



Project Funded by the
European Union

EUROMED JUSTICE II PROJECT



WORKING GROUP 3 CRIMINAL AND PRISON LAW

3rd MEETING:

TECHNICAL INSTRUMENTS FOR INTERNATIONAL JUDICIAL COOPERATION IN CRIMINAL MATTERS

Athens (EL), 9-10 June 2009

AGENDA

Monday 8 June 2009

20.00 Welcome dinner for the representatives of the MEDA countries

Tuesday 9 June 2009

08.45–09.00 Registration of participants

09.00–09.30 Welcome speech.

Eftychia PHILIPPAKI, General Director, Legislative Coordination and Special Legal Relations' General Directorate of the Greek Ministry of Justice, Athens (EL)

Presentation of the Working Group and of the Project:

Anna ABARIOTOU, acting Head of Unit, EuropeAid Co-operation Office, European Commission, Brussels (BE)

09.30-09.45 Self-presentation by the participants

09.45-10.00 Presentation of the general framework of this component, the main topics suggested for discussion, the working programme and the methodology to be followed during the meeting.

Andrés SALCEDO VELASCO, Judge, Team Leader of the EuroMed Justice II Project, EIPA-ECR, Barcelona (ES).

10.00-10.45 1st Presentation on “General principles of international judicial cooperation in criminal matters.”

Speaker: *Jorge Albino ALVES COSTA*, Prosecutor, Constitutional Court, Lisbon (PT)

10.45-11.00 Coffee break

11.00-12.00 2nd Presentation on “Practical skills for cooperation. Specific reference to the evolution of the various networks operating in this field. Special mention of EUROJUST.”

Speakers: *Daniel BERNARD*, Belgian Liaison Magistrate to Morocco, Rabat (MA)

Katerina LOIZOU, National member for Cyprus, EUROJUST, The Hague (NL)

12.00-13.00 Discussion

Andrés SALCEDO VELASCO

13.00-14.00 Lunch

14.00-15.30 Presentation of the current situation in this field in each country by the respective participants of the MEDA countries and debate on the replies to the questionnaire on this topic.

Andrés SALCEDO VELASCO

15.30–16.30 The current situation in the MEDA countries concerning this field: conditions required for setting up a Judicial Cooperation Network (I).

Andrés SALCEDO VELASCO

16.30-16.45 Coffee break

16.45- 17.30 The current situation in the MEDA countries concerning this field: conditions required for setting up a Judicial Cooperation Network (II).

Andrés SALCEDO VELASCO

20.00 Official dinner offered to the participants by the Greek Ministry of Justice, “Roof Garden” of the Hotel Divani Palace Acropolis.

Wednesday 10 June 2009

08.45–10.30 Debate on the Code of good practices in Europe.

Andrés SALCEDO VELASCO

10.30–10.45 Coffee break

10.45–12.00 Debate. Specific proposals to improve the regional structure in this field.

Andrés SALCEDO VELASCO

12.00–13.00 Debate. Training as a key issue. Recommendations and training activities to be adopted.

José María FERNÁNDEZ VILLALOBOS, Judge, Course Manager of the EuroMed Justice II Project, Barcelona (ES)

Andrés SALCEDO VELASCO

13.00-14.00 Lunch

14.00–15.30 Presentation to the participants of the conclusions, recommendations and contributions related to the activities.

15.30–16.00 Coffee break

16.00-17.30 Adoption of the conclusions, recommendations and contributions related to the activities.

17.30-17.45 Closure.

GENERAL INTRODUCTION

Presentation

This meeting takes place under the third main component of the project: “Criminal and prison law, and criminal cooperation.”

During this third meeting devoted to “Technical instruments for international judicial cooperation in criminal matters”, we are going to share the international experts’ opinion and the participants’ approach on this topic from their own perspective and respective competences. Through an in-depth and detailed discussion, we will know the current situation related to the topics under discussion, among others:

