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EUROMED FORUM OF PROSECUTORS GENERAL



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Table of content

ROADMAP TOWARDS A EUROMED FORUM OF PROSECUTORS GENERAL	3
DECLARATION 1 ST MEETING OF THE EUROMED FORUM OF PROSECUTORS GENERAL.....	5
GENERAL RULES FOR THE ORGANISATION OF THE FORUM.....	8



Roadmap towards a Euromed Forum of Prosecutors General

The Prosecutors General from South Partner Countries (SPCs): *Algeria, Egypt, Israel, Jordan, Morocco, Lebanon, Palestine and Tunisia, and their designated representatives,*

The Prosecutors General from European Union (EU) Member States: *Belgium, Cyprus, France, Malta, Portugal, Spain, Greece¹ and Italy²,*

Together with the representatives of the *United Nations Office on Drugs and Crime, Counter-Terrorism Committee Executive Directorate, Eurojust, EJN in criminal matters, Consultative Council of European Prosecutors and International Association of Prosecutors:*

Taking into consideration the Declaration of 23rd January 2018 adopted at the 1st meeting of the EuroMed Forum of Prosecutors General.



1. Greece - Hellenic General Prosecutor Office fully supported the Roadmap through the letter of 4 May 2018.

2. Italy – The Procura generale della corte di cassazione fully supported the Roadmap through the letter of 13 February 2018.

Have agreed on the following Road Map:

1. A historic moment, a cornerstone and an essential step has been marked in Madrid by the organisation on the 23rd January 2018 of the first meeting of the EuroMed Forum of the Prosecutors General,
2. Following the Forum, the CrimEx and General Prosecutors representatives will pursue the discussions and consultations regarding a possible framework for the EuroMed Forum of Prosecutors General according to their respective competences,
3. The second meeting of the EuroMed Prosecutors General Forum will be convened after one year, in January 2019, to discuss the proposal for the framework and the relevant regional and cross-regional crime trends and the appropriate investigative and prosecutorial measures to counter them, and the relevant legal issues affecting the work of the prosecutorial authorities, to share experiences and good practices and to formulate common observations or opinions.
4. The Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, and the Network of Public Prosecutors or equivalent institutions at the Supreme Judicial Courts of the Member States of the European Union (NADAL Network) may contribute to the CrimEx working and preparation of the meetings of the EuroMed Forum of Prosecutors General. The drafts and relevant documents should be circulated periodically within CrimEx and the public prosecution representatives for comments and amendments.
5. Without prejudice to its current tasks and activities, CrimEx, in close cooperation with Eurojust, European Judicial Network in criminal matters (EJN), the United Nations Counter-Terrorism Executive Directorate (UN CTED), the United Nations Office on Drugs and Crime (UNODC), the Council of Europe - the Consultative Council of European Prosecutors (CCEP), and the International Association of Prosecutors (IAP) should continue the exploration of the avenues to build a high level of trust, confidence and coordination with the aim of organising following meetings of the EuroMed Forum of Prosecutors General.



Declaration 1st Meeting of the Euromed Forum of Prosecutors General

Madrid, January 23rd 2018

The Prosecutors General from South Partner Countries (SPCs): *Algeria, Egypt, Israel, Jordan, Morocco, Lebanon, Palestine and Tunisia, and their designated representatives*

The Prosecutors General from European Union (EU) Member States: *Belgium, Cyprus, France, Malta, Portugal, Spain, Greece¹ and Italy²*

Together with the representatives of the *United Nations Office on Drugs and Crime, the Counter-Terrorism Committee Executive Directorate, Eurojust, EJN in criminal matters, the Consultative Council of European Prosecutors and the International Association of Prosecutors*

Reaffirming our willingness to strengthen judicial cooperation in fighting terrorism and serious cross-border and organised crime,

Being aware of the fact that tangible results and sustained improvements in countering cross-border crime may be achieved by being coherent, coordinated, protective to international human rights law and compliant with the Rule of Law in the Euro-Mediterranean,

Acknowledging the differences between the national legislation of EU Member States and South Partner Countries and the possible implications this may have for the collection and admissibility of evidence from other jurisdictions,

Emphasising the importance of increasing international cooperation, in order to prevent, investigate, and prosecute terrorist acts and serious cross-border crimes, and expressing the concern about the use of information and communications technologies by organised crime and for terrorist purposes,

Seeking to strengthen the international response to terrorism, as required by the relevant Resolutions of the UN Security Council, including 1373 (2001), 1624 (2005), 2178 (2014), 2322 (2016), and 2396 (2017) to reinforce international criminal justice and judicial cooperation, the 19 universal Conventions and Protocols against terrorism, and the United Nations Global Counter-Terrorism Strategy (2006) as reviewed.

