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EUROMED JUSTICE Training of Trainers Documents

*Training curricula in the field of
MLA/International Judicial Cooperation in
Criminal Matters*

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1. Introduction

1.1 Preliminary remarks

Nowadays it is not possible to think about fight against transnational crime without being aware that International Judicial Cooperation is essential to this end. In this respect, many traditional concepts and ways of crime have been overpassed. In a world that becomes more and more globalised, criminals and criminal organisations have developed new mechanisms using new technologies and instruments, which let them to develop their activities around the world overcoming the concept of traditional and physical border. At this moment, without judicial international cooperation it is frequent to find difficulties to start or to continue investigations against the suspected of participating in all forms of transnational criminality. If we take into account that traditional international cooperation mechanisms sometimes are rigid and can become ineffective or at least very complex in their use, we should conclude that a new approach to this topic is required.

Many mechanisms have been developed for international cooperation in criminal matters related to judicial cooperation and mutual legal assistance, such as extradition, the transfer of criminal proceedings, the transfer of convicted persons, joint investigation teams, recognition of decisions of foreign criminal jurisdictions, search and seizure, etc. In addition, depending on the different international legal framework and signatory status of the different Conventions, Agreement, etc. the possible application of each instrument can be different.

In this respect it is not possible pretending to organise a “taylor made” or “ideal” training programme for all the countries of the EuroMed region bearing in mind that each country has its own necessities according to its specific circumstances and juridical tradition. Therefore, this curricula has been worked out mainly taking into account the previous questionnaires prepared to this end by the experts and the ulterior exchange of opinions with the CrimEx members during the meeting held in Luxemburg last 19-21 June and possible ulterior exchange of comments/opinions, suggestions, etc with the before mentioned CrimEx members.

For this reason, I would like to thank all CrimEx members of all Euro Mediterranean countries who have helped us with their kind cooperation and effort in order to prepare this training programme, as well as the EuroMed Justice Team. As said, we have tried to respect all approaches, particularities and necessities of all countries. Nevertheless I would like to advance my apologise if finally it has been not possible to include all the possible approaches, received requests and comments due to the necessity of summarising in a realistic training curricula all interest and necessities looking for a common cross-regional approach.

1.2 Purpose

THE CULTURE OF JUDICIAL COOPERATION

Competency-based teaching for the acquisition of professional skills

The following curricula proposition, is built on an approach based on the development of the professional skills/abilities of the target audience.

This will constitute the fundamental basis that will guide it, always trying to teach not only knowledge, but to know “how to do” without forgetting “how to be”.

This method pretends to approach teaching quality through the tools defined in this document.

The focus on professional training, linked with the development of skills, puts more emphasis on the person to be trained as co-protagonist of the training sessions than as the mere final depository of the contents that can be given. This is intended to help the training recipient to learn by being and not merely by doing.

When **training in competencies**, the concrete contents to be taught share the leading role with the description of certain professional profiles that are considered necessary for the adequate performance of the specific activity entrusted. Therefore, it is a question not only of ensuring the quality of the content but also of being convinced of the relevance of the training provided.

Training with a focus on competencies means creating learning experiences for professionals in order to enable them to develop skills that will allow them to mobilize resources that are considered indispensable to successfully carry out their practice.

From this perspective, professional competence could be defined as the set of skills, knowledge, abilities and attitudes formulated in terms of behaviours or habits that, when put into practice, facilitate the fulfilment and success of the objectives of the activity entrusted to them.

The competences that we could define are the following:

1. **Technical competence/skill.** This area of competence includes technical, legal and procedural capacity. The exercise of the jurisdictional function requires a mastery of substantive law, which is the international and national legal and procedural framework necessary for the proper fulfilment of the request for judicial cooperation that is or may be requested. It is also necessary to have adequate oral communication skills and a correct and precise written expression when expressing reasoning to facilitate the delivery of consistent, clear and concise petitions and resolutions.

