



*7th Meeting of the Members of the Southeast European
Prosecutors Advisory Group (SEEPAG)
9 – 10 November 2006, Bucharest, Romania
Minutes*

Participants: the meeting was attended by representatives from Bulgaria, Croatia, FYR of Macedonia, Greece, Moldova, Montenegro, Romania, Serbia, Slovenia, Stability Pact - SPOC Secretariat, Turkey, USA and the SECI Center - [Annex 1](#).

Opening remarks

Mr. Mirko Vrtacnik, SEEPAG Chairman, Councillor to the State Prosecutor of Slovenia, welcomed the participants to the 7th Meeting of the members of the SEEPAG and expressed the wish for a successful meeting. He also greeted the presence in the meeting of the high representative of Romania – Mrs. Laura Codruta Kovesi, General Prosecutor of Romania.

Mrs. Laura Codruta Covesi, Prosecutor General of Romania, greeted the participants to the meeting and stressed out the importance of an efficient cooperation in fighting trans-border organised crime and need for a good relationship between the police and prosecutorial bodies is crucial in this respect. The establishment of the SEEPAG was an important step forward strengthening the cooperation among the prosecutors from the region and represented an important help in the joint effort for fighting trans-border organized crime. This prosecutorial group is a dialog factor between the concept of security and judiciary activity.

Romania adopted and enforced a powerful legislation in order to prevent, efficiently fight and prosecute organised crime and ensure efficient cooperation at national and international level. Lately special laws were adopted in order to fight against terrorism, trafficking in drugs, human beings, money laundering, and considerable efforts were made in order to bring the Romanian legislation in line with the EU standards. Additionally important measures and legislative amendments were made in the field of witness protection. Mrs. Kovesi stressed the readiness for participation and involvement of the Romanian prosecutorial bodies in the implementation of the SEEPAG strategies and activities. They are available with all the support and participation.

Mr. Mitja Mocnik, Minister Plenipotentiary, Director of the SECI Center, welcomed the participants to the meeting and expressed a wish for a fruitful cooperation in the future between the SECI Center and the SEEPAG, as this initiative is extremely important for the Center and for the success of the cases initiated. The fight against organized crime is gaining new forms and that is why the process of cooperation and assistance already established between the SECI Center and the SEEPAG is very important.

The field of activity of the SECI Center as well as its partners is enlarging day by day. We have met with our major stake holders and with the future participants in order to discuss the upgrading of the SECI Center and the SEEPAG is part of our future projects.

Mr. Mocnik mentioned that there is no urgent need to institutionalize the SEEPAG, and there is a possibility to set up a permanent SEEPAG Secretariat as part of the SECI Center. He wished success in the meeting and assured that the SECI Center is ready to assist and support the activity of the SEEPAG.

Mr. George Hardy, Resident Legal Advisor to SECI Center, US Department of Justice
“Using Video-conference equipment”

Mr. Hardy mentioned that through the assistance provided by the USA it was possible to install video-conference equipment in the National Focal Points of the SECI Center member countries. This was a donation of the FBI. Additionally in the framework of another project video-conference equipment was provide to the Prosecutors Offices from Moldova and FYR of Macedonia, fact that was possible because the referred countries had specific cases that required the usage of the equipment for submitting testimonies in the court.

The video-conference equipment is a great possibility to connect and have a meeting with representatives physically located in another place. It allows a simultaneous connection of up to 16 participants, as well as just point to point connection among 2 participants.

This system is used by US in fraud cases as it is much easier to get people together and it saves travel costs and efforts. On the other hand, it still has some disadvantages, that do not allow eye contact and the transmission of data comes with some delay. While presenting a case, there is also the possibility of visualising images on the screen or to present scanned documents, etc.

The transmission of the information can be encrypted, but this can be complicated to accomplish due to the possibilities in the member countries. Presently the ISDN lines are used, but a higher speed connection is needed for a more efficient transmission.

Video-conference demonstration was accomplished through a connection with the FYR of Macedonia Prosecutor's Office.

The Minutes of the 6th SEEPAG Meeting were approved.
The Agenda of the 7th SEEPAG Meeting was approved.

Mr. Mato Blazanovic, representative of the Witness Protection Unit, Ministry of Interior of the Republic of Croatia - See attached Power Point presentation in Annex 2.

Mr. Jovan Krstic

Presentation of the Witness Protection Agreement signed by Serbia, Montenegro and Bosnia and Herzegovina

There are three legal systems that were joined in the referred document. It is an excellent example of mutual legal assistance based on a simple agreement. Of course with the biding of the international agreements, providing direct contact in legal assistance it is very important. All the features and provisions of the national legislation were reflected in the referred Agreement.