Taking note of the UN Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in San Salvador, Brazil, on the 12th to the 19th

1. Greece - Hellenic General Prosecutor Office fully supported the Declaration through the letter of 4 May 2018.

2. Italy – The *Procura generale della corte di cassazione* fully supported the Declaration through the letter of 13 February 2018.

EUROMED JUSTICE

of April 2010, with the objective of supporting development of judicial networks of international cooperation in criminal matters,

Taking into consideration also the Resolution on Strengthening of regional networks for international cooperation in criminal matters adopted at the nineteenth session of the United Nations Commission on Crime Prevention and Criminal Justice, in Vienna, on the 17th – 21st of May 2010, which *urges Member States participating in networks for legal cooperation to strengthen international cooperation in criminal matters and the coordination among such networks,*

Taking note in particular of the provisions of paragraph 8 (a) of the Doha Declaration on integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation adopted at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, from 12 to 19 April 2015,

Highlighting the need for further synergies, closer cooperation and coordination as effective responses against crime, which becomes more varied and international, as well as increasingly cross-border and cross-sectorial in nature as reflected in the 2015 European Agenda on Security COM(2015) 185 final,

Aware of the provisions of the 1990 U.N. Guidelines of the Role of the Prosecutors and of the Recommendation of the Council of Europe Rec (2000)19 on the Role of the Public Prosecution in the Criminal Justice System, which mention that “the public prosecution plays a key role in the criminal justice system as well as in international cooperation in criminal matters and that the efficiency of not only national criminal justice systems but also international co-operation on criminal matters should be enhanced”,

Commending the positive role of the South Partner Countries members of the *EuroMed Justice Expert Group in Criminal Matters (CrimEx)* in participating in EuroMed activities,

Recognising the potential benefits and the relevant contribution in combating transnational crime in the close cooperation with Eurojust, European Judicial Network in criminal matters (EJN), the United Nations Counter-Terrorism Executive Directorate (UN CTED), the United Nations Office on Drugs and Crime (UNODC), the Council of Europe and the International Association of Prosecutors (IAP), as well as the need to continue the exploration towards a EuroMed Justice mechanism of cooperation in criminal matters,

Evaluating the valuable experience of other platforms of high level coordination such as: the quadripartite meetings of the counterterrorism Chief Prosecutors from France, Belgium, Spain and Morocco, the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, the annual meetings of the Network of Public Prosecutors or equivalent institutions at the Supreme Judicial Courts of the Member States of the European Union (NADAL Network) or the Consultative Council of European Prosecutors (CCPE).

Have agreed as follows, in full respect of national laws and legislation:

1. The establishment of a EuroMed Forum of Prosecutors General as a mechanism for coordination and consultation is considered useful and effective in order to build at a high-level trust and confidence, aimed at enabling SPCs to fully participate in cross-border (*South-South*) and cross-regional (*South-North*) judicial cooperation.
2. The Forum may facilitate successful cross-border investigations and prosecutions, and could identify and discuss difficulties and obstacles of legal or practical nature and to ease the cooperation between national prosecution authorities from EU and SPCs.
3. The Forum will provide high-level contributions to prosecution-related issues, and could contribute to the development of informal or formal contacts, as appropriate, between prosecution authorities.
4. To take adequate measures for the implementation of the international and regional legal instruments for combating serious and organised crime, terrorism, illegal smuggling of migrants, human trafficking, cybercrime, money laundering, and regarding the preservation, collection and admissibility of evidences, in particular digital evidence, as far as it is consistent with the national Law.
5. To periodically discuss relevant regional and cross-regional trends of cross-border crime and the appropriate investigative and prosecutorial measures to counter them, to assess their impact on the work of the prosecutorial authorities, and formulate common observations or opinions.
6. To share experiences and good practices in judicial cooperation in criminal matters, and in the use of mutual legal assistance instruments and special investigation techniques for the investigation and prosecution of serious and organised crime.
7. To acknowledge the valuable assistance and important role Eurojust, EJN, UNODC, CTED, IAP play in the process to better plan and progress towards the judicial cooperation with the SPCs.
8. To continue through the CrimEx and the representatives of the Prosecutors General the discussions on the steps proposed in the Road Map.