- 2. Relational and interpersonal competences/skills.** Whoever intends to carry out an adequate work in the field of International Judicial Cooperation (regardless of the decision that may be issued) must know how to actively listen to and how to maintain empathy with the different individuals with whom he or she relates in the exercise of that function. This person must be able to master techniques that enable her/him for the proper management of the conflictive aspects that may arise and must also assume the management of teamwork with total efficiency.
- 3. Functional and organizational competences/skills.** The exercise of an effective International Judicial Cooperation demands the planning and organization of the working times and schedules. It also needs a good management of the information, the suitability of potential internal and external interlocutors to be properly identified and, likewise, it is important to have all the instruments to enable effective and efficient decision-making.
- 4. Analytic competence/skill.** Whoever pretends to carry out an efficient International Judicial Cooperation must have the capacity of interpreting correctly the case raised. While correctly interpreting, it is very important to duly analyse the assumptions made, evaluating precisely all the documentation submitted and the fulfilment of the necessary requirements, clearly and precisely identifying what is requested (the regulations applicable to the case, the rights that may be affected by the request in question, etc.) From this, it must be drawn, in an adequate and synthetic manner, the pertinent conclusions that will guide a decision.
- 5. Constitutional competence/skill.** In the exercise of International Judicial Cooperation it can never be forgotten that such function needs a permanent and constant respect for the constitutional principles and values, allowing an adequate protection of the fundamental rights at stake throughout the process. Moreover, whoever is carrying out International Judicial Cooperation must be aware of the necessity and importance of keeping regular and continuous training and being flexible to adapt to each situation that may arise.

In essence, it is a question of learning, sharing and developing the culture of cooperation, something that goes beyond the mere application of the concrete rule. To enable this, it is crucial to develop essential skills in the field of international judicial cooperation, such as the ability to communicate verbally with a clear, simple and effective language, having a concise and simple but easy to understand, drafting technique, developing a capacity for analysis and synthesis of reading in order to clearly identify the objective of the required legal assistance or having the

necessary technical capacity and knowledge of the subject to quickly identify the applicable regulatory framework and knowing how to distinguish the main from the ancillary.

In consequence **the purpose of this training programme is to provide to the South Partner Countries (SPCs) indicative, practical, transversal and flexible training curricula on International Judicial Cooperation in criminal matters.** In this document we can find the main contents in this field once identified the training needs in the region. In this respect, the different contents can be adapted to initial or continuous training depending on the target group, particularity and knowledge of the trainees, their selection procedure or the internal teaching methodology of the training institution.

In any case the content does not pretend to be exhaustive and it has been focused taking into account the main identified needs according to the received information. In addition, it has been taken into account the main identified difficulties in the day to day work of the legal professionals, namely judges, prosecutors and professionals of Central Authorities, involved in this field.

The idea has been to prepare different and independent training modules with different approaches and contents in order to facilitate the users of this training programme to adapt its content in order to create their own training programme on International Judicial Cooperation in criminal matters according to its own necessities, possibilities and circumstances. Therefore, we can say that this training programme has been prepared in order to assure its flexibility and possible adaption to the specific circumstances of the user.

At the end, the content of this curricula has been developed bearing in mind a permanent practical approach to enable legal practitioners to efficiently and rapidly use international cooperation mechanism and mutual legal assistance instruments to fight against national and transnational crime, overall in cases of transnational organised crime related to most severe form of crimes.

Last but not least, the added value and conductive thread of this training programme is to promote mutual understanding and trust in the region and to incentive concrete and new ways of sharing training experiences not just South-South but also North-South.

1.3 Methodology

As a first step, the preparatory work of this training programme was to elaborate two questionnaires in order to send them to the SPCs for purposes of identifying the main training needs of the region, and more specifically, in order to identify the main topics of common concern to be dealt with in this field according their main particular necessities and priorities. After receiving this information, and once the answers were analysed, the Project Team continued exchanging clarification, opinions and comments with the CrimEx's members in order to have

more detailed information when needed. In addition, during the 7th CrimEx meeting held in Luxemburg it was possible to exchange these opinions and comments with CrimEx members, representatives of SPCs and EU judicial training institutes together with International organisations and EU agencies such as EJTN.