1. The principles or characteristics prevailing in international judicial cooperation in criminal matters, especially in the European framework (just to mention some examples of some of these common features resulting from criminal judicial assistance regulations, both in the EU and at the Council of Europe and in many bilateral conventions concluded between EU Member States and third countries : required assistance, anti-formalism, direct communication, limits of refusal, motivation of cooperation decisions, intervention of mediation bodies, possible application of procedural law of the requesting State, principle of preservation of the request for mutual assistance, common general criteria about working languages, costs, cooperation with international courts, autonomy of the judiciary for some agreements implementing MLA requests in criminal matters, reformulation of the principle of procedural law and order, lines for solving conflicts between new international legal instruments for judicial cooperation in criminal matters and domestic constitutional law, etc..).
2. To show the networks structure which is currently one of the most efficient mechanisms from an operational and functional viewpoint in order to improve the practice of international judicial cooperation in criminal matters, especially in the European framework. Finally, to explain the practical problems hampering international judicial cooperation in the MEDA countries in relation to these two topics.

In this way, we will know what are the priorities and needs to be addressed through training activities and study visits. We will also define how to better focus the seminars on this component and what are the major issues and elements to be taken into account in order to reach the objectives of this project. In addition, some

recommendations on this topic will be adopted and we will start a debate on the final document to be delivered by the working group: the text of the Conclusions.

The recommendations formulated during the 4 meetings of this Working Group will be presented during the regional Conference in October 2009.

Working Method

The starting point is that all the participants should be aware that they are the main players of the Working Group in order to provide the information required and to cooperate in defining the strategy and objectives to be achieved through this project. We expect the experts participating in this working group to have an in-depth knowledge of the topics under discussion and to be able to provide us with a detailed vision of the current situation in their respective countries. We also expect them to have previously prepared themselves for the discussion in order to achieve the most fruitful results. In this context and to ensure a good preparation, the Project Team will provide the participants, at least two weeks before the meeting, with a Summary Note and the topics to be addressed.

As the Working Group meeting will only last 2 days, the preliminary preparation of the experts is more than welcome to reach the objectives at such short notice.

Experts

The experts should have the appropriate profile, a comprehensive knowledge and vision, and a sound experience in this field and willing to make an effective contribution to the working group. This will require not only that their country of origin allows them to have enough time available to attend the four meetings planned per component, but more specifically, that between each meeting they have enough time to continue to work together and with the Project Team, virtually through the Project website and/or other means (email, etc.) so as to allow for the continuity of the work and an exchange of information, documentation and ideas with each other.

The quality of the experts proposed is the main guarantee that our joint effort during the Working Groups meetings will result in a good analysis and diagnosis of the situation in each component, and in an exchange of useful, reliable and accurate information. This in turn will lead to a number of proposals for action being made by each WG.

Expected Results of Working Group 3

1. To define the overall approach of the topics to be discussed by the international and MEDA experts.
2. To keep abreast of the current situation of transposition and application of international conventions on criminal and prison law in each MEDA country and in the field of cooperation in criminal matters.
3. To discuss more specifically how the work of the Working Group could contribute to reach the main goals of the project with regard to transposition and application of international conventions on criminal and prison law, and international cooperation in criminal matters. Indeed, in this component there is a great concern for the less protected and less privileged groups (minors in prison, alternatives to imprisonment, reintegration of former prisoners, etc., represent some of the major concerns of this project). Transposition is an important stage in a process of reform aiming at covering the need for prison staff training, development of training and activities in prisons and support for vulnerable categories of prisoners like minors. At the same time, the project will take account of the need for alignment on international conventions in the light of the requirements of international judicial cooperation concerning the fight against terrorism and other forms of transnational organised crime. The project's priorities will also include: (1) the identification of initiatives aimed at promoting the use of alternative measures to imprisonment, such as social work or services of general interest; (2) identification of measures that will help the reintegration of former prisoners.
4. To define how to better focus the future activities to be developed under this component (and the major issues and elements to be taken into account in order to achieve the objectives of this project).
5. To draw up a provisional list of possible recommendations that could be developed in the Euro-Mediterranean region related to this component.

Specific results expected of the 3rd Meeting of this Working Group

1. To get a clear picture of the evolution worldwide of the general principles of international criminal judicial cooperation and of the common elements resulting from criminal judicial assistance norms, both in the EU and at the Council of Europe and in many bilateral conventions concluded between EU Member States and third countries. (e.g.: required assistance, anti-formalism, direct communication, limits of refusal, motivation of cooperation decisions,

intervention of mediation bodies, possible application of procedural law of the requesting State, principle of preservation of the request for mutual assistance, common general criteria about working languages, costs, cooperation with international courts, autonomy of the judiciary for some agreements implementing MLA requests in criminal matters, reformulation of the principle of procedural law and order, lines for solving conflicts between new international legal instruments for judicial cooperation in criminal matters and domestic constitutional law, etc.).

