



Project funded by the  
European Union



### **EUROMED JUSTICE III PROJECT**

Criminal and Penitentiary Law

Second meeting of WG 3

#### **WG 3.2**

**Working Group on Criminal Law in order to prepare a tool equivalent to the so-called "fiches belges"**

Rome (IT), 29-31 January 2013

### **AGENDA**

#### **Monday 28 January 2013**

Arrival of the participants at the hotel and first contact with the Project Team

#### **Tuesday 29 January 2013**

09.00 – 09.30 **Registration of participants**

09.30 – 09.45 **Welcome speech**

*Maria Luisa FICHERA*, Project Manager, Cocaine Route Monitoring and Support "CORMS" MAE-DGCS, and Italian National Focal Point for the Euromed Justice III Project.

*Andrés SALCEDO VELASCO*, Team Leader of the EuroMed Justice III Project

09.45 – 10.00 **Presentation of the participants**

10.00 – 10.30 **Summary of the work carried out during and since the previous meeting**

*Andrés SALCEDO VELASCO*

- 10.30 – 10.50 **Working group on Criminal law in order to prepare a tool equivalent to the so-called “fiches belges”. Intermediate work, work programme, timing and methodology.**  
*José María FERNÁNDEZ VILLALOBOS, Course Manager of the EuroMed Justice III Project*
- 10.50 – 11.15 Coffee break
- 11.15 – 13.00 **Continuation of the discussion started during the 1<sup>st</sup> meeting. Current situation regarding criminal law in the ENPI South partner countries: Tracing and interception of (tele) communications; Agents and informers – Infiltration: Infiltration by an informer of the requested State; Handling of informers. (Continuation if needed)**  
*Project Team*
- 13.00 – 14.30 Lunch
- 14.30 – 15.30 **Current situation regarding criminal law in the ENPI South partner countries. Special reference to: Examination, body search and expert evaluation; Documents – Obtaining; Assets - Sequestration, confiscation and restitution. (I)**  
*Project Team*  
  
Debate
- 15.30 – 16.00 Coffee break
- 16.00 – 17.30 **Current situation regarding criminal law in the ENPI South partner countries. Special reference to: Examination, body search and expert evaluation; Documents – Obtaining; Assets - Sequestration, confiscation and restitution. (II)**  
*Project Team*  
  
Debate  
  
End of the 1<sup>st</sup> day

### **Wednesday 30 January 2013**

- 08.30 – 09.30 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges. Special reference to: Examination, body search and expert evaluation. Superficial body search, invasive body search and psychiatric medical examination.**  
*Project Team*  
  
Debate
- 09.30 – 11.00 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges. Special reference to: Examination, body search and expert evaluation. Control of identity, measures for judicial identification. Technical or scientific examinations or expert evaluations.**  
*Project Team*  
  
Debate

- 11.00 – 11.30 Coffee break
- 11.30 – 13.00 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges”. Special reference to: Documents-Obtaining. Spontaneous exchange of information. Order to produce documents. Other possibilities of obtaining information concerning taxes or bank accounts.**
- Project Team*
- Debate
- 13.00 – 14.30 Lunch
- 14.30 – 16.00 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges”. Special reference to: Documents - Obtaining. Access to public documents in judicial files. Communication of individual police records. Sending and service of procedural documents. Transfer of proceedings.**
- Project Team*
- Debate
- 16.00 – 16.30 **Website project support: an update**
- José María FERNÁNDEZ VILLALOBOS*
- End of the 2<sup>nd</sup> day

#### **Thursday 31 January 2013**

- 08.30 – 10.00 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges”. Special reference to: Assets - Sequestration, confiscation and restitution. Sequestration of assets. Freezing of bank accounts (I)**
- Project Team*
- Debate
- 10.00 – 10.30 Coffee break
- 10.30 – 12.00 **Assets - Sequestration, confiscation and restitution: Approach to the Italian legal framework.**
- Fabio LICATA, Italian Senior Judge.*
- Debate
- 12.00 – 13.00 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges”. Special reference to: Assets - Sequestration, confiscation and restitution. Sequestration of assets. Freezing of bank accounts (II)**
- Project Team*
- Debate

13.00 – 14.30 Lunch

14.30 – 16.00 **Discussion on the preparation of a tool equivalent to the so-called “fiches belges”.  
Special reference to: Assets - Sequestration, confiscation and restitution. Restitution.  
Interim measures in view of confiscation. Confiscation.**

*Project Team*

Debate

16.00 – 16.15 **Conclusions, first recommendations and contributions related to the Handbook.  
Preparing the intermediate work and the next meeting. Review and suggestions for  
training events and study visits that should be developed under this component.**

*Project Team*

16.15 – 16.30 **Closure of the meeting**

*Andrés SALCEDO VELASCO*

End of the meeting

## **GENERAL INTRODUCTION**

This meeting takes place under the third main component of the project: Criminal and Penitentiary Law. The objective of this activity is two-fold, namely to promote a debate on the reform of criminal systems in the beneficiary countries, with special reference to the Procedural Criminal Law, and to improve judicial cooperation in criminal matters. This working group on criminal law also aims to provide a forum within which the above-mentioned debate can take place on ways of improving judicial cooperation. The work of this WG will focus on the preparation of a tool equivalent to the so-called “*fiches belges*” for the ENPI South partner countries.

