



*8th Meeting of the Members of the Southeast European Prosecutors Advisory Group (SEEPAG)
15 – 16 February 2007, Brdo, Slovenia
Minutes*

Participants: the meeting was attended by representatives from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Greece, Moldova, Montenegro, Romania, Serbia, Slovenia, Turkey, EJM, EUROJUST, Stability Pact for SEE, 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 8th Meeting of the members of the SEEPAG and expressed the wish for a successful meeting. He also greeted the presence in the meeting of Mitja Močnik, director of SECI Center and Janez Premože, ambassador, Ministry of Foreign Affairs of RS, and national coordinator and Stability Pact chairman of the working table 3.

Mr. Mitja Mocnik, Minister Plenipotentiary, Director of the SECI Center, welcomed the participants to the meeting and stressed, that SECI is a real and concrete contribute to the fight against organized crime in whole region. The role of the SEEPAG is reflected also in the conclusions of the Council of EU, which recently supported the role of SECI Center and thus also the role of SEEPAG. The prosecutors are of most importance in fighting organized crime, therefore the cooperation between them is crucial for successful combating of organized crime and there were more than 40 concrete cases last year in which 96 prosecutors from all the region successfully cooperated, to prove this.

To further improve the activities of SEEPAG, a small logistical center-point in form of a permanent secretary at the SECI Headquarters could be useful. He also expressed his optimistic view of the future of SEEPAG and future cooperation of SEEPAG and 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. Janez Premože, ambassador, Ministry of Foreign Affairs of RS, and national coordinator and Stability Pact chairman of the working table 3, welcomed the participants to the meeting. He described the past year of SEEPAG under Slovene Chair as packed with activities and he expressed his joy at anticipating the tackling future challenges under Turkish Chair. He also expressed his believe, that cooperation in narrower and more focused forms, such as SEEPAG, is the key for the future successes in combating organized crime.

The Minutes of the 7th SEEPAG Meeting were approved.

The Agenda of the 8th SEEPAG Meeting was adopted.

Mr. Galle Williams and Mr. Anthony Ballas, special agents, U.S. Drug Enforcement Administration, “International controlled deliveries” - [See attached Power Point presentation in Annex 2](#).

Mr. Vassil Stoykov, Manager of the Anti-Drug Task Force, SECI Center, “Controlled delivery exercise Balkans 20007” - [See attached Power Point presentation in Annex 3](#).

The part of the planned exercise, which relates to issuing official documents and acts by the prosecutorial and judiciary authorities of the participating countries without being informed in advance that the case presented to them is an exercise, caused numerous concerns among the participants. After discussion the following conclusion was adopted:

“Members of SEEPAG are of the opinion, that all the institutions, which are to take part in the exercise, should be actively included in planning of the exercise and should be informed in advance of such an exercise. It would present great legal risk to present the »dummy case« to prosecutorial and judiciary authorities without informing them of the nature of such a case.

The SEEPAG members are of the opinion that approval from the highest prosecutorial and judicial authorities of all the participating countries is necessary for the participation of prosecutors and judges in this and such exercises.”

Countries presentations

Slovenia

Mr. Bostjan Skrlec, district state prosecutor, seconded to the Supreme State Prosecutors Office of Slovenia, “Prosecutor-Police cooperation, border crime and controlled delivery” - See attached Power Point presentation in Annex 4.

Albania

Mr. Arqilea Koca, SEEPAG member, explained the organization of judicial police in Albania. The prosecutor is “dominus litis” of the pre-trial procedure and police is subordinated to prosecutor. The Albanian legislative contains all the provisions, necessary for the execution of controlled deliveries, both national and international. Albanian authorities make use of these provisions and have numerous cases of good cooperation regarding controlled deliveries with authorities from Italy, Germany and USA.

Bosnia and Herzegovina

Mr. Ramiz Huremagić, Head of Operations General Prosecutors’ Office, presented the regulation of controlled delivery under the criminal law of Bosnia and Herzegovina, which already has some experience regarding international cooperation related to controlled delivery. He also described practical experiences of controlled delivery, which was carried out in cooperation with the police authorities of Croatia and Slovenia.

Bulgaria

Mr. Tsvetomir Yosifov, prosecutor, Supreme Cassation Public Prosecutor’s Office, informed the participants about the new Bulgarian CPP. The request from foreign country must be addressed to the prosecutor’s office, which is the competent body and there is no need for the authorization from the court. He pointed out the capability of very quick response.

FYR of Macedonia

Mr. Jovan Ilievski, SEEPAG member – “Controlled delivery” - see attached Power Point presentation in Annex 5.

Hellenic Republic

Mr. Dimitrios Gizis, SEEPAG member, pointed out that the order for controlled delivery is given by the prosecutor and authorized in three days by the court. The basic form for the request could be an interesting topic for the further work of SEEPAG.

Moldova

Mrs. Diana Rotundu, SEEPAG member, presented the legal framework for the execution of the controlled delivery. Moldova legislation provides for both national and international controlled delivery but so far there were no practical implementation of controlled delivery in Moldova.

Montenegro

Mrs. Sonja Boskovic, Deputy Chief State Prosecutor, shared comprehensive presentation, describing the legal framework of controlled delivery as well as the practical possibilities for use of this method.

