



## KEY OUTCOMES FROM THE FIFTH MEETING OF THE PERMANENT CONFERENCE OF ORGANISED CRIME PROSECUTORS

04-05 June 2019

### Meeting objectives:

- Consolidate the Permanent Conference of Organized Crime Prosecutors' through deepening mutual knowledge and trust, and reinforcing mechanisms for cooperation.

### Meeting goals:

- Further expand the work of the Permanent Conference;
- Advance the implementation of the "Declaration of Intent" signed in May 2016 in Belgrade;
- Promote the use of upcoming advanced technology solutions (SIDNA Cloud platform) to make data collected in investigative work available to all prosecution offices;
- Explore common challenges posed by investigations involving terrorism, asset confiscation and illegal migration;
- Promote cooperation and trust among prosecutors.

### Key meeting outcomes:

- State Prosecution Office of **Greece joined the Permanent Conference**, which now comprises 13 prosecution offices from 12 countries;
- The Italian Ministry of Justice is finalizing the architecture of a new, web-based platform for data processing and analysis, "**SIDNA Cloud**", further advancing the capabilities of the SIDDA-SIDNA software; this new IT solution will allow Prosecution offices to share information and evidence with other networked countries, while retaining data ownership;
- Participants agreed on resorting to **informal information-sharing mechanisms** in their efforts to prevent and curb terrorism;
- Participants agreed to make use of **direct bilateral contacts** in investigations involving cross-border tracing and seizure of assets, in order to quickly overcome possible legislative obstacles and formally obtain the needed evidence as promptly as possible;
- Participants agreed to further their joint efforts in investigating organized criminal networks exploiting illegal migration phenomena, including by creating **Joint Investigative Teams**;
- The Secretariat will convene the **next meeting in 2020** in a non-EU participating State;
- The **OSCE Mission to Serbia** stands ready to support the next steps of the Permanent Conference of Organized Crime Prosecutors, in furtherance of the Declaration of Intent.



## Main outcomes from the plenary discussions

### 0. Introductory session

Prosecutor Miljko Radisavljevic, on behalf of the Secretariat, welcomed the participants and provided an overview of the Permanent Conference's activities, starting with the signing of the Declaration of Intent in Belgrade in 2016, and the progressive growth of the initiative through three subsequent meetings again in Belgrade in 2016, Rome in 2017 and Skopje in 2018. He also stressed the importance of providing the Secretariat with statistical information on the cooperation mechanisms used by the various Offices.

Mr Apostolos Tzamalīs, on behalf of the General Prosecutor of the Supreme Court of Greece, accepted the invitation of subscribe the Declaration of Intent, thus making Greece the 12<sup>th</sup> country to join the initiative.

### 1. Thematic session one: Terrorism

Prosecutors Gordana Tadić (Bosnia and Herzegovina) and Vilma Ruskovska (North Macedonia) presented the challenges posed by foreign terrorist fighters' return to their countries of origin and the achievements of their respective Offices in combating the phenomena of terrorism-related offences.

The ensuing **discussion** among participants highlighted, among others, the following points:

- Most Participating Offices are also engaged in the preventative response to terrorism-related criminal activities, through coordination bodies which may also include police structures and intelligence agencies. While this stretches the traditional repressive functions of the prosecutor and puts an additional strain on its workload, participants agreed that this is a desirable practice which is demanded by the essential interests at stake.
- Moreover, often information on potential terrorism suspects is scarce and scattered throughout different countries, which makes it even more difficult to fully identify targets and trace their actions.
- This background makes the timely and proactive exchange of information even more vital and initiatives such as the Permanent Conference a very valuable asset.
- Though some prosecution offices stroke guilty plea agreements with some defendants, there does not seem to be (yet) investigations or cases involving cooperative witnesses.
- In Italy information collected by investigative bodies is stored in a database which has proved valuable in retrieving information provided to other States in the aftermath of terrorist attacks. Prosecutor Cafiero De Raho explained that how the Italian IT system combines expediency and confidentiality by only informing, upon query, that another office may be interested in the information being inserted, without disclosing details of the investigation. There was a consensus about the potential value of extending such common platform to other interested Participating Offices.
- The links between terrorism and organized crimes (particularly the vulnerability of foreign terrorist fighters to recruitment by organized crime) should be further explored.

