases involving SECI.

Ms Funic stressed that there is insufficient time for such discussion of statistic model. She argued that, although model is good, to adopt it require much more discussion with national authorities.

Mr. Krstic acknowledged a need that the results of the conference need to be discussed with competent national authorities. He reminded that model was discussed in Athens, where the experts made positive opinions. It is result of the expert meeting. Therefore, it is possible to make conclusion. At least participants could in general accept statistic model, and revise it subject to input of their national authorities.

Mr Koca stressed that the purpose of statistic needed to be clarified. Way of communication of countries is not only through the SEEPAG. If the aim is to record the activities of the SEEPAG, it is one thing, and getting overall picture on the criminality in the SEEPAG countries is another. This needs to be clarified.

Mr. Krstic clarified that aim was only to record the activities of the SEEPAG.

Ms Dinu discussed third column of the statistic model, and argued that it would be more interesting to have the date of receiving the request, instead of date of submitting the request, as it was proposed. Also, the term “answering the request” need to be explained, as well as “outcome of the request”.

Mr. Krstic explained that outcome of the request means just the most general data, that indicate activities and provide feedback on what happened.

Ms Dinu argued that it is necessary to have exact purpose of report in other to know what to report.

Mr Krstic explained that outcome mean “what happened”, i.e. the most general information that could be valuable for analysis.

Ms.Dinu argued that it was necessary to agree exact meaning of the words that are used.

Mr. Koca argued that statistic needed to be followed by manual with practical examples that would clarify.

Mr. Vrtacnik repeated his proposal to cancel last column, which would resolve all problems.

Mr. Krstic argued that this could infringe the whole idea, as one phase of the criminal proceeding would be missing.

Mr. Vrtacnik gave example of concrete case, supporting his argument. Case included providing advises for the prosecutor in Bosnia on how to approach investigative judge in Slovenia. This was useful information and advise, and could be regarded as measure undertaken.

Mr. Krstic argued that it was good to know how many measures were undertaken without any consequence.

Mr. Krstic raised the issue whether statistic model issue should be decided on this or next meeting.

Ms Medenica suggested deleting last column from statistic model.

Mr. Ilievski suggested that the issue should be postponed for the next conference, and until than all participants should send comments.

Mr. Koca argued that it is not appropriate to postpone it. There was enough time, and if nobody submitted objections to Secretariat it makes no sense to postpone it again.

Mr. Krstic explained that there were no objections submitted, and proposed that the statistic model is to be put on voting without last column.

Mr. Krstic concluded that discussion is closed and the Statistic Model is adopted. He announced presentation of the SEEPAG website and invite Mr. Djordje Mancic to present it.

Mr. Mancic stressed that the usage of the website as an information tool in prosecutorial cooperation proved to be a good idea in practice. Example for this is EJNI, which is certainly reference model for prosecutorial networking. Website was developed with the help of the SPOC and funded by the German Government.

Role of the website is two folded.

First it is a tool to promote SEEPAG activities. It is appropriate way to promote SEEPAG to external partners and it helps them to understand potential of the SEEPAG. Therefore, it is designed to present as much information as possible. Mr. Mancic presented structure of the website, elaborating particular links (overview, organization structure, members, list of events).

Mr. Mancic emphasized that the web site is only of limited value while presenting the SEEPAG to national authorities, due to language barrier. Potential beneficiaries of the cooperation through the SEEPAG are national district and special prosecutors, and

they need to know about the SEEPAG in order to use it. Therefore, it is necessary to find alternative ways to inform interested national agencies on role and functions of the SEEPAG. Good example that might be used in other countries was the Seminar organized by the SEEPAG Secretariat and OSCE for the national prosecutorial agencies in Serbia, held in December 2006, in Belgrade. Topics that were encompassed at this Seminar were: current trends in regional cooperation and MLA instruments, role of the SECI, role of the SEEPAG, and role of the national SEEPAG contact point. We had a chance to hear that similar efforts were also undertaken in Slovenia.

Some new plans were made and similar events are to be organized in other SEE countries, hopefully first in FYROM.

