



**SECI Regional Center for Combating Transborder Crime**  
**6<sup>th</sup> SEEPAG Meeting**  
**June 19-20, 2006 – Ljubljana (Slovenia)**

Minutes

The Meeting was attended by the SEEPAG members and representatives of international organizations (**Annex 1 – List of Participants**).

(I). **Welcome remarks** were addressed by:

- **Mrs. Barbara Brezigar**, State Prosecutor of Republic of Slovenia
- **Mr. Mirko Vrtacnik**, Supreme State Prosecutor of Republic of Slovenia and Chairperson of SEEPAG

The speakers stressed the importance of the theme chosen for this SEEPAG Meeting, witness protection, and the fact that only an effective cooperation between the law enforcement and prosecutorial authorities of the member countries, with the active support of the SECI Center will be a successful endeavor in combating the organized crime and its negative influences in the Southeast European Region.

Republic of Slovenia is ready to get fully committed in cooperating with the other SEEPAG member countries and intends to be actively involved in all the actions to be undertaken within SEEPAG.

(II). **The Agenda of the meeting was approved by all delegations.**

(III). **Mr. Mirko Vrtačnik**, SEEPAG Chairman, made an introduction to theme “**Activity of SEEPAG member states on the programme of Witness Protection and adequacy of the legislation**”, stressing following items:

- The actions undertaken by SEEPAG in the field of witness protection
- The problems related to the legislation in the member countries referring to this matter
- Identification of the differences in the national legislations of the member states which has an important impact in the prosecution of serious crimes
- The results of the review of the national legislations in this field which was done prior to this meeting through the questionnaires disseminated among the countries which revealed the way in which witness protection is regulated within the national law, what are the protection measures, who can be covered by the regime of witness protection, the competent authorities to decide upon the application of these measures, the procedure for application of these measures and the international cooperation (bilateral or multilateral treaties)

- The purpose of the questionnaire was to get knowledge of how the witness protection measures are implemented in the member countries, to stimulate the cooperation for improving the national legislations in the field considering the fact that in several countries the law on witness protection has not even come into force
- The witness protection is not only the legal possibility to ensure the testimony of victims in safe conditions, but also to ensure reliable evidences in the cases
- As a key issue to be discussed in the meeting, it was encouraged the sharing of information on how the courts in the member countries evaluate the testimonies of the witnesses taking into consideration the fact that in many SEEPAG countries the testimony is following to the agreement between the witness and the state agencies
- Adequate financial resources must be made available in order to implement the security measures related to witness protection
- The countries were asked to be prepared in their presentations to provide examples related to their practical experiences on the use of protection measures and how the countries allocate the financial resources for this purpose
- According to the international standards in the field, the bodies with responsibilities in implementing the witness protection measures are the commissions for witness protection and the witness protection units. The cooperation between them is extremely important. The role of the prosecutor is to indicate the measures to be taken
- There is a need of a common approach in what concerns the implementation of the protection measures between the member countries
- Regarding the international cooperation in the field of witness protection, such provisions were introduced by almost all SEEPAG member countries, as well as provisions regarding the exercising of the measures of protection abroad. In some countries there is the possibility of organizing video-conferences for witness testimonies
- Efforts must be made to develop the best practices

**(Annex 2 – Presentation of Mr. Mirko Vrtacnik).**

**(IV). Countries presentations on the following topics:**

- Legal basis for implementing witness protection measures
- The protections measures which are implemented
- Who can be covered by the regime of witness protection
- What are the competent authorities to decide upon the application of these measures
- What is the procedure for the application of the measures
- International cooperation (what bilateral and multilateral agreements are signed by each member country)

**(Annex 3 – Countries presentations)**

**(V). Address by the Stability Pact on Organized Crime (SPOC), represented by Mr. Moritz Hildebrand**

SPOC offered support in the field of relocation of witnesses and also in organizing at the SECI Center premises a meeting with heads of witness protection units and prosecutors involved in this field.

(VI). **Address by UNODC** represented by Mr. Ilias Chatzis

“Initiative on witness protection”

**(Annex 4 – UNODC presentation)**

(VII). **Discussions on the presentations and comments:**

Greece – requested the representative of SPOC to provide details about the agreement on witness protection and what is SPOC approach in this matter, if there is a model agreement.

SPOC representative replied that there is no model agreement, it might be arranged in accordance with the national legislation; the bilateral agreement might be the choice at the moment.

Montenegro – raised a concrete question on how cooperation is done with SECI Center in specific cases

Bosnia and Herzegovina – mentioned that the cooperation of this country with SECI Center was established 3 years ago when they had the first case, which was in the field of trafficking in human beings case, which benefited of the full support from SECI Center. Most of the cases involve very sensitive witnesses and it is very delicate to work with them. Not only the witness protection department provides protection for witnesses, also the prosecutors’ office, when needed, during investigations and also regular police forces are involved to protect them.