* * *

General rules for the organisation of the forum

Agreed on 31 January 2019

Preamble

Since the 1950s, international law has developed, at multilateral level, principles on judicial and law enforcement cooperation in criminal matters. Furthermore, formal cooperation frameworks, whether international or regional, and informal cooperation mechanisms have been developed alongside. Informal cooperation practice could be said to exist to compensate for the shortcomings of formal frameworks.

Transnational criminal law with its multifaceted relationships between individual states has fragmentary international guidance. The United Nations, the Council of Europe, the European Union and the League of Arab States play an important role in the harmonization process of the different cross-border relationships addressing the difficulties stemming from legal diversity in the area of transnational crime.

International instruments and Security Council Resolutions oblige Member States to criminalise certain activities of a harmful cross-border nature or effect and take a number of procedural steps in order to enable cooperation with other States in the suppression of these crimes. Attention is focussed on an enlarged range of offences including terrorism, transnational organised crime, corruption, money laundering, cybercrime, human trafficking, smuggling of migrants, illegal drug trafficking, and weapons trafficking.

Several European and international instruments contain prominent principles regarding the role of the prosecution authorities that are positively applicable to the EuroMed Forum of Prosecutors General. In particular, the *1990 U.N. Guidelines of the Role of the Prosecutors, complemented by the IAP 'Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors and, the Recommendation Rec (2000)19 of the Committee of Ministers of the Council of Europe on the Role of the Public Prosecution in the Criminal Justice System and the distinctive Opinions of the Consultative Council of European Prosecutors*¹ should be mentioned.

Moreover, the UN Convention against Transnational Organised Crime and its three supplementary Protocols, the UN Convention against Corruption, the relevant Resolutions of the UN Security Council against terrorism (including resolutions 1373 (2001), 1624 (2005), 2178 (2014), 2322 (2016), and 2396 (2017)), the 19 universal Conventions and Protocols against terrorism, and the UN Global Counter-Terrorism Strategy (2006) as reviewed, are fundamental instruments which should support the EuroMed Forum of Prosecutors General to strengthen international judicial cooperation in criminal matters.

1. No.1 (2007) on "Ways to improve international co-operation in the criminal justice field"; No. 9 (2014) on "European norms and principles concerning prosecutors"; No. 11 (2016) on the quality and efficiency of the work of prosecutors, including when fighting terrorism and serious and organised crime and the most recent Opinion adopted in November 2018 on independence, accountability and ethics of prosecutors. <https://www.coe.int/en/web/ccpe/opinions/adopted-opinions>

EUROMED JUSTICE

Being aware of the Madrid Declaration and Roadmap agreed on 23 January 2018 during the 1st meeting of the EuroMed Forum of the Prosecutors General,

Taking into consideration the results of the consultations organised in Barcelona from 12 to 15 November 2018 and in The Hague on 29 January 2019, between the CrimEx, the representatives of the Prosecutors General and of international stakeholders – Eurojust, EJM, UNODC, CTED, IAP - following the provisions of article 8 of Madrid Declaration and article 5 of the Roadmap,

Recognising the potential benefits and the relevant contribution in combating transnational crime in the close cooperation with Eurojust, European Judicial Network in criminal matters (EJM), the United Nations Counter-Terrorism Executive Directorate (UN CTED), the United Nations Office on Drugs and Crime (UNODC), the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, the NADAL Network of Prosecutors General, and the International Association of Prosecutors (IAP),

The Prosecutors General, Attorneys General and Directors of Public Prosecutions participating in the 2nd Meeting of the EuroMed Forum of Prosecutors General convened on 30 and 31 January 2019 in The Hague