It is important to be noted that according the ToR and the EuroMed Justice methodology, this curricula should be mainly based in the previous documents/studies/Handbooks worked out the framework of CrimEx. In this respect it should be taken as main document reference the Handbook on International Cooperation in Criminal Matters in the Southern Partners Countries¹. In any case the rest of CrimEx documents² should also be taken into account.

Finally, and in order to facilitate the understanding of this curricula and its possible application, each training Module contains four training sessions which the first three ones should share a theoretical and practical approach and concerning the last one, most of the modules is based in an exclusive practical/real case/request approach. At the same time the content off all training activities has been split in three different main general topics: a) Training Modules in international Judicial Cooperation in criminal matters; b) Linguistic training modules and c) Transversal activities.

The idea has been not to prepare a wider curricula but a very practical and flexible one based on the common concern of the region and the real needs of the day-to-day work in this field.

IMPORTANT: It is highly recommended to the trainers users of this curricula to provide in every topic to be discussed a plural approach bearing in mind not only the main international legal text/context to be applied in each case (United Nations, European Union, Council of Europe, Arab League, African Union, etc.) but also trying to provide a general approach of the domestic law of the participants through their pro-active participation in order to complement the international approach with a general overview about other possible concrete domestic regulations.

¹ Prepared by Mr Dan Suter and Professor Mohamed Elewa Badar with the assistance of Dr. Polona Polona Florijancik, edited by EuroMed Justice Key Expert Virgil Ivan-Cucu

² EuroMed Fiches. Worked out by Mr GMT Franssen, Senior Prosecutor, The Netherland, Legal and Gaps Analyses. Mutual legal Assistance in Criminal Matters/Confiscation of the Proceeds of Crime, worked out by Mr David Mayor Fernández . Senior Prosecutor. Spain. Assess Recovery and Joint Investigation Teams,, Legal and Gaps Analyses. Extradition and Transfer of sentenced persons/Conflicts of jurisdiction and Transfer of Proceedings. Worked out by Professor Mohamed Elewa Badar; , Legal and gaps analysis - Special investigation techniques. Worked out by Mr Daniel Suter. UK., Legal and Gaps Analyses. Cybercrime, Worked out by Mr Daniel Suter. UK. Legal and gaps analysis Terrorist Financing. Worked out by Mr Daniel Suter. UK. EuroMed Practical Guide for requesting Electronic Evidence from Service Providers All before Manuals edited by EuroMed Justice Key Expert Mr Virgil Ivan-Cucu

EuroMed Justice

TRAINING MODULES

PREVIOUS WARNING: With respect to the freedom of teaching that should govern the training field, it has been considered that once the training needs and the specific topics to be dealt with in the region have been identified, the technical and pedagogical approach to the topic debated should be merely INDICATIVE. Each professor and expert that will present each topic is free to specify the contents and methodology to be applied in order to achieve the intended purpose of each module.

1st MODULE: International Judicial Cooperation in Criminal Matters: towards the mutual trust

Understanding what International Judicial Cooperation means, where it is based and the relevant role of mutual trust

Nowadays we live in a globalised world where the concept of physical and traditional border has been overpassed, where the international mobility of people, including offenders is very common, we could even say that it is almost natural, and where new technologies and internet facilitate criminal organisations to be permanently interconnected and in real-time. International Judicial Cooperation has proved to be a relevant and efficient instrument to fight against Organised Crime in this new scenario. In this respect, International Judicial Cooperation has become of paramount importance in XXIst Century to combat national and transnational crimes where organised crime has an increasingly relevant role.