Romania – saluted the idea about drafting the guidelines of SEEPAG; there is a need to create legislation which to be appropriate for our problems. All problems that appear in the guidelines are provided for in Romanian legislation. Also the SECI Center was congratulated, through which Romania successfully made international relocations. There are, from practical point of view, problems concerning relocation – if the person is revealed identity and killed on the territory of the country where he was relocated, the responsibility falls under the sending or the receiving country? Who will make the penal research? Is it good for the sending country to know the location? Do we have to keep permanent contact between the 2 countries, and at what level? Romania is doing this already. All necessary measures are taken in order to hide identity data about witnesses, but not always the auditions by the prosecutors are taken in such way to hide this data. There are situations when the witness cannot be protected even if his ID is changed. These are several important problems met in practical cases to which common solutions are needed to be found by the member countries.

(VIII). **Case presentation of Slovenia** – “An attempt of witness protection”, by Mrs. Tadeja Majcen – Assistant of the District State Prosecutor and Mrs. Elizabeta Gyorkos – Higher State Prosecutor in the Maribor District State Prosecutor’s Office

It was an attempt because the witness was lost, due to not enough measures and lack of legislation.

**(Annex 5 – Case presentation of Slovenia)**

(IX). **Case presentation by SECI Center** – Mrs. Snejana Nenova (Head of Legal/Internal Department)

**(Annex 6 – SECI Center presentation)**

(X). **Working Group discussions**

The SEEPAG members divided into 2 working groups, as follows:

- *Working Group 1* (Bosnia and Herzegovina, Croatia, FYR of Macedonia, Montenegro and Turkey), chaired by Mrs. Nastja Franko – Higher State Prosecutor of Republic of Slovenia

Topics for discussion within this working group were:

- ✓ Measures of support and assistance
- ✓ Procedural protection measures:
  - The role of the competent bodies
  - The role of the prosecutor
  - Video link in the international cooperation
- ✓ Confidentiality of data protection:
  - Legal provisions
  - Relations with media – possible activities of the prosecutor in this area

- *Working Group 2* (Bulgaria, Greece, Moldova and Romania), chaired by Mr. Jovan Krstic – Deputy Prosecutor General of Serbia

Topics for discussion within this working group were:

- ✓ Communication between the police, the prosecution and the court:
  - The role of the prosecutor
- ✓ Procedural protection measures:
  - Video link in the international cooperation
  - Advantages and obstacles

The conclusions of the working groups were presented to the participants.

**(Annex 7 – Conclusions of the Working Groups)**

**(XI). Business meeting with the SEEPAG member states regarding further work and organization**

It was agreed the next meeting to be organized with presentations and discussions of concrete cases and the new legislation in the field, where the case.

A greater focus is needed on the role of prosecutors and police and cooperation between them, particularly using this facility of witness protection.

Mr. George Hardy – USA Representative from the Department of Justice proposed the next SEEPAG Meeting to be held at the end of October – beginning of November 2006 and to be hosted at the SECI Center in Bucharest. Regarding the teleconference equipment, he informed that there is already a project of the FBI destined to police and customs agencies ongoing at the SECI Center, which is not designed to prosecutors but it can be made available under the form of donation. This system will be tested in September 2006 and operating by October 1<sup>st</sup>.

The US Department of Justice has available funds for such purpose. One set of equipment was donated to FYR of Macedonia, another to Moldova, because they had cases. Another one is left and fully compatible to FBI network, which can be donated to a country that will have a case. There is money in the budget for more equipment, if needed.

The Chairperson invited the countries to send their proposals on this matter at the prosecutors' office of Slovenia and they will be taken into consideration.

**(XII). Agenda for next meeting, should include the following issues:**

- ✓ *Relations of prosecutors with the police authorities.* The approach in this area should be changed and also the role of prosecutor and his relation with police authorities. This should be like additional item for meeting.
- ✓ *Election for vice-presidency of SEEPAG.* Next presidency according to the alphabetical order belongs to Turkey. Considering this, Turkey may have the vice-presidency until then.

The problem is about the representation of Turkey, since this country nominated a judge, not a prosecutor to participate in the SEEPAG meetings. One possible solution is to accept the proposal as a country, not as an institution.

The representative of Turkey stated that there is approval of the Ministry of Foreign Affairs of Turkey to accept the presidency. If chairmanship will come to Turkey, the Ministry of Justice will have task to appoint an official to execute this duty.

Turkey was voted as the country having vice-chairmanship of SEEPAG and they will be officially notified of this decision. Consequently, Turkey will take a decision at national level concerning the representation in SEEPAG. This will be the national decision of Turkey and the person nominated will be notified to SEEPAG secretariat.

- ✓ *National Focal Points* – there is a statistic form developed by Serbia and Montenegro which will be sent to SEEPAG Secretariat in Slovenia in order be circulated to gather info from the countries. It is needed to accelerate cooperation between the focal points of the member countries.

It was agreed that the next SEEPAG Meeting will be held at the premises of the SECI Center in Bucharest (Romania) and the date shall be set up end of October – beginning of November 2006.