

OSCE Annual Police Experts Meeting

Enhancing Cross-border Co-operation of the Criminal Justice System in Combating Transnational Crime in the OSCE Area

17-18 June 2014

Vienna, Hofburg/Ratsaal

CONCEPT PAPER

ANNOTATED AGENDA

Background

The global challenge of transnational organized crime cannot be addressed effectively without a close cross-border co-operation between the police and other elements of the criminal justice system, such as border and customs agencies, prosecutors and judges.

The United Nations Convention against Transnational Organized Crime (UNTOC) and its protocols provide a solid legal basis for promoting and enhancing cross-border co-operation of the criminal justice system. Various OSCE Ministerial Council and Permanent Council Decisions essentially call for the OSCE to promote the implementation of the UNTOC.¹ In particular, MC Decision No. 3/05 tasked the Secretary General with providing the requesting participating States with support for the mobilization of technical assistance, including the necessary expertise and resources, from relevant competent international organizations for the implementation of UNTOC and its Protocols in support of and in close consultation with the Conference of Parties and the UNODC.

Paragraph 15 of the *OSCE Strategic Framework for Police-Related Activities* (PC. DEC/1049, (2012)) reiterates OSCE's support to the full implementation of the UNTOC and as appropriate its Protocols, in close co-ordination with UNODC; and calls upon the OSCE to enhance the institutional capacity of the relevant stakeholders and strengthen law enforcement co-operation at the international, regional and national levels.

As the transnational nature of most of today's serious crimes requires immediate, effective and professional cooperation, there is a need to ensure quick and smooth co-operation mechanisms, not only between police authorities, but also involving a thorough and well

¹ See, for instance, Permanent Council Decision No. 758 on *Enhancing International Anti-Drug Co-operation* (2006); Permanent Council Decision No. 813 (2007) on *Combating the Threat of Illicit Drugs and Precursors*; and Helsinki Ministerial Council Decision No. 5/08 (2008) on *Enhancing Criminal Justice Response to Trafficking in Human Beings Through a Comprehensive Approach*.

prepared follow-up and co-ordination between law enforcement and justice. While significant efforts have been undertaken in recent years to achieve a certain streamlining between police and judicial cooperation, many challenges remain yet to be resolved.

The 2014 Annual Police Experts Meeting will be dedicated to the different forms and possibilities of such co-operation. On the basis of concrete examples, both best practices of co-operation mechanisms involving law enforcement agencies, prosecutors and judges will be presented and the challenges of such co-operation discussed. The aim is to provide a platform for national authorities to exchange views and to improve the inter-ministerial mechanisms of co-operation in view of speeding up the joint responses against transnational criminal activities.

Structure of the Meeting

The Annual Police Experts Meeting will address the direct cross-border co-operation between law enforcement agencies and the Judiciary.

Practitioners from relevant bodies of the Criminal Justice Systems (law enforcement agencies, prosecutors, judges) of the participating States and Partners for Co-operation will elaborate on the possibilities, best practices and challenges of co-operation at the bilateral, regional and international level in the OSCE Area.

Moreover, Criminal Justice experts from the OSCE executive structures and other regional and international organizations will share their experiences in promoting such cross-border co-operation.

Taking a forward looking perspective, the speakers and participants will be invited to elaborate on several concrete questions related to their field of experience. The aim of these discussions will be to explore the strategic outlook for the further development of the co-operation between law enforcement and the judiciary in the OSCE area.

The main findings and outcomes of the meeting will be compiled in a report, which will serve as basis and guidance for further discussions on this topic at the national, regional and international levels, as well as for guidance for OSCE when providing technical assistance in to Participating States.

Organization

The Annual Police Experts Meeting will be organized in accordance to Ministerial Council Decision No.9, MC (9).DEC/9, The OSCE Framework on Police-Related Activities, Ninth Ministerial Council Meeting in Bucharest, 4 December 2001 and MC Decision 4/12. The Decisions calls upon the OSCE to convene, as appropriate and preferably annually, meetings of police experts from OSCE participating States and representatives of other relevant specialized international and regional organizations.

The TNTD/Strategic Police Matters Unit will invite participating States to send relevant criminal justice experts from their countries. The meeting organizers will also invite experts from other international organizations as well as OSCE Field Missions active in the promotion and implementation of cross-border co-operations.

The meeting will be held in Vienna on 17-18 June 2014. Interpretation will be provided in all OSCE official languages.

Agenda

Tuesday 17 June 2014

13:00 – 15:00 Registration

13:00 – 14:45 Lunch Buffet offered by the Swiss Chairmanship

15:00 – 15:15 **Opening Session**

Welcoming remarks:

H.E. Thomas Greminger, Chairperson of the OSCE Permanent Council

Mr. Alexey Lyzhenkov, OSCE Co-ordinator of Activities to address Transnational Threats

15:15 - 15:30 **Introductory Session**

- Presentation of the key issues of Cross-border Co-operation of the Criminal Justice System in Combating Transnational Crime in the OSCE Area
 - **Mr. Guy Vinet**, Head, TNTD/SPMU
 - **Mr. Olivier Pecorini**, Vice-Director and Head of the Main Division, International Police Cooperation of the Federal Office of Police, Swiss Confederation

15:30 – 16:00 Coffee break

16:00 – 17:30 **Session I: Legal Framework for Cross-border Co-operation of the Criminal Justice System in Combating Transnational Crime at the Bilateral, Regional and International Level**

The experts will provide an insight into the provisions on international co-operation in combating transnational crime contained in different international, regional and bilateral legal frameworks, focusing particularly on aspects of cross-border co-operation involving both police and judicial authorities. This will allow a stock taking of what the international legal obligations are and which future is foreseen in relation to these legal obligations. This session should in particular address inter alia the following questions:

- How do international, regional and bilateral legal instruments reflect the need for close co-operation between law enforcement and the judiciary?