Second function of the web site is to provide practical info on judicial and procedural systems of the SEE countries. All the SEEPAG basic documents are on the website. We also plan to gather information akin to information that could be founded on the EJM website, but in less ambitious manner, and targeting only the most relevant areas for the SEEPAG cooperation. In this regard, some questionnaires have been produced. Also we would like to use and present efforts of other partners, such as SPOC that compile legislation in the domain of witness protection legislation.

Finally, website has communication potential. There is a restricted area that could be used by members only, and they need to use password and username to enter it.

Restricted area contains contact details of the SEEPAG prosecutors and counterparts. However, there are experiences that this function could be expanded to for example facilitate common MLA request.

Each SEEPAG delegate will be provided with an e-mail address they could use.

By founding the website we made important step toward promotion of the SEEPAG, but there is a lot of new results that could be achieved. The SEEPAG website will hopefully become tool that would be commonly used by practitioners in the SEE.

Mr. Mancic gave a floor to Mr. Rory Field to acknowledge role of Serbian Chairmanship and Jovan Krstic.

Mr. Rory Field appraised important role of Mr. Krstic in development of the SEEPAG. He highlighted open-minded ideas of Mr. Krstic and his commitment to developing international cooperation. He also acknowledged his strong energy. Creating new institution require creativity, and facing resistance. Mr. Field red appreciation letter signed to Ms. Ruth van Rhijn, Head of OSCE RoL HR Department.

Mr. Sam Nazzaro, RLA to US Embassy in Belgrade, appraised development of the SEEPAG, as well as positive changes that occurred in a couple of years. He appraised strengthening of institution, and the fact that the politic is left outside the SEEPAG. Mr. Krstic is one of the people who contributed to these achievements. He stressed good nature of Mr. Krstic and his positive approach. Jovan put a lot of very sincere efforts in development of organization and did a lot to promote it.

Mr. Nazzaro and Mr. Field handed letter of appreciation to Mr. Krstic.

Mr. Krstic remarked that his chairmanship has expired, and informed that he will continue to be SEEPAG contact point. He thanked all delegates for cooperation and patience. He recognized important role of Serbia and Montenegro in developing the SEEPAG initiative and thanked Ms Medenica for all support as co-chair. He expressed hope that the Serbia and Montenegro will stay together, more strong and effective.

Mr. Vladan Bonifacic, liaison officer to the SECI Center, provided case presentation of SECI operation, which was done with the help of the SEEPAG network in 2004. He presented operation "Bus", conducted between 5 SECI Center Members. Initiative for operation came from FYRM. Operation targeted smuggling of immigrant from Moldova to Greece. The SEEPAG capacity was used to obtain all necessary measures. Mr. Jovan Ilievski and Mr. Krstic helped with legal support and organizing the operation. Mr. Bonifacic elaborated details of the operations, its importance, positive aspect and shortcomings. Operation indicated importance of the SEEPAG involvement, both in positive and negative aspect, i.e. by indicating negative consequences of the fact that the Greece SEEPAG prosecutor was not involved in operation. Mr. Bonifacic supported all efforts aiming to strengthen the SEEPAG, and expressed hope that new chairmanship will increase efficiency of the SEEPAG.

Mr. Krstic concluded that main tasks of the conference has been done, and gave word to Mr. Mirko Vrtacnik.

Mr. Vrtacnik asked that the SEEPAG forum confirm decision of the transfer of chairmanship to Slovenia, and ask for voting on this issue.

Mr. Krstic put Slovenian chairmanship to voting.

Mr. Krstic declared unanimous voting and declared that Slovenia has taken Chairmanship over the SEEPAG.

Mr. Vrtacnik thanked SEEPAG Delegates for confidence and committed to fulfill expectations. He thanked Serbian Prosecutor Office and Jovan Krstic, and Mr. Mancic who prepared good presentation of the website and was good for cooperation. Mr. Vrtacnik announced that the Secretariat will be transferred from Belgrade to Ljubljana and asked SEEPAG Delegates to vote on this issue. He explained that Slovenian office has limited capacity, and demanding task of leading the SEEPAG demands Secretariat to be transferred.

Ms. Dinu stressed that it might be necessary and reasonable to move the Secretariat to Ljubljana. She also stressed that it would be better to preserve Mr. Mancic as the

Secretary, as he had a lot of experience, very good contact with the SEEPAG delegates, and his work is appreciated.