#### **Participants agreed to:**

- Promptly share, through informal channels of direct communication, new information about preparatory criminal activity that might impact on the **national security** of another Participating State.
- Provide to the Secretariat an **overview** of the competent institutions in their respective States in the preventative response to terrorism (coordination bodies, task forces, etc.), and the functions discharged by their offices in this regard.
- Contribute, on a voluntary basis, to feeding data into a common **Cloud-based system**.
- **Share final judgments** involving charges of terrorism-related offences.



## 2. Session two: financial investigations

Prosecutors Giovanni Russo and Michele Del Prete (Italy) gave an overview of the Italian legal framework for asset seizure, whose hallmark feature is to make confiscation possible also in a pre-investigative stage. They also showed how the Italian system generates an enormous amount of alert for suspicious transactions, which is processed thanks to data crossing made possible by analytical software and databases.

Prosecutor Cristian Gabriel Nicușor (Romania) highlighted some of the complexities and the legal loopholes that make hiding proceeds of crime possible in a financially globalized world.

The ensuing **discussion** among participants highlighted, among others, the following points:

- To execute measures of seizure and confiscation **formal exchange of evidence** is needed, although slow MLA procedures create the risk of assets disappearing in the meantime;
- The **large amount** of available information to be processed puts a strain on the analytical and investigative capabilities of competent authorities;
- **Exact information** and preliminary informal identification of assets greatly assists subsequent seizure and confiscation;
- **Differences** in national legislations and institutional frameworks often make it difficult to establish the appropriate institution to address and the most efficient legal procedure to follow.

### **Participants agreed to:**

- Use personal connections or Permanent Conference's official points of contact in order to agree, through direct **informal contacts**, on the best course of action, to be followed up on by a formal MLA request;
- Consider using information received in this manner to open a formal investigation and possibly a **Joint Investigation Team**;
- Each country will share with the Secretariat an overview of its **model of asset seizure/confiscation** (not the applicable law but the general governing principles);
- Contribute, on a voluntary basis, to feeding data into a **common Cloud-based system**;
- Issues related to the **management of assets** located abroad should be further discussed.

## 3. Session three: irregular migration

Prosecutors Vanja Marušić (Croatia) and Mladen Nenadić (Serbia) provided an overview of the legal frameworks to combat human smuggling in their respective countries and the investigative results achieved by their Offices in recent years. They also showed how the phenomenon evolved over time, as the migration routes changed, and praised their optimal mutual co-operation in this regard. Prosecutor Nenadić also highlighted that the security threat posed by possible infiltration of radicalized individuals in migration flows cannot be overestimated.

The ensuing **discussion** among participants highlighted, among others, the following points:

- A number of participants pointed out the unavailability of **translators** for migrants' native languages as the key investigative challenge in migrants' smuggling cases;
- Another pressing issue relates to the full **identification** of victims, witnesses and perpetrators, often not possible due to lack of identification documents and information in general;
- Most participants emphasized the link between irregular migration and **terrorism**; however, no country representative, except for Italy, was able to substantiate this statement with investigations or court proceedings indicating involvement of irregular migrants in terrorism-related activities;
- Prosecutor Del Prete emphasized that virtually all terrorists who took part in attacks in Europe were born and raised in Europe; he also stressed the need for Organized Crime Prosecution Offices to focus on those who organize and take advantage from the migration flows on a **higher level**, rather than individual smugglers or small isolated groups;



- Some countries established *ad hoc* **Task Forces** to tackle irregular migration-related crimes; the one in Serbia also comprises intelligence services;
- There does not seem to be any investigation or court proceedings, except in Italy, for **trafficking in human beings** in irregular migration flows.

Participants agreed to:

- Share with the Secretariat **names of interpreters/translators** for migrants' native languages and particularly Urdu, Pashtu, Dari, Punjabi, Farsi, Tamil, Bangla.
- Consider establishing **Joint Investigation Teams** to tackle higher-level organized crime groups operating across countries affected by irregular migration flows.

#### **4. Session four: conclusions and way forward**

This meeting marks the transition to a new level of cooperation among participating countries: three years ago, the question was whether to cooperate; today it is how to do it most efficiently.

Italy proposed to host a training session for all interested participants in order to show them the architecture and the potential of the new SIDNA-Cloud system. Albania, Montenegro and Bosnia-Herzegovina already expressed their interest.

A topic for future discussion is how organized crime can leverage technology such as 5G networks and Bitcoins.

The Secretariat will make arrangements for the next meeting envisaged for 2020 (date, venue).