- What are the challenges in implementing these different instruments at national level?
 - The international co-operation mechanism within UNTOC: existing tools and new initiatives – **Mr. Tofik Murshudlu**, Chief, Implementation Section Support, Organized Crime and Illicit Trafficking Branch, Division for Treaty Affairs, UNODC
 - The legal framework for co-operation under the Council of Europe - **Ms. Barbara Goeth-Flemmich**, Director, Head of Division for International Penal Law, Ministry of Justice of Austria
 - Aspects of cooperation contained in the new police cooperation agreement between Switzerland, Austria and Liechtenstein - **Mr. Olivier Pecorini**, Vice-Director and Head of the Main Division International Police Cooperation of the Federal Office of Police, Swiss Confederation

Discussion: i.a. how to ensure a follow up at national level of the international obligations with regard to co-operation?

Moderator: *Mr. Marco Kubny, Deputy Head, TNTD/SPMU*

Rapporteur: *TNTD/SPMU*

Wednesday 18 June 2014

10:00 – 12:30 Session II: Developments and Challenges in Law Enforcement Cross-border Co-operation

This session will present recent developments in the extent and the scope of cross border law enforcement co-operation. Innovative elements in bilateral, regional and international police co-operation will be presented and the limits and challenges of the development of such elements discussed. In particular, the following questions should be addressed during this session:

- How can police co-operation keep pace with the technological developments?
- What are the best practices to use the limited resources of law enforcement in the most efficient way?
- What are the farthest reaching possibilities for police co-operation and where are its limits?
- How can bilateral, regional and international police co-operation mechanisms be best connected?
 - Police Co-operation Convention for Southeast Europe (PCC SEE) and its implementation process - **Ms. Zorana Katič**, Liaison Officer, Bureau for International Co-operation and EU Integration, Cabinet of the Minister, Ministry of Interior, Serbia

- The new integrated approach of the EU in the fight against crime: EMPACT – **Mr. Christian Jechoutek**, EUROPOL Operations Department and **Mr. Christopher Humphrey**, EMPACT Support Unit, EUROPOL
- The rise in technological requirements (safe communication channels, DNA and fingerprint exchange, etc.). Presentation of automated data exchange within Prüm, - **Mr. Reinhard Schmid**, Head of Biometric Identification Service in the Criminal Intelligence Service, Federal Ministry of the Interior, Austria
- The role of the Central Asian Regional Information and Coordination Centre for Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors (CARICC) in bilateral, regional and international law enforcement cross-border co-operation in Central Asia - **Mr. Beksultan Sarsekov**, Director, CARICC

Questions and discussion

Moderator: Ms. Pia Weber, Deputy Head of Section Bi-/Multilateral Police Cooperation, Federal Office of Police Fedpol, Swiss Confederation

Rapporteur: TNTD/SPMU

12:30 – 14:00 Lunch Buffet offered by TNTD/SPMU

14:00 – 16:30 **Session III: Good Practices and Challenges in Cross-border Co-operation involving Law Enforcement Agencies and the Judiciary**

Allowing for a wide range of assistance between States in the production of evidence, the efficiency of more formal cross-border co-operation involving the Judiciary is closely linked to trust and relationships with authorities in other States. On the other hand, the cooperation is in turn hindered in cases where these relationships do not exist, which in turn underlines the need for institutionalized yet light cooperation mechanisms. Criminal Justice experts will present concrete examples of their experience of cross-border cooperation cases when using mechanisms aiming to improve the efficiency of formal international co-operation involving the Judiciary.

This session will seek to address inter alia the following questions:

- How can the trust among law enforcement and judicial authorities be improved?
- How can the formal cooperation mechanisms be speeded up?
- How can the link between police and judicial cooperation be strengthened and streamlined?

1. Mechanisms involving the judiciary

- Liaison Magistrate – **Ms. Amélie Duranton**, French Liaison Magistrate in Italy and Malta

- Network of Prosecutors: Southeast European Prosecutors Advisory Group (SEEPAG) - **Ms. Snejana Maleeva**, SELEC Director of Legal and Internal Affairs, SEEPAG Co-ordinator

2. Mechanisms involving jointly law enforcement agencies and the judiciary

- E-Extradition Initiative - **Ms. Jeanette Kroes**, Legal Officer, Office of Legal Affairs, INTERPOL
- Witness protection - **Mr. Miro Jukic**, Associate Protection Officer, Victim and Witnesses Section, Sarajevo Field Office, UNICTY and **Mr. Kresimir Kovacic**, Croatian Police Liaison Officer in Austria
- Joint Operations:
 - Joint Investigation Teams in Europe – **Mr. Michael Schmid**, Seconded National Expert to the Austrian Desk, EUROJUST
 - Joint operations in Central Asia – **Mr. Mahmadoirsho Davlatyorov**, Investigator, Investigation Department within Drug Control Agency under the President of the Republic of Tajikistan

Questions and discussion

Moderator: Mr. Erwann Tor, Police Affairs Officer / Adviser on Fight against Crime,
TNTD/SPMU

Rapporteur: TNTD/SPMU

16:30 – 17:00 **Coffee break**

17:00 – 17:30 **Main Findings and Outcomes**

- **Mr. Alexey Lyzhenkov**, OSCE Co-ordinator of Activities to address Transnational Threats

In close co-operation with the moderators of the three sessions, the OSCE Co-ordinator of Activities to address Transnational Threats will present the main findings and outcomes of the meeting to the participants.

Closing Remarks: H.E. Thomas Greminger – Chairperson of the OSCE Permanent Council