This training module intends to facilitate the participants of EuroMed Justice to know the main legal provisions contained in the International Judicial Cooperation legal framework, universal or regional level, and to understand its functioning in order to enhance international cooperation in criminal matters. The content of this module, in consequence, has been developed to enable legal practitioners to have a first and general approach to International Judicial Cooperation mechanisms and mutual legal assistance instruments.

The selection of the different topics to be dealt with during the training session has been worked out based on both, theoretical and practical approach. Both aspects are equally necessary to guarantee an appropriate understanding and to obtain an effective and rapid International Judicial Cooperation. Practical cases based in real facts should be prepared in advance in order to reflect the main day-to-day difficulties to be faced in order to guarantee an effective International Judicial Cooperation.

Nevertheless, we should never forget that the cornerstone of International Judicial Cooperation should be based in the mutual trust between the different authorities and countries involved in this task. EuroMed Justice constitutes a meeting point and a space of reflection where experiences of participants can be shared and where mutual understanding and knowledge can be strengthened.

1st Session - Where we are and where we are going to: understanding what International Judicial Cooperation is.

This first session should be focused on facilitating the participants understand the evolution of International Judicial Cooperation in the different international possible contexts. Concepts such as sovereignty, domestic law, Convention, Treaty, mutual recognition, comity or reciprocity, among others, should become familiar to the trainees.

INDICATIVE QUESTIONS to be dealt with (among others)

- What does International Judicial Cooperation mean?
- Which is the evolution of its concept and content?
- How important is mutual trust in this kind of cooperation?
- Which is the main challenge for legal practitioners?

2nd Session.-International legal basis concerning International Judicial Cooperation: Special reference to Universal, Multilateral and Regional legal Instruments³. General approach to the work developed by UN, EU, CoE, AL and AU with special reference to the United Nation Convention against Transnational Organised Crime and its protocols.

A range of international Treaties, Conventions or Agreements are the main basis in which Judicial International Cooperation builds its development. Knowing the possible meeting point in the region and the possible common applicable framework attending to the topic or area where the request should be executed is the first step.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which is the main legal basis for international judicial cooperation?
- Which are the main instruments for International Judicial Cooperation?
- Where can we find the main institutional web pages related to both previous questions?
- How can we identify the legal basis or specific instrument to be applied?
- Which are the main common instruments to be used in the EuroMed region?

3rd Session-Formal and informal cooperation: the importance of persons and institutions

International Judicial Cooperation must evolve simultaneously to the changes of the world.. Life is becoming more complex but also more flexible, quick and efficient. International Judicial Cooperation should make an effort to adapt to this new context. In order to understand the day to day work in this field, knowing some institutions involved in this task, with special reference to the Competent or Central Authorities and other institutions such INTERPOL, EUROPOL, EUROJUST, EIJN, etc. or to know the work, among others professionals, carried out on the spot by the Liaison Magistrates, can be very useful.

INDICATIVE QUESTIONS to be dealt with (between others)

- What is the difference between formal and informal cooperation?

³ As agreed during the 7th CrimEx Meeting held in Luxembourg, Bilateral agreements will not be dealt with in specific way through this training programme. Please, for additional information on this topic see the Handbook on International Cooperation in Criminal Matters in the Southern Partners Countries, prepared by Mr Dan Suter and Professor Mohamed Elewa Badar with the assistance of Dr. Polona Polona Florijancik and the publication "Legal and Gaps analysis. Mutual Legal Analysis in Criminal Matters/Confiscation of proceeds crimes in the EuroMed area". Written by Mr David Mayor Fernández. Senior Prosecutor. Spain. All before Manuals edited by EuroMed Justice Key Expert Mr Virgil Ivan-Cucu

- Which is the role of the Competent/Central Authority?
- How legal practitioners should proceed if they have a doubt related to the procedure?
- Do we know the functions and competence of EJN, INTERPOL, EUROPOL or EUROJUST?
- Which is the day-to-day work of a Liaison Magistrate?

4th Session- General approach to the main mechanisms for International Judicial Cooperation: Mutual legal Assistance, extradition, transfer of criminal proceedings and transfer of sentenced persons.