An additional aspect that is relevant is that the agreement is broad and refers to various aspects, like the persons connected to the victims, etc. the main goal of the document is an efficient protection of the witnesses. There is also reference to the urgent measures of transfer and other specific cases.

Data confidentially and secrecy of the documents this agreement is not going further the national provisions in the domains. Surely the responsibilities for the leakage of the information will be put on the side of the country where it happened, that is why it is very important to be serious and responsible for the procedure taking place.

Referring to the communication language it is not a problem, as they are familiar with one and the same language that used to be common. Additionally they have an English version of the text that

can be used in cases of disputes. If there are other parties that want to access to the Agreement, there are provisions requiring the consensus of all the parties concerned.

Mr. Mirko Vrtacnik, SEEPAG Coordinator, Councillor to the State Prosecutor of Slovenia
Cooperation between the police and prosecutors – see attached Power Point Presentation Annex 3.

Mrs. Snejana Nenova, Head of Legal and Internal Department of the SECI Center
Cooperation between Law Enforcement Bodies and Prosecutors – see attached Power Point Presentation in Annex 4.

Countries presentations

Albania

Mr. Agron Sojati, Liaison Officer of the Ministry of Interior to the SECI Center explained that in Albania they have specialized units for witness protection. The main issue posing problems is the relocation of the witness. Even if they offer physical protection to witnesses and relocation, there is no agreement signed with any countries in such area. When they relocate witnesses, usually the people are not educated, they do not respect the deals and contact other people and offer information about the program, which makes it very difficult to implement. Another complicated aspect of the relocation is their integration in the society.

As regarding police and prosecutors cooperation, they are trying to improve is by establishing a link between their activities. The prosecutor is usually conducting the case, but there is a good connection with the police officers. The importance and urgent need of initiating agreements between the countries to regulate the relocation of witnesses on the territories of different states was stressed.

Bulgaria

Mrs. Mariana Lilova, SEEPAG member – “New aspects of the legal basis for improvements of cooperation between police and prosecutors in accordance with the new Bulgarian procedure code” – see Power Point Presentation attached in Annex 5

FYR of Macedonia

Mr. Jovan Ilievski, SEEPAG member – “Collaboration between the Police and the Public Prosecutors” see attached Power Point presentation in Annex 6.

Hellenic Republic

Mr. Dimitrios Gizis, SEEPAG member, pointed out that they are not interested so much on the technical part but on the legality of the cooperation between the police and prosecutors. Police do not initiate the case; a prosecutor has to do this. Police officers have to submit their reports to prosecutors; otherwise they cannot be used as evidences in court. The reporting is a gap between cooperation police and prosecutors causing numerous problems. Police officers do not have the authority to judge if a case is good or not, the prosecutors does this; the police has to report to the prosecutors all the cases. It is also an aspect of mentality. On the other side, prosecutors can order an investigative action but how to perform it is the matter of the police officer. We have to give the police the legal means to perform the actions. They should know what we need in court in order to decide how to act. This is also a modality of how should be organized the relation between the SECI Center and the SEEPAG.

Moldova

Mrs. Diana Rotundu, SEEPAG member, mentioned that the present meeting is a new confirmation that the setting up of SEEPAG was a good idea. Public prosecution plays a key role in the national justice system of the Republic of Moldova. The role of the police and prosecutors are well determined

and based on solid criteria. From the moment of the initiation of a criminal proceeding, the prosecutor is the subject who conducts all the proceeding actions of the competent prosecution bodies. For an efficient outcome the activity of the police and prosecutors should be based on the team-work and not on the competition.

The tendency causing problems in the Republic of Moldova relies in the fact that the police tend to increase the statistical data. In such cases, disciplinary decisions are applied, but only the Minister of Interior has the authority to decide who is punished or not.

The efficient cooperation between the SEEPAG members and the SECI Center should be an example for member countries also.

Montenegro

Mrs. Sonja Boskovic, Deputy Chief State Prosecutor, referred to the existing cooperation between the police and prosecutors, the problems that they are facing and the efforts undertaken to solve them. They organise round tables and seminars mean to enhance the cooperation between the two sides, in the same time their roles are well determined and they are trying to establish very good communication between the police and prosecutors. During the case proceedings the prosecutor is informed on the investigation, he can come to the place of the crimes, mark links, etc. Additionally, the prosecutor is present in the first hearing in the police office, during the recognition, as well as is participating in other relevant moments of the case examination. While submitting the criminal report to the prosecutor, the last one can return back the report to the police and ask for details stating specifically what is required more. The police have the obligation to process every request of the prosecutor, in case of disagreement the minister or higher ranking officials are informed, and disciplinary punishments imposed.

