



Project: Development of Reliable and Functioning Policing Systems and Enhancing of Combating Main Criminal Activities and Police Co-operation

Strasbourg, 30 October 2005

Report on the

Workshop on Assessment of Training Needs
in the Field of International Co-operation in Criminal
Matters

Podgorica, Serbia and Montenegro (9 September 2005)

Contents

1	INTRODUCTION	3
2	ADDRESSING TRAINING NEEDS IN THE FIELD OF INTERNATIONAL CO - OPERATION IN CRIMINAL MATTERS	3
2.1	State of play	3
2.1.1	Relevant Training courses	3
2.1.2	Reference materials and guidelines	4
2.1.3	Current activities	4
2.1.4	Assessment	4
2.2	Conclusions and recommendations	4
3	FUTURE ACTIVITIES IN THE FIELD OF INTERNATIONAL COOPERATION IN CRIMINAL MATTERS	6

For any additional information please contact:

Council of Europe
Directorate General I – Legal Affairs
67075 Strasbourg CEDEX, France
Tel +33-3-9021-4260
Fax +33-3-8841-2052
E-mail livia.stoica@coe.int

The views expressed in this report do not necessarily reflect official opinions of the European Commission or of the Council of Europe.

1 INTRODUCTION

This workshop was organised by the Council of Europe within the framework of its joint project with the European Commission on "*Development of Reliable and Functioning Policing Systems and Enhancing of Combating Main Criminal Activities and Police Co-operation*" (CARPO) under Output 1.5¹.

This activity aimed at reviewing concrete training needs, existing training manuals, curriculum and other relevant materials for general training on international co-operation in criminal matters aspects. It took place in Podgorica, at the Council of Europe's office, on 9 September 2005

Seven national experts participated to the workshop, namely Ms Branka Lakocevic, Deputy Minister of Justice, Ms Snezana Maras, Higher Advisor in the Ministry of Justice, Ms Marina Miranovic, Advisor in the Ministry of Justice, Mr Miladin Pejovic, Judge, Basic Court in Podgorica, Ms Nada Vukanic, Chief of the Department for Legal Affairs in the Ministry of Interior, Mr Sasa Milic, Chief Inspector in the Department for Combating Economic Crime, Ministry of Interior, Mr Mitar Mugosa, Deputy Higher Prosecutor in Podgorica and Ms Olivera Kujundzic from the Judicial Training Center. The Council of Europe made one expert available, namely Mr Andrej Kmecl (Supreme Court, Slovenia) and was represented by Mrs Livia Stoica-Becht (CARPO Deputy Project Manager) and Mr Lado Lalicic (CARPO local project officer).

The present report endeavours to highlight the main conclusions identified in the course of the workshop to address training needs and issues of concern and outlines the future activities in this field which will be organised within the framework of the CARPO project until September 2006.

2 ADDRESSING TRAINING NEEDS IN THE FIELD OF INTERNATIONAL CO - OPERATION IN CRIMINAL MATTERS

The following findings, conclusions and recommendations are based on information provided by the participants during the workshop.

2.1 State of play

2.1.1 RELEVANT TRAINING COURSES

Training is provided by the Judicial Training Centre, which started to operate in November 2000. The aims of the Centre are to develop and implement curriculum for education of several target groups: primarily judges, judges' expert assistants, aspirants to the position of a judge (apprentices at courts) and courts' personnel but also prosecutors and lawyers, forensic and other expert witnesses². Since its establishment, the JTC has heavily relied on foreign/ international donations. At the end of 2005, it is expected that financing of all its regular expenses will be completely overtaken by the Government of Montenegro.

According to the information received, no training in the area of international co-operation in criminal matters is available. In principle, the Judicial Training Centre would be capable to offer organisational and administrative support to any training activities on international co-operation in criminal matters organised in the framework of the CARPO project.

¹ The specific objective of Output 1.5 is to strengthen capacities for co-operation in criminal matters among countries of South-eastern Europe, in particular by supporting Member States' efforts to ratify and implement the 2nd additional protocol to the European Convention on mutual assistance in criminal matters (CETS 182) through a) the development of strategies for its ratification and implementation and b) the development and testing of training materials in the field of co-operation in criminal matters. For further information, see: <http://www.coe.int/cards-police>

² See : <http://www.coscg.org/>

The law faculty does formally cover the area, but the actual coverage is extremely brief if performed at all.

2.1.2 REFERENCE MATERIALS AND GUIDELINES

Written materials which could serve as references and/or study materials are limited to several compilations on International Legal Assistance (author: Vladimir Todorovic), which include selected bilateral agreements and international conventions. These compilations were published in Belgrade in 1999 and respectively 2003. These compilations are available only to a very limited extent to the courts.

As far as foreign literature is concerned, its availability is limited and the language barrier seems to be relatively high. The Co-operation Manual developed within the Council of Europe PACO programme includes a chapter on judicial co-operation, however given the fact that it is in English only, its use is limited.

2.1.3 CURRENT ACTIVITIES

The only activity mentioned by the participants and which took place in Montenegro this year was a regional seminar on mutual legal assistance and extradition, organised within the framework of the CARDS Justice regional project, and to which a limited number of officials from Montenegrin institutions participated.

2.1.4 ASSESSMENT

The general level of knowledge regarding mutual assistance in criminal matters was estimated as partly satisfactory by the judiciary themselves and as largely unsatisfactory by other agencies dealing with mutual legal assistance requests. Also, no trainings are available on this issue and the reference literature is very limited. However, it was generally acknowledged by the representatives of the judiciary and of the prosecution office that the co-operation with other agencies and responsiveness of those agencies largely ameliorate their own lack of resources. Especially good working relations with the corresponding department of the Ministry of Justice was pointed out repeatedly.