This session is focused on providing the participants a more detailed and general knowledge and understanding concerning the main mechanism for International Judicial Cooperation taking into account the number of cases that are usually dealt with in the region. A very practical approach based on practical examples should be followed during this training session fostering a very interactive participation.

INDICATIVE QUESTIONS to be dealt with (among others)

- When should be used one mechanism or other?
- Is the procedure the same in all cases?
- Is it necessary in any case a formal and written request?
- Where can we find information to solve a possible doubt on these topics?

2nd MODULE: MUTUAL LEGAL ASSISTANCE (I)⁴

Learning and understanding functioning of Mutual Legal Assistance as an International Judicial Cooperation instrument

According to the information received through the questionnaires prepared in advance by the experts in charge of this analysis, training on Mutual Legal Assistance is one of the topics of most concern for all the countries. In addition, knowing how to draft a MLA requests⁵ is probably one of the main and more essential skills that a legal professional involved in International Judicial Cooperation should learn.

In any case and previous to draft a MLAR, it is important to know the concept and content of this instrument taking into account, in any case, that both definitions could admit some nuances depending on the applied Convention, Treaty, Agreement, possible context or juridical tradition.

Time evolution of the formal aspect of the MLA request shows the necessity of maintaining over the time an updated knowledge related to this cooperation instrument. The consequence of this continuous evolution is the continuous training needs required by the professionals involved in the investigations, prosecutions and judicial proceedings to draft an effective MLA request⁶.

In this respect, the use of new technologies has introduced new perspectives and possibilities transforming the traditional form and methodology of International Judicial Cooperation. This new scenario requires a special effort to adapt us, the legal professionals, to this new reality in order to take all possible advantages of this new technological context.

⁴ It is suggested to prepare this training module following the United Nations Convention against Transnational Organised Crime because this Convention is the main common legal text to be applied in the region in this field.

⁵ In this training programme it will understand MLA request as a whole concept (It does mean that we won't distinguish between MLAR and Letter Rogatory)

⁶ The authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed framework. CrimEx. In special way bearing in mind Handbook on International Cooperation in Criminal Matters in the Southern Partners Countries, prepared by Mr Dan Suter and Professor Mohamed Elewa Badar with the assistance of Dr. Polona Polona Florijancik and the publication "Legal and Gaps analysis. Mutual Legal Analysis in Criminal Matters/Confiscation of proceeds crimes in the EuroMed area". Worked out by Mr David Mayor Fernández. Senior Prosecutor. Spain. In any case this suggestion doesn't means to not use to the before mentioned end another training materials, studies, publications, legal text, etc

1st Session – Concept and essence of mutual legal assistance: general approach without forgetting the importance of goodwill of cooperation and mutual trust

Deeply knowing what we are talking about when we mention Mutual Legal Assistance, and what is a MLA Request is the first step to be able to prepare a formal MLAR in a practical way. In addition, it is important to be aware of possible different approaches of Mutual Legal Assistance depending on the context where the request could be executed. A transversal approach which promotes an appropriate attitude of cooperation is fundamental if we want to develop a real and effective cooperation. Therefore, this session should be focused on this target.

INDICATIVE QUESTIONS (among others)

- What does Mutual Legal Assistance mean?
- Which is the legal nature of this mechanism of cooperation?
- Why is it so important the goodwill and mutual confidence to improve MLA?
- Where can we find information to solve a possible doubt on this topic?

2nd Session- International legal framework: General common principles

Depending on the concrete Mutual Legal Assistance request and instrument to be applied related to the specific countries involved in the respective MLAR, the international legal context to be applied could be different. In this respect, the possible Convention, Agreement, etc to be applied will depend on its content and possible signing and ratification by each Country. It should also be distinguished, generally speaking, between Universal Conventions/Treaties, Regional ones where we can find same geographical concerns or legal traditions or bilateral treaties tailored between concrete States according reciprocal agreements. In all of them it is possible to identify the common principles on which are based the appropriate functioning of a Mutual Legal Assistance request.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which are the main international legal contexts where a MLA request framework can be found?
- Which are the main virtues and lacks of each one?
- Do we know what “principle of mutual recognition” means in the EU context?
- Is it possible to identify common general principles between them?
- How can we find additional information to solve a possible doubt on this topic?

