



Project funded by the
European Union



EuroMed Justice III Project

Component 3: Criminal and Penitentiary Law Working Group 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

Final Conclusions

The 2nd Meeting of the Working Group 3 on the component “Criminal and Penitentiary Law” of the EuroMed Justice III Project of the European Commission, funded by the European Union, was held on 29-31 January 2013 in Rome.

The participants were members of the delegations of the following Mediterranean countries: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco and Tunisia. One representative of the host country, Italy, took part as speaker.

The meeting was opened by Ms Maria Luisa Fichera, National Focal Point in Italy for the EuroMed Justice III Project, and by Mr Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants. Both of them also closed the meeting.

The background, the context and the structure of the working group meetings that are being developed under this component, including their overall approach and the main topics suggested for discussion, were introduced by the Project Team members that are in charge of this activity.

One thematic presentation was made during the meeting on “Assets - Sequestration, confiscation and restitution: Approach to the Italian legal framework”, by Mr Fabio Licata, Italian Senior Judge. During this presentation, the speaker explained topics such as: confiscation as multitasking tool, limits of the “classic” confiscation as a conviction-based instrument, the benefits of “non-conviction” based extended confiscation, relevant international legal instruments, the model of “non-conviction” based confiscation or the Italian legal framework related to confiscation, seizure of bank accounts, preventive measures, etc.

This presentation was followed by an interesting and lively debate between the speaker and the participants.

Considering the objectives of this meeting and taking into account the recommendations made during the working sessions and the debate, the participants are of the opinion that this second meeting gave them the opportunity:

- a) To continue the debate and the overall approach to the handbook (*fiches belges*-like type).
- b) To follow the methodology agreed during the first meeting of this Working Group. In this respect and in order to achieve the main objective of this Working Group, this methodology will allow us to obtain an instrument equivalent to the so-called “*Fiches belges*” from the perspective and current legal framework of the Beneficiary Countries.

During this meeting we have had the opportunity to work on the headings: 1) Examination, body search and expert evaluation; 2) Documents-Obtaining; 3) Assets - Sequestration, confiscation and restitution. More particularly, the following measures were addressed: 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.

- c) To be informed that the meetings and the work in between the meetings are interconnected by means of a virtual platform (separate forum, document folder, etc.) specially developed for this working group, and accessible via the project website, thus allowing for a continued exchange of information and possible contributions.
- d) To promote mutual understanding and knowledge of the different judicial systems concerning criminal law in the different countries which take part in the meeting.
- e) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice and criminal law matters.
- f) To have a fruitful debate on the state of play in the field of criminal law in the Mediterranean countries, while presenting their respective experience and legal framework related to the topics discussed during the meeting. These presentations gave the participants the opportunity to compare the different legal frameworks and criminal procedural legal regulations existing in the region.
- g) To obtain some additional information on the contents of the handbook that should be produced by this Working Group at the end of its 3 meetings. In this respect the participants agreed that they will send to the Project Team the revised content of the *fiches belges* worked out during this meeting once they will be back in their respective countries.
- h) To start the discussion on the contents of the training sessions and study visits that will be developed during the second phase of the project.

Participants also expressed the intention:

- ❑ To further reinforce the dialogue and to continue to work together in between the three meetings devoted to this component in order to produce the *fiches belges* like tool expected at the end of their work. To this end, they could use the virtual platform on the EuroMed Justice III project website.
- ❑ To inform the concerned authorities and institutions in their respective countries of the results of this WG meeting so that they could also take advantage of the experience gained during this meeting.

Finally and taking into account the main objective of this working group - the handbook (*fiches belges*-like type) - and considering that the work will be developed during 3 working group meetings, the last one being in March 2013, the participants agreed to continue the discussion on this topic during the next meeting without prejudice of the possibility for them of being in contact with the expert/s, project team and between themselves through the above-mentioned virtual platform on the project website. In addition, the participants were informed that the next meeting will take place on 19-21 March 2013.

Participants agree with the conclusions of this meeting.

Participants are grateful to the Italian Ministry of Justice, to the Directorate-General Development and Co-operation - EuropeAid, European Commission, and to the Project Team for organising this meeting.

Rome, 31 January 2013