Regional Cooperation Networks

Senior-level Workshop on Mutual Legal Assistance in East-Asia and the Pacific

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Objectives

- To provide a brief snapshot of the following six international cooperation frameworks
  1. Eurojust
  2. European Judicial Network (EJN)
  3. Commonwealth Network of Contact Persons (CNCP)
  4. Hemispheric Information Exchange Network of Mutual Assistance in Criminal Matters and Extradition
  5. Ibero-American Legal Assistance Network
  6. Judicial Regional Platform of Sahel and of Indian Ocean Commission Countries

- To support the participants to have a comparative perspective on where we have been, where we are and the future challenges that the East Asia and the Pacific region face.
Importance of Strengthening Regional Networks

Resolution 19/7 – “Strengthening of regional networks for international cooperation in criminal matters”, adopted by the UN Commission on Crime Prevention and Criminal Justice, at its 19th session, 17-21 May 2010, which

In order to adequately combat serious crime at the global level, international legal cooperation among the members of the various existing networks should be promoted……

“1. Urges Member States participating in networks for legal cooperation to strengthen international cooperation in criminal matters and the coordination among such networks;
1. Eurojust

2. European Judicial Network (EJN)

3. Commonwealth Network of Contact Persons

4. Hemispheric Information Exchange Network of Mutual Assistance in Criminal Matters and Extradition

5. Ibero-American Legal Assistance Network

6. Judicial Regional Platform of Sahel and of Indian Ocean Commission Countries
■ Description

- Established in 2002 to deal more effectively with serious cross border crime
- Full-time body, composed of 27 National Members, one from each of the EU’s MS
- Has proven highly effective means of facilitating cooperation between investigating and prosecuting authorities in the MS in serious criminal cases.
- Established contact points in 24 non-MS and other International Cooperation Networks
- English web-page containing a wide variety of information
- Annual report containing very accurate descriptions of all Eurojust activities and statistics
Role and Method of Operation

- Improving co-operation between Competent Authorities in MS

- Requesting Competent Authorities in MS to undertake an investigation or prosecution by acting as “College” (Empowered Network)

- Bringing better co-ordination of cross-border investigations and prosecutions, in particular, by facilitating exchange of information
  - Coordination Meetings (204 times in 2011)
  - Joint Investigation Teams (33 new JITs in 2011)

- Making recommendations to change laws to improve MLA & Extradition arrangements
European Judicial Network (EJN)

- **Description**
  - Established in 1998
  - Network of national Contacts Points for the facilitation of judicial cooperation in civil and criminal matters
  - Forms part of Eurojust but functions as a separate unit, enjoying autonomy
  - EJN Secretariat + Contact Points
  - Secretariat is located in The Hague
  - More than 300 Contact Points throughout 27 MS
European Judicial Network (EJN)

- **Role and Method of Operation**
  1) EJN Secretariat
     - Ensuring the proper administration of the EJN, with a view to enabling the EJN contact points to fulfill their tasks and keeping the EJN identity;
     - Establishment and maintenance of relations with other bodies and structures in the field of judicial cooperation in criminal matters within and outside the EU
     - Setting up, maintenance and improvement of the EJN information system/website;
       - List of Contact Points
       - Mutual Evaluation Report
       - Fiches Belges: Information on 43 investigation measures in each MS
       - Atlas: Identification of the competent local authority (MLA, EAW…)
       - Solon: Glossary of linguistic equivalences,
       - Legal instruments
       - Others (document database, themes, forms, announcements…)

European Judicial Network (EJN)

Mission/Function

2) Contact Points

- Providing information on foreign law
- Providing assistance during the preparation, execution and in cases of delay of an MLA
- Providing assistance during the preparation and execution of an European Arrest Warrant (EAW)
- Providing assistance during the preparation and execution of a freezing order
- Providing assistance in other procedures
# Differences between Eurojust and EJN

<table>
<thead>
<tr>
<th>Eurojust</th>
<th>EJN</th>
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<tbody>
<tr>
<td><strong>Permanent body</strong></td>
<td><strong>Contact points</strong></td>
</tr>
<tr>
<td><strong>Criminal</strong></td>
<td><strong>Criminal/Civil/Commercial</strong></td>
</tr>
<tr>
<td><strong>Bilateral/Multilateral</strong></td>
<td><strong>Primarily Bilateral</strong></td>
</tr>
<tr>
<td><strong>Power to form JITs and Coordination meetings</strong></td>
<td><strong>Exchange of information through contact points</strong></td>
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</table>
Commonwealth Network of Contact Persons (CNCP)

Description

- Established in 2007, intended to be an informal network with the purpose of facilitating international co-operation in criminal cases among Commonwealth MS
- Inspired by the EJN
- Harare Scheme (MLA) + London Scheme on Extradition
- An English written web-page hosted by the wider Commonwealth Secretariat
- The complete list of Contact Persons is secured by password protection
- At least one Contact Person from each of the MS
- Contact Persons are not Central Authorities unless designated by Governments
- Periodically meet to review the activities of the CNCP
- Australia, Brunei Darussalam, Malaysia, New Zealand and Singapore are members of this network
Commonwealth Network of Contact Persons