Romania

Mrs. Ioana Bodgana Albani, SEEPAG member, "Controlled delivery in Romania" - [see attached Power Point presentation in Annex 6](#).

Serbia

Mr. Jovan Krstic, SEEPAG member, presented development of legal possibilities for the use of special investigative means in Serbia in connection with controlled delivery. He prepared exhaustive Power Point presentation, which will be attached latter.

Turkey

Mr. Behcet Tufan Turan, SEEPAG member, presented his views on implementation of controlled delivery in Turkey.

After country presentations and with regard to everything that was presented in the scope of prosecutor police cooperation on this meeting and on the 7th meeting in Bucharest, **following conclusions were adopted:**

1. Regarding police-prosecutor cooperation in general:

- Police-prosecutor cooperation is of significant importance in combating organized crime.
- Prosecutor should make clear to the police what sort of evidence is needed for a successful prosecution at the court and police should provide the prosecutor with all the relevant information regarding the case, because police and prosecutor are equally responsible for the success of investigation.
- Joint seminars and trainings could serve as a good way to strengthening mutual understanding and enhancing exchange of communication.
- Instead on principle of competition, cooperation should be based on principle of teamwork and partnership between both authorities and should be based on law as well as on the understanding of need for joint effort. Achieving the conviction of the perpetrators should be the final goal for both, the police and prosecutor, and mentality that "police works for the prosecutor" should be avoided.

2. Regarding controlled delivery in particular:

- All of the SEEPAG member countries have the legal possibilities for the controlled delivery and almost all of them use the method in practice and member countries understand the need for using this method in combination with other special investigative methods and techniques.
- Good cooperation between prosecutors and police as well as the good international cooperation already exists, especially in the cases of controlled delivery, and it should be encouraged even more for it is essential for the quality of outcome.
- The role of the prosecutor is of vital importance for ensuring the legality as well as for making a full use of all the legal possibilities, all of which contributes to admissibility and credibility of the evidence.
- Good cooperation between police and prosecutor should also include the understanding, that prosecutor is the guardian of the legality of the police work.
- Speed, as well as the cooperation, is of vital importance for successful execution of controlled delivery and SEEPAG could contribute significantly in this regard. SEEPAG may also provide a sort of list of available legal solutions in the countries in the region.

Business Session

⇒ Changes of the General Guidelines

After the presentation of the proposed amends to The General Guidelines, made by the representative of the working group, Dimitrios Gizis, Slovene SEEPAG member supported the proposed amends, because they do not present any additional financial burden for the member countries. He also pointed out, that opinion of Mr. Mocnik, that there is no need for the secretariat, but only for secretary, part-time employed on tasks concerning SEEPAG activities. He stressed out, that during Slovene Chair, two employees of Slovene general Prosecutors Office were engaged as parallel secretaries, and also supporting staff from IT department was present during all the meetings in Slovenia. Slovene General Prosecutor's Office also covered the costs of these staff, in a form of absence from regular work. Great amount of technical work will remain the logistical and financial burden of the future Chair and permanent secretary could be of great help in coping with that.

Croatian SEEPAG member expressed her reservation to signing such amends, due to the fact that Croatian Ministry of justice, until this day has failed to verify the text of the proposed changes, as text, which presents no further financial obligations to Croatia.

Mitja Močnik noted, that implying the need for permanent secretary, who would work at the SECI Centre headquarters in Bucharest, although not directly, in the long run indirectly implies to the future staffing of SECI Centre, which is related also to financing and such decision, at the end, concerns the Join Cooperative Committee (JCC).

Serbian SEEPAG member expressed his opinion, that this is the opportunity to institutionalize SEEPAG and it should, in his opinion, be taken.

Albanian SEEPAG member shared the concern of Croatian SEEPAG member and expressed his fear, that the need for one more employee of SECI Center (in the form of SEEPAG secretary) would in did be later interpreted as responsibility of SEEPAG for increased financial needs of SECI.

In the following debate in which all the participants took part, it became evident, that there is no possibility for reaching unanimous vote on proposed amends of The General Guidelines. The

SEEPAG members instead were of unanimous opinion, that attention of the Join Cooperative Committee (JCC) members should be brought to the fact, that great amount of logistical work related to operation of SEEPAG and which is largely done by the staff of SECI Centre, demands inclusion of more affords then SECI Center is currently able to provide. SEEPAG members therefore hope, that the Join Cooperative Committee (JCC) members will provide the necessary financial conditions for the much-needed technical support in form of a permanent SEEPAG secretary at the SECI Center headquarters in Bucharest.

⇒ **Transfer of Chair**

Chairman reported on activities and finance during the time of his chair. [See annex 7.](#)

In accordance with Article 6, paragraph 2, of The General Guidelines, Turkish SEEPAG member, Mr. **Behcet Tufan Turan**, was proposed for the **next Chairman** and Albanian SEEPAG member, Mr. **Arquile Koca**, was proposed for the **next Co-Chairman. Both proposals were adopted unanimously.**

After Mr. Behcet Tufan Turan was elected the Chairman, he thanked all the SEEPAG members for the function they entrusted him and invited the SEEPAG members to the next meeting, which will be held in Turkey.