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EuroMed Justice III Project

Component 3: Criminal and Penitentiary Law Working Group 3.3

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

London (UK), 19-21 March 2013

Final Conclusions

The 3rd 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 19-21 March 2013 in London.

The participants were members of the delegations of the following Mediterranean countries: Algeria, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia. The British National Focal Point, Ms Kimberly Davis, took part in the meeting. Moreover, the Palestinian minister of Justice addressed the participants during the last day of the meeting.

The meeting was opened by Antonino Crea, Head of sector Migration, Justice, Police, European Commission, EuropeAid Development and Co-operation Directorate-General, Unit F4 - Regional programmes Neighbourhood South; Kevin Barry, Head of the International Projects Team, Ministry of Justice, United Kingdom; and Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants. The meeting was closed by Antonino Crea and Andrés Salcedo Velasco.

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.

Two thematic presentations were made during the meeting. The first one on “Current situation regarding criminal law and procedural criminal law related to: Witnesses, victims, suspects - Summoning and hearing. The British experience”, was delivered by Ayo Awoyungbo, Senior Crown Prosecutor at the Crown Prosecution Service, United Kingdom. During his presentation, the speaker provided an overview of the British Criminal Justice focusing his presentation on victims, and he explained the Code of practice for victims of crime, the “victims’ code”, the prosecutors pledge, the Criminal Procedure Law, the Code for Crown Prosecutors, the core quality standards or the direct communication with victims. In addition, his presentation also focused on witnesses while highlighting some topics such as vulnerable witnesses, intimidated witnesses, child witnesses, witnesses abroad or witnesses’ anonymity, among others. Finally the speaker also dealt with suspects and introduced topics such as the video identification procedure, the prison video links or the digital working.

The second presentation on “The European Judicial Network (EJN): Vision, Mission and future perspectives”, was made by Fátima Martins, Secretary to the European Judicial Network, Head of EJN Secretariat. On this occasion, Ms Martins made a general presentation of the work developed by the EJN focusing her presentation on the very practical and flexible functioning of the institution. In this respect, the speaker highlighted the importance of international networking in order to improve international criminal cooperation and fight against organised crime and explained the current situation worldwide (Global Networking) related to the different existing networks in this field, such as Iber Red, Sahel, CNPC, etc. Ms Martins also underlined the support of EU institutions to this kind of networks and the support of the UN expressed in a recent declaration on these initiatives, as well as the support given by the EJN to this Euromed Justice III project, while inviting the participants and their authorities to maintain contact with the EJN and to inform their authorities of the content of this meeting.

These presentations were followed by an interesting and lively debate between the speakers 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 third and last 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 previous meetings 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.
- c) To validate the contents obtained during the first and second meeting and to make progress on the ENPI South *fiches belges*.
- d) To have the opportunity to have an in-depth discussion on the following measures: **Places - Visit and search:** Visit to and search of homes. Visit and search on the site of an offence. **Witnesses, victims, suspects - Summoning and hearing:** Summoning witnesses. Hearing witnesses: standard procedure. Hearing witnesses: by video conference. Hearing witnesses: by telephone. Hearing children. Hearing persons collaborating with the inquiry. Hearing victims/plaintiffs; Hearing experts. Summoning suspects/persons accused. Hearing suspects/persons accused: standard procedure. Hearing suspects/persons accused: by video conference. Hearing suspects/persons accused: by telephone. Confrontation. **Cross-border operations:** Cross-border observation. Cross-border hot pursuit. Cross-border tracking (by placing a beeper on a vehicle or a person). Controlled deliveries. Joint investigation teams.
- e) To promote mutual understanding and knowledge of the different judicial systems concerning criminal law in the different countries that took part in the meeting.
- f) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice and criminal law matters.
- g) 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.
- h) 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, and if the case the *fiches belges* worked out during the first and second meeting, as well as the updated version of the EMJ II questionnaire, once they will be back in their respective countries. The deadline for sending back additional information and comments is 8 April 2013. The Project Team, in charge of this handbook, will now proceed to drawing up the pre-final version taking into account the different comments and suggestions made by the participants during the meeting as well as any additional comments that they will be receiving from the participants. This pre-final

- i) To discuss on the contents of the training sessions and study visit that will be developed during the second phase of the project.

Participants agree with the conclusions of this meeting.

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

London, 21 March 2013