

1ST EXTRAORDINARY EXPERT MEETING
SEE PROSECUTORS ADVISORY GROUP (SEEPAG)

26 July 2005
Athens, Greece

The 1st Extraordinary Expert Meeting of The SEE Prosecutors Advisory Group was organized through separate meetings of two *ad hoc* Working Groups. After presentations and extensive discussions, the Working Groups adopted the following joint conclusions:

Working Group 1

The SEEPAG Working Group I recommends, as a general goal, the establishment of a network of organized crime and terrorism prosecutors under the umbrella of the SEEPAG. In order to accomplish this goal, the following steps should be taken:

- 1) Each SEEPAG member should make their prosecution authorities who are responsible for organized crime and terrorism cases aware of the SEEPAG and its functions and potential before the next SEEPAG meeting.
- 2) Each SEEPAG member should identify a contact point (or contact points) within their relevant national prosecutorial authorities that can act as a central means of communication, cooperation and coordination for the prosecutors handling organized crime and terrorism cases.
- 3) That a regional conference be held bringing the organized crime/terrorism prosecutor contact points together to exchange information, views, and develop personal contacts, within the framework of the SEEPAG, that may facilitate their efforts to combat transnational organized crime and terrorism.

As second goal, Working Group 1 proposes to facilitate the communication between SEEPAG members and deepen the co-operation with SECI Centers Operational Units (Task Forces). In order to accomplish this goal, the following steps should be taken:

- 1) To assist in the development of the SEEPAG web-site by collecting the necessary information, legal documents and feedback, and providing such materials and information to the SEEPAG Secretariat before the next SEEPAG meeting.
- 2) To promote the use of the SEEPAG web-site among the national authorities of each country.
- 3) To examine the limitations of processing personal data in the preliminary stage of investigations and the obstacles of the improving and speeding-up of the legal assistance by direct means of communication and propose solutions.
- 4) To improve the co-operation between the SECI Center and SEEPAG in concrete cases, where joint investigation teams have been established. In this regards, it is recommended that the SECI network to be used until SEEPAG will have its own.

5) To propose, in the view of the revision of the SECI Agreement, a SEEPAG prosecutor to be elected as a part of the SECI management.

Working Group 2:

As a specific objective, Working Group 2 recommends creating a Statistical Model for registering activities of the SEEPAG. The Statistical Model would be the basis for internal evaluation of SEEPAG results, and allow for the presentation of the achievements to external partners. In order to accomplish this goal, the following steps should be taken:

- 1) Initially, the SEEPAG members should submit reports on all activities that were conducted through the SEEPAG network since it was established. After this first step, the reports from the SEEPAG members should be submitted on the six months basis.
- 2) Analysis of the SEEPAG Statistical Model that was prepared by the SEEPAG Secretariat is an appropriate starting point for discussion. All SEEPAG members should provide their respective comments on this analysis by September 15.
- 3) As general comment, it is submitted that the adoption of the Statistical Model will introduce the obligation to the national PFPs to submit their respective reports. This indicates a need for the PFP to be vested with enough authority to perform such a task.
- 4) As a concrete comment to the Statistical Model proposed by the Secretariat, it is concluded that the national Prosecutor Offices need to submit reports only on MLA requests that they submitted, and should not be obliged to report on MLA requests they received.
- 5) The column "type of request" of the Statistical Model needs to be defined in more detail. Practices of the EJM and EUROJUST should be taken into the account.
- 6) The proposed format of the Statistical Model, which is composed of two different tables, should be modified; the two tables should be merged into one table.
- 7) The column titled "name of the suspect" should be deleted.

As a second subject, working group two reviewed the potential of bilateral MoUs as instruments for pursuing cooperation through the SEEPAG, and came to the following conclusions:

- 1) Bilateral MoUs are considered as a useful instrument for pursuing cooperation of the Prosecutor Offices of the SEE region.
- 2) Prosecutor offices of the countries participating into the SEEPAG that did not conclude mutual bilateral MoUs are encouraged to pursue their cooperation by concluding such legal instruments.

As a general goal, Working Group 1 highlighted need of improving the co-operation with the SECI Center, and issued following recommendations:

- 1) Representatives of the SEEPAG should actively take part in drafting the SECI Center Agreement.
- 2) Involvement of the prosecutors in the SECI Center special operations needs to be intensified. It is necessary to introduce standard procedures of cooperation with prosecutors. The current method of cooperation between the SECI Center and Prosecutors' Offices of the region needs to be modified in a way that would ensure that the SEEPAG PFP is always included in the special operations of the SECI Center. In such a scenario, the task of the SEEPAG PFP would be to ensure coordination of the activities that its respective Prosecutor Office conducts in the SECI Center operation.

Finally, Working Group 2 analyzed a use of video-teleconferencing equipment in trans-border cases, and submitted following conclusions:

- 1) SEEPAG network should develop standard MLA request, based on model available on the EJN's Atlas Website, with particular reference to the Second Additional Protocol to the Convention on Mutual Legal Assistance in the Criminal Matters.
- 2) SEEPAG members should exchange information on the legal basis in their countries regulating execution of requests in this field.
- 3) SEEPAG members should provide practical guidelines elucidating all steps that must be taken by requesting countries in order to secure cooperation in this field.
- 4) SEEPAG members should work with their relevant authorities to develop clear procedures to be followed when holding hearings via video-teleconferencing equipment, both as the requesting country and the requested country.