The Ministry of Justice has some of the necessary resources at their disposal and is willing to contribute in order to provide training to all the officials involved. It has to be emphasised that the Ministry of Justice representatives are ready to act as a driving force in view of the establishment of such training and also the drafting of at least basic training/reference materials. If these activities are executed properly and completely, an important part of the basic needs in the area of training and reference literature will be covered in a satisfactory manner. Therefore, these activities should be supported through any means available in the framework of the CARPO project.

2.2 Conclusions and recommendations

In conclusion, there are a number of clearly identified needs in Montenegro for initial and continuous training directly geared to the fact that the European conventions related to international co-operation in criminal matters have recently entered into force and that there is a limited experience in their implementation. A number of practitioners (primarily police investigators, prosecutors and judges) should be provided basic and specialist training in this field.

Direct communication between relevant authorities often involves adequate fluency in at least one foreign language in addition to the mother tongue, otherwise this possibility remains theoretical. In addition, inability to express oneself in another foreign language can constitute a major obstacle to speedy mutual assistance. Montenegrin authorities should consider promoting and extending in the course of careers of relevant professionals trainings in foreign languages.

It seems also that there is a general problem with the lack of reference materials and guidelines covering practical aspects of mutual assistance in criminal matters and guidance on the application of existing legal provisions. In this respect, possible ways to address this gap include:

- A consolidated and updated compilation of relevant international legal instruments, bilateral agreements and legislation could be prepared.
- In addition, the knowledge of the legal, judicial and institutional systems of other European states should be promoted. As mentioned earlier, the Co-operation Manual developed within the PACO programme contains useful information on judicial co-operation aspects in Albania, Bulgaria, Bosnia and Herzegovina, Croatia, Hungary, Moldova, Romania, Serbia and Montenegro, Slovenia and “the former Yugoslav Republic of Macedonia”.
 - The specific chapter of Serbia and Montenegro of the Co-operation manual should be updated, with the assistance of experts from the Serbian and Montenegrin authorities, in order to serve as a useful tool of information for foreign authorities.
 - At the same time, national authorities would also benefit from it, as it contains information on the law and procedures of other countries relating to international co-operation in criminal matters. Following the general update of the Manual (to be carried out before February 2006), through the CARPO project, additional copies of the updated version of the manual could be distributed to relevant institutions and practitioners. Also, the possibility of translation and consequently much wider distribution of the Co-operation Manual in Serbia and Montenegro could be considered, in consultation with relevant authorities.

Finally, it was agreed among participants that the most urgent and useful activity would be the development of a training seminar and related reference training materials, practically oriented and which would enable the transfer of existing knowledge to relevant actors.

- As far as the content of the training is concerned, it could be conceptualised in the course of an expert meeting gathering national experts (primarily from the Ministry of Justice) and Council of Europe trainers in the framework of the CARPO project.
- This group of experts still need to consider whether such training should be developed for a limited number of selected professionals who deal with mutual assistance in criminal matters on a regular basis or whether it should target a broader audience. Both options have their advantages. The specialisation of selected professionals presents advantages in terms of efficiency and restricting training to a select circle of officials. It would also potentially pave the way for a future ‘train the trainers’ approach and the development of a pool of specialised national experts in international cooperation in criminal matters. On the other hand, a broader training would also bring an additional benefit of personal acquaintance with the audience, facilitating further working relations and enabling informal exchange of experience.
- Suggested lecturers/facilitators would involve experienced judges, experts from the ministries, from the Interpol Office who regularly handle mutual legal assistance requests as well as selected Council of Europe experts. Montenegrin authorities expressed their interest in having foreign lecturers from countries with which they share a common legal heritage.

- As far as practical arrangements are concerned, a venue was offered by the prosecution office at no cost. It would probably be beneficial if the Judicial Training Centre could get involved possible on the level of logistics. At a later stage, if certain preconditions are met, relevant authorities could consider a full transfer of the developed activity to the Judicial Training Centre. Given that the organisation of training is not a regular activity of the Ministry of Justice and the sustainability of the training should be envisaged, this approach would most probably be the only systematic way to ensure it. Such arrangement could also ensure the easiest way for the eventual inclusion of the activity (or parts thereof) in the curricula of initial training.

3 FUTURE ACTIVITIES IN THE FIELD OF INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

ACTIVITY 1.5.1	DEVELOP STRATEGIES FOR THE RATIFICATION AND ACTUAL IMPLEMENTATION OF THE 2ND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (ETS 182)	
1.5.1.4	Legislative expert support in the drafting of legislation on mutual assistance in criminal matters (activity which could be organised jointly with relevant authorities from Serbia)	Dates December 2005 – February 2006 (2 days, dates to be determined)
ACTIVITY 1.5.2	DEVELOP, TEST AND MAKE AVAILABLE TRAINING MATERIALS FOR FURTHER TRAINING	
1.5.2.2	Co-operation Manual: Update of the chapter of Serbia and Montenegro	Dates November 2005 – February 2006
1.5.2.3	In-country workshop to develop the tailored training and relevant training materials (1 day)	Podgorica, January 2006
1.5.2.4	In-country training event by local and international trainers	March - May 2006
1.5.2.5	Production of training materials/ compilation in local languages and distribution to relevant institutions	July - August 2006

* * *