Mr. Vrtacnik agreed that Mr. Mancic is very effective, and competent, but it would not be convenient to travel from Belgrade to Ljubljana.

Ms Dinu suggested that Mr. Mancic could move from Belgrade to Ljubljana.

Mr. Vrtacnik stressed that this is not a question of the president. The general guidelines stipulate that presiding country needs approval of the SEEPAG delegates to establish the Secretariat. Nothing more. Previous Secretariat was established in strange way, without any approval. I am giving you a chance to vote on my proposal. This is a precondition of Slovenia to take over the Chairmanship.

Mr. Krstic remarked that Serbia and Montenegro agreed with Mr. Vrtacnik's proposal.

Mr. Vrtacnik asked participants to vote.

Mr. Koca stressed that there was no sense to vote if there were preconditions. This indicates that something is not going well. In the near future this problem needs to be discussed in base, especially if the documents are to be changed. If preconditions are made, formalities are not appropriate. Decision was made that Slovenia is new Chair, and it is not appropriate now to vote, as there are preconditions. This is something which is not good. If you have our vote to take presidency, you have mandate for other decisions as well.

Mr. Vrtacnik stressed that agenda for the meeting was not prepared in advance, although this was task of the Secretariat, and obligation coming from the basic documents. Agenda was received at the last moment, without possibility to intervene on it. Now the situation is like this, and I agree it is not very democratic. For further work we need approval that General Prosecutor of Slovenia can establish a Secretariat.

Mr. Koca stressed in this case it would be appropriate to vote on transfer of Secretariat before the voting on the Chairmanship transfer. Let raise this problem if we need to address this problem in near future. You stressed that you follow our documents strictly. As a lawyer you right, but just as a lawyer. But beyond of that there are other problems that needs to be discussed.

Mr. Vrtacnik announced parallel existence of former Secretariat in order to finish the mission and make transfer of documents. Secretariat in Ljubljana will immediately start to work.

Mr. Krstic stressed that SaM decided that former Secretariat become SEEPAG Contact point in Serbia, and continue to exist as a part of the Prosecutor Office.

Mr. Vrtacnik concluded that the issue is resolved. He stressed that Slovenia has planed its working plan priorities. First, it is planned to follow up previous activities and open projects. Second important issue to address is witness protection. We plan to prepare presentation of regulation of all SEE countries, and could propose to our authorities to adopt bilateral or multilateral agreements on witness protection. Smaller countries have problems with this issue. Second important question is cooperation of police and prosecutor services. Most of our countries have common legal history. Good results demand goof cooperation between prosecution and police. This is not only question of legislation, but also the question of way of thinking. These services are often separated. Next, we plan to address strengthening the role of the SEEPAG as advisory group and its contact points. I open discussion. I conclude that this proposal is accepted. The last question is issue of vice-chair person. It is to be elected in accordance with General guidelines. I propose that vice chair comes from the same state as chairperson. This is possible in accordance with the General Guidelines, and it is also the most appropriate. I propose my colleague Sinkovec. I open discussion on this.

Mr. Koca stressed that General Guidelines prescribe that each country has a delegate. This means SEEPAG is consisted from one delegate from each country. Following this logic, vice-chair can not be from the same state. I understand that practically you might like to have vice chair from the same country.

Mr. Vrtacnik stressed that he understood, and that this is possible reading. He proposed that this discussion was stopped at this point and continued latter. He proposed to prepare discussion and to continue it in Ljubljana.

Ms. Dinu stressed she agreed with Mr. Koca. She also noted that the Chairman could have assistant.

Mr. Vrtacnik invited SEEPAG delegates to prepare proposal for the vice-chair.

Mr Koca proposed that vice-chair is from the country that would take next chairmanship.

Mr Vrtacnik agreed that this is stronger argument that his own, and stressed that this should be discussed in Ljubljana.

Mr. Vrtacnik announced that for the meeting in Ljubljana, all countries would have to prepare presentations, at least for the 20 minutes.

Minutes from the Fifth Conference of the SEE Prosecutors Advisory Group  
Held on February 22-23, 2006, Belgrade, Serbia and Montenegro

Mr. Krstic thanked Mr. Vrtacnik and all participants, and declared that the Fifth conference was ended.

END