2. To examine the most recent formulation of some of these principles and common elements which inspire the most recent and most modern instruments for international criminal cooperation.
3. To analyse their presence in the criminal procedure provisions in the EU Member States and the Mediterranean partner countries, their level of reception and compatibility with domestic law, and their admissibility in the respective legal systems in order to identify the level of future compatibility and evolution in this field between Community law and the law of each Mediterranean partner country.
- 4.- To disseminate some legal techniques used in the recent legal instruments in criminal matters in the EU (use of the certificate technique).
5. To know the evolution of the various networks operating in this field in the EU, more particularly EUROJUST, their efficiency, the links with national structures, the legal coordination problems with the functioning of domestic legal systems, the various models for solving these problems and the future of EUROJUST jurisdiction and its role regarding third countries.
6. To explain the current situation in the Mediterranean partner countries and present the evolution model in this field in the Mediterranean partners, more particularly the reception of some of these principles in their bilateral or multilateral conventions on international judicial cooperation in criminal matters.
7. To define, more particularly, the necessary conditions for the possible establishment in the future of a network of international judicial cooperation in criminal matters.
8. Identify the practical problems that should be solved.
9. Examine the code of good practices in the field of MLA in criminal matters within the EU.
10. Training: a key issue. Recommendations for and training activities to be carried out on these issues.

Documentation

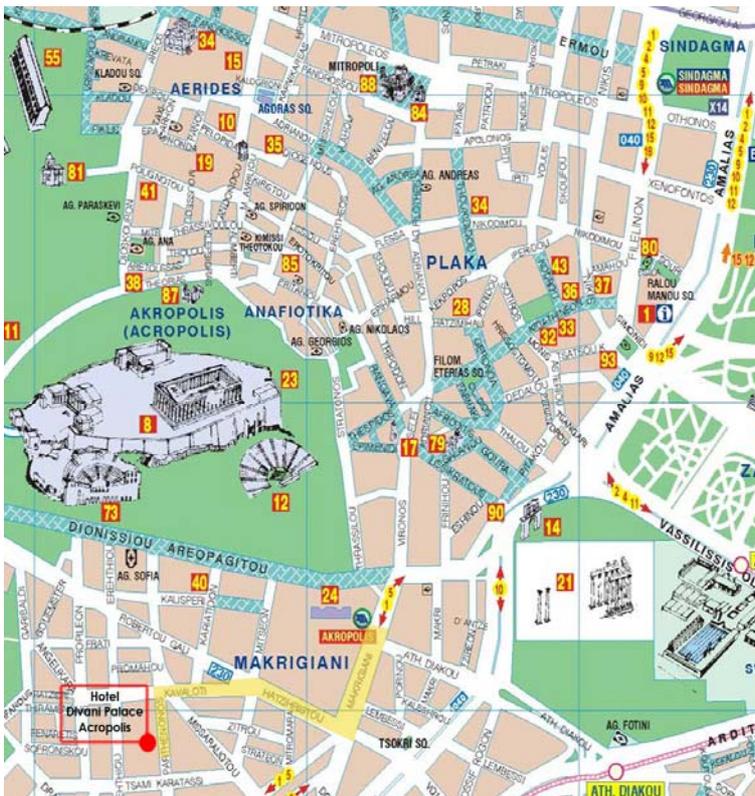
A list of the basic documentation will be provided by the Project Team at least two weeks before the Working Group meeting:

1. Timetable of the Working Groups meetings.
2. Relevant international documentation on the topic produced by the European Union, Council of Europe, United Nations, etc.
3. Other documents, possibly those provided by the participants of the MEDA countries.

Working languages

English, French and Arabic. Simultaneous interpretation will be provided.

Venue and accommodation



The Meeting will take place at the:

Hotel Divani Palace Acropolis

19-25 Parthenonos

P.C. 117-42 - Athens

Tel: +30 210 9280100

Fax: +30 210 9214993

Email: www.divanis.com/acropolis/

where the MEDA participants will also be staying during the meeting