Romania

Mrs. Ioana Bodgana Albani, SEEPAG member, mentioned that they are trying to adjust to the new tendencies in the criminal world through amending the legislation in the domain and also through the establishment of the specialised units within the court. There was also created a specialized office for international cooperation meant to deal with the cases and for maintaining contacts with the international magistrates.

The jurisdiction of investigating serious crimes belongs to the prosecutor. The relation between the prosecutor and police are stipulated in accordance with the Article 9 of the Procedure Code. The Ministry of Administration and interior appoints judiciary police offices who will act under the supervision of the prosecutor while working on a case. The prosecutor is always and from the very first stage involved in the investigation of the crime. He is the leader of all the procedures and has access to all the data and hands the investigation itself, he can also delegate some of his powers to the investigator to police officers.

In order to increase the operational capacity it was established an operational and evaluation Center for the prosecutors dealing with risk analysis, establishing links in various criminal areas, etc. the partnership between police and prosecutors is based in law and also on the understanding that this joint effort is necessary.

Serbia

Mr. Jovan Krstic, SEEPAG member, informed the participants to the meeting that they have new legislation and enlarged the competencies of the prosecutor. The Article 45 of the new Procedure Code gives to the prosecutor large competencies for pre-trial procedure. Under the new legislation, the prosecutor decides when and how to begin the investigation, previously he was sharing the responsibilities with the police. Concerning the relation between police and prosecutors – they are in the transition period and are educating the prosecutors. If a police authority has failed to proceed

upon the request of the state authority, than they shall inform the higher competent authority, depending on the seriousness of the dispute. The new criminal procedure is going further more, providing that if in a 24 hours period from receiving an information the police and other state authorities do not proceed upon request of the state prosecutor, the last one shall without delay initiate the disciplinary procedure against the officer that has a suspicion for not proceeding upon the request.

Other provisions of the new criminal procedure refer to the special mechanism for the prosecutor general to share and to give the authority to the police to investigate and to question the witnesses, to obtain information on the crime spot, especially when this is very an urgent case. The investigating judge is also allowed to do some investigation during the crime proceeding and he is obliged to undertake the necessary procedure measures. The police and the prosecutor are equally responsible for the success of the investigation. Strong prosecution services are the guarantee for the human rights protection and the respect of the constitutional rights of the citizens.

Turkey

Mr. Hatice Seval, Reporter Judge, informed the participants that new amendments to the legislation and have new supervisory policies over the police. Their new judicial policy was adopted jointly by the Ministry of Interior and the Ministry of Justice. The national judicial network gives to the court access to immediate information referring to the suspects. Due to the legal reforms introduced, improvements in the speed of proceedings were achieved. Another target that is to be reached is to low down the number of hearings, fact that can be achieved through the good cooperation, training, good personal relations, etc;

Business Sessions

⇒ Chairmanship and Vice-chairmanship of the SEEPAG for the year 2007

It was decided that the Chairmanship for the year 2007 will be passed over to Turkey and Albania will be vice-chairing country.

Having in mind that the system is different in the member countries, it was proposed to have in the position of the Chairman of the SEEPAG, during the chairmanship of Turkey a judge, due to the fact that the prosecution service in Turkey is not national, but under the Ministry of Justice.

All the countries agreed to the proposal.

Turkey requested time for consultation in order to provide the name of the Chairperson from Turkey. They will provide the official nomination in due time.

⇒ 8th SEEPAG Meeting

The next SEEPAG meeting will take place in Slovenia, the dates preliminarily being set for the 15-16 of February 2007.

⇒ Setting up a permanent SEEPAG Secretariat

According to the SEEPAG guidelines the organisation of the meetings and other secretariat activities should be accomplished by the Chairing country. Having in mind the fact that the chairmanship often requested and was provided assistance by the SECI Center, it would be advantageous to set up a permanent Secretariat. But on the other hand many countries expressed the idea of the financial support of such a unit, and its personnel.

In order to implement this proposal, the SEEPAG guidelines have to be amended, in order to allow setting up such a permanent Secretariat. In conclusion, it was decided to establish a Working Group that will elaborate a proposal for amending the Guidelines and will propose a solution for the SEEPAG Secretariat.

The Working Group will communicate by e-mail and will be composed of Mr. George Hardy and the SEEPAG members from Romania, Turkey and Greece. All the other SEEPAG members are welcome to share their ideas.

The elaborated Proposal of the Working Group will be distributed to all the SEEPAG members 30 days before the meeting, and submitted for discussion and approval during the next SEEPAG meeting.