This meeting is the second of a series of 3 meetings devoted to this issue and will focus on: Examination, body search and expert evaluation; Documents-Obtaining; Assets - Sequestration, confiscation and restitution. More particularly, it will deal with the following measures: Superficial body search. Invasive body search. Psychiatric medical examination. Control of identity, measures for judicial identification; and Technical or scientific examinations or expert evaluations. Spontaneous exchange of information. Order to produce documents. Other possibilities of obtaining information concerning taxes or bank accounts. Access to public documents in judicial files. Communication of individual police records. Sending and service of procedural documents. Transfer of proceedings; Sequestration of assets. Freezing of bank accounts. Restitution. Interim measures in view of confiscation. Confiscation.

## **METHODOLOGY FOR THE PREPARATION AND DELIVERY OF THE HANDBOOK**

The work to be developed shall take into account the content and structure of the European Judicial Network’s “*fiches belges*” and the experience of this institution in this field. The Working Group will function as real think-tank in the field covered and will be an opportunity to exchange information and debate on various topics. The results of the work of the WG will be of paramount importance to obtain a real knowledge of the legal systems and have in-depth discussions on the topics concerned. In addition, it should also be possible to use the tool equivalent to the so-called “*fiches belges*” as a practical guide. The tool will be prepared in time to be presented during the Intermediate Regional Conference in the course of the second year of the project.

During this meeting we will have the opportunity to share the international experts’ opinion and the participants’ first approach on the main topics under discussion from their own perspective and respective competences. Through an in-depth and detailed discussion, we will have a profound exchange on the main topics addressed during this meeting.

## **PROFILES OF THE BENEFICIARY COUNTRIES’ EXPERTS**

Three participants from each Mediterranean partner country are invited to take part in this meeting. Their profile should be: senior, high-level officials from the Ministry of Justice or other relevant public authority; members of the judiciary and other legal professionals; academics and representatives from civil society with a solid experience of the topics covered by this WG (Criminal Law, Criminal Procedural Law, International Criminal cooperation, etc ); prior participation in relevant EuroMed Justice I or EuroMed Justice II project activities will be an advantage; availability for and readiness to the intensive work schedule involved by the WG activity and researching, preparing for WG meetings, contributing to finding documentation and to the drafting of the handbook (*fiches belges*-like tool); ability to understand and express themselves orally and in writing in English and/or French (at least the written communications/contributions should be in English or French). Due attention will be paid to ensuring that persons taking part in activities related to exchanges of experience and good practices hold strategic positions in their national institutions and that, in this capacity, they will be likely to share with their colleagues and staff lessons learned from such activities.

The experts (3) should have the appropriate profile, a comprehensive knowledge and vision, 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 three meetings planned for this activity, but more specifically, that in between each meeting they have enough time to keep on working together and with the Project Team, virtually, through the project website, and/or other means (email, etc.) so as to allow for continuity of the work and an exchange of information, documentation and ideas with each other. For this reason, it would be highly desirable that the same persons attend all the meetings of this working group or at least that the head of delegation be the same for each meeting.

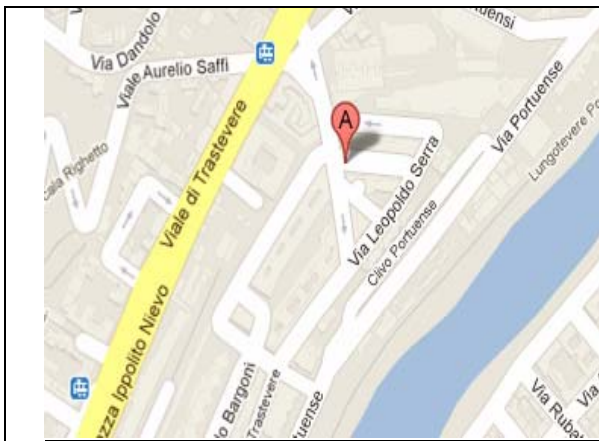
### **DOCUMENTATION**

A list of suggested reading documents and work documents related to the topics addressed will be provided by the Project Team ahead of the meeting.

### **WORKING LANGUAGES**

English, French and Arabic, with simultaneous interpretation during the meeting.

### **VENUE AND ACCOMMODATION**



**The meeting will take place at the:**

**Ripa Hotel**

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