- **Mission/Function**

  **1) Contact Persons**
  - Facilitating international co-operation in criminal matters between the MS
  - Enabling the most appropriate direct contacts between prosecution and other competent agencies
  - Providing legal and practical information to prosecution agencies and other competent agencies
  - Distributing any changes in legislation or procedure introduced within their jurisdiction

  **2) Secretariat**
  - Maintaining an up-to-date list of Contact Persons
  - Maintaining an up-to-date web page concerning the activities of the CNCP
  - Facilitating meetings of Contact Persons
  - Disseminating information amongst Contact Persons
Description

- Established in 2001 to increase and improve the exchange of information among OAS Member States in the area of mutual assistance in criminal matters
- Inter-American Convention on Mutual Assistance in Criminal Matters, adopted in 1992 + Model Law
- English, French, Spanish and Portuguese written web-page containing the information on the general legal systems and legal instruments related to MLA of each MS
- Organized regular Meetings of Central Authorities once every two years since 2003, which have produced documents in a form of recommendations to facilitate MLA practices
Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition

Mission/Function

- The Network has three components: a public website, a private website and a secure electronic communication system.

- The public component of the Network provides legal information related to mutual assistance and extradition for the 34 States members.

- The private component contains information for individuals who are directly involved in legal cooperation in criminal matters.

- The purpose of the secure electronic communication system is to facilitate the exchange of information between central authorities. This system not only provides secure instant e-mail service to central authorities, it also provides a space for virtual meetings and the exchange of pertinent documents.
**Ibero-American Legal Assistance Network**

**Description**

- Established in 2004
- A structure formed by Contact Points appointed by the Central Authorities of the 23 countries from the Latin American Community of Nations
- Its aim is to optimize the instruments of mutual legal assistance in civil and criminal, and strengthen ties for effective cooperation among the MS.
- A webpage, written in Spanish and Portuguese, containing information relating to bilateral treaties achieved within the MS and domestic legislations applicable for requesting/requested MLA among the MS, detailed information on focal points of each country
- Andorra, Spain and Portugal + Countries in South America
Ibero-American Legal Assistance Network

- **Mission/Function**

  1) **Contact Points**
     - The information needed for effective and responsive legal cooperation
     - Identification and facilitation of judicial or prosecutorial authority responsible for filling requests for legal assistance.
     - Practical solutions to the difficulties that may arise with regard to a request for legal cooperation.
     - Coordinating the review of requests for legal cooperation in the States concerned.

  2) **Secretariat**
     - Establishing and maintaining a system of information on the different legal systems of the Latin American Community of Nations
     - Preparing meetings among the MS
     - Promoting co-operation with other international co-operation networks
Judicial Regional Platform of Sahel and of Indian Ocean Commission Countries

Description

- Established by UNODC's Terrorism Prevention Branch and Organized Crime and Illicit Trafficking Branch to prevent and combat forms of serious crime
- Network of focal points,
- Meeting among the MS at least once a year
- Member States (Sahel)
  - Burkina Faso, Mali, Mauritania, Niger
- Member States (IOC)
  - Comoros, France Reunion, Madagascar, Mauritius, Seychelles
Judicial Regional Platform of Sahel and of Indian Ocean Commission Countries

- **Description (Continue)**
  - Both platforms do not have an independent web-page, but relying on the UNODC web-page
  - Due to the early stage of implementation, there is no available documents and statistics
  - A complete and up to date list of the focal points for each Nation can be downloaded
  - A complete guide on how to draft requests for MLA and Extradition to each one of MS (Relevant legislation, scope of assistance, grounds for refusal and etc…)}
Mission/Function

- Facilitating extradition and MLA in criminal matter procedures with the MS of their platforms

- Identifying technical assistance needs for strengthening the judicial cooperation among the MS

- Sensitizing the national stakeholders of the penal chain on the role and mechanisms of the platforms
## Conclusion

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<thead>
<tr>
<th>Region</th>
<th>Year</th>
<th>No of MS</th>
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<tbody>
<tr>
<td>Eurojust</td>
<td>Europe</td>
<td>2002</td>
</tr>
<tr>
<td>EJN</td>
<td>Europe</td>
<td>1998</td>
</tr>
<tr>
<td>RPF</td>
<td>Sahel/IOC</td>
<td>2009</td>
</tr>
<tr>
<td>CNCP</td>
<td>CW</td>
<td>2007</td>
</tr>
<tr>
<td>OAS</td>
<td>American State</td>
<td>2001</td>
</tr>
<tr>
<td>IberRed</td>
<td>Iber + SA</td>
<td>2004</td>
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Thank you for your attention!

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