**In full respect of national laws
Have agreed upon the following**

General rules for the organisation of the forum

1. The Madrid Declaration and Road Map of 23 January 2018 constitute the precursor documents on which the EuroMed Forum of Prosecutors General (hereinafter the Forum) is built upon.
2. The Forum constitutes an informal and consultative mechanism for coordination and dialogue to build at a high-level the trust and confidence, aimed at enabling EU Member States and South Partner Countries (SPCs) to enhance cross-border (*South-South*) and cross-regional (*South-North*) judicial cooperation.
 - (a) The Forum shall offer to the Prosecutors General, Attorneys General and Directors of Public Prosecutions the possibility to meet and discuss the challenges in the area of international cooperation and to identify the possible solutions.
 - (b) Per se, the Forum shall not decide on concrete cases or operations.
3. The Forum main objectives are:
 - (a) To facilitate successful cooperation in cross-border investigations and prosecutions.
 - (b) To identify and discuss prosecution-related difficulties, challenges, and obstacles of legal or practical nature between prosecution authorities from the European Union and SPCs and, consequently, recommend the possible solutions through cooperation.
 - (c) To encourage the implementation of the relevant international and regional legal instruments for combating, *inter alia*, serious and organised crime, terrorism, smuggling of migrants, human trafficking, cybercrime, money laundering, corruption, as well as of the instruments regarding assets recovery, the preservation, gathering and admissibility of evidence, in particular digital evidence as far as it is consistent with the protection of fundamental rights and personal data.
4. To achieve these objectives the Forum will:
 - (a) Contribute to the development, between prosecution authorities, of informal or formal contacts, as appropriate; informal cooperation connects with, complements and prepares the success of formal cooperation; formal and informal cooperation are not excluding each other.
 - (b) Periodically discuss the relevant regional and cross-regional trends of cross-border crime and the appropriate investigative and prosecutorial measures to counter them.
 - (c) Present the impact of international cooperation in cross-border crime on the work of the prosecutorial authorities.
 - (d) Share experiences and good practices on judicial cooperation in criminal matters, and in the use of mutual legal assistance instruments and special investigation techniques for the investigation and prosecution of serious and organised crime.

EUROMED JUSTICE

- (e) Promote the use of the CrimEx Docs by the prosecutors and the progressive updating of the EuroMed Justice Cooperation tools developed by the CrimEx, including the EuroMed Fiches, the Legal and Gaps Analyses, the Handbook and the Digital Evidence Manual, after their validation by the National Authorities.
 - (f) In relation to the above-mentioned activities, the Forum, by consensus, formulates observations or opinions, which are not obligatory.
 - (g) The Forum will not replace the International Mutual Legal Assistance mechanisms and will avoid interfering with the prerogatives of the national judicial authorities.
5. Forum cooperation with other platforms and international organisations
- (a) The Forum is open to cooperate, inter-connect, create synergies and exchanges with other judicial cooperation platforms. Their participation in the Forum meetings will be ensured as agreed by the Prosecutors General and the representatives of the Ministry of Justice, where applicable.
 - (b) The Forum may be able to cooperate with the EU and international organisations, with the exception of the cases when the Forum will agree otherwise.
 - (c) The possibility of concluding Memorandums of Understanding or agreements with other platforms, the EU, and international organisations remains open to Forum discussions.
6. One or several *Forum Contact Points* with expertise in judicial cooperation in criminal matters shall be appointed. Through consultations between the *Forum Contact Points*, the Prosecutors General, Attorney Generals and Directors of Public Prosecution will:
- (a) Ensure communication, contacts and exchange of documents.
 - (b) Agree on the topics to be included in the agenda of the annual meetings and on the conclusions, results, and follow up of each Forum's meeting.
 - (c) Agree on the establishment of Forum working groups on relevant topics.
 - (d) Exchange opinions on the design of the Forum's Statute if necessary.
7. The EuroMed Justice Group of Experts in Criminal Matters (CrimEx) will continue to function as the interface for the Forum and fulfil its role mentioned in articles 8 of the Madrid Declaration and 5 of the Roadmap
8. The Forum visibility may be ensured through a dedicated website and Internet applications in full respect of personal data protection and the confidentiality of contacts and communications.
9. Prosecutors' General or the representatives of the Ministry of Justice, where applicable, may choose not to be part of a Forum activity or to stop being involved in it.
10. The Secretariat

There is a need for a permanent structure to support and ensure the communication, workings and the preparation of the Forum Meetings. The links of the Forum with the EU, Eurojust and EJN must be kept. Therefore, initially maintaining the EuroMed Justice as the Secretariat of the Forum represents an option.

La Haye, Pays Bas, le 31 janvier 2019