3rd Session- International Judicial Cooperation procedure: Special reference to the Competent/Central Authority and the work developed on the spot by the Liaison Magistrate. Possible context in which direct requirement between judicial authorities is possible.

In order to solve concrete situations which sometimes are not clearly dealt with in the legal text, going down to the day to day case management and practical approach of Mutual Legal Assistance request and to know in a detailed way the role and functions of the competent central authority and other specialist professionals on International Judicial Cooperation such as the Liaison Magistrate become essential.

INDICATIVE QUESTIONS to be dealt with (among others)

- Who is who in a MLA procedure?
- Which is the role of the competent Central Authority?
- What is the day-to-day work of a Liaison Magistrate on the spot?
- How important is the personal human relation in this kind of international cooperation procedures?
- How can we find information to solve a possible doubt related to this topic?

4th Session- Preparing, issuing and following outgoing request and acting in out coming Mutual Legal Assistance request.

The final objective of this module is to provide solid knowledge, tools and practical skills to the participants of the training seminar in order to familiarise them with the drafting, issuing and following of outgoing requests and acting in out coming request. This last training session should be based in a very practical approach based on real cases in order to be ready to prepare concrete MLAR by the participants and to promote a very interactive participation through a “learning by doing” methodology.

INDICATIVE QUESTIONS (others)

- Is there just one possible form to write a MLA request?
- Where can we find some different proposals to this end?
- Once the MLA request has been sent, can I do something to pursue its enforcement?
- Is our role the same when sending and when receiving?
- Where can we find information to solve a possible doubt on these topics?

3rd MODULE: MUTUAL LEGAL ASSISTANCE (II)⁷

Learning and practising how to prepare a Mutual Legal Assistance request

This module is the continuation and complement of the training module 2. In this chapter it will be provided a further content and approach in order to facilitate a wider oversight of a formal Mutual Legal Assistance request. A more detailed, specific and practical approach is provided in this training session on this topic where the participants will have the opportunity to practice in a deepen way concerning the main problems to be solved and how to solve them from a very practical approach.

International Judicial Cooperation has evolved over time and requires the updating of the knowledge of legal practitioners in this field in order to be able to use properly all new judicial cooperation instruments. In this respect, formal form and content of MLA request has evolved too and, in consequence, the professionals involved in investigations, prosecutions and judicial proceedings for drafting an effective MLA request require a practical training approach.

The use of new technologies has introduced new perspectives and possibilities transforming the traditional, and sometimes length, of proceedings concerning International Judicial Cooperation, opening a new, more flexible and rapid cooperation. This new scenario requires a special effort to adapt us, as legal

⁷ It is suggested to prepare this training module following the United Nations Convention against Transnational Organised Crime taking because this Convention is the main common legal text to be applied in the region. In addition, the authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed framework. CrimEx.

- *EuroMed Fiches* – Mr. Giel Franssen Senior Prosecutor The Netherlands
- *Legal and Gap Analyse on MLA and Confiscation* – David Mayor Fernandez, Senior Prosecutor Spain
- *Legal and Gap Analyses on Extradition and Transfer of Sentenced Persons, Conflicts of Jurisdiction and Transfer of Proceedings* - Professor Mohamed Elewa Badar - edited by EuroMed Justice Key Expert Mr. Virgil Ivan-Cucu
- *Legal and Gaps Analyses on Special Investigation Techniques, Cybercrime and AML-FT* - Mr. Dan Suter - edited by EuroMed Justice Key Expert Mr. Virgil Ivan-Cucu
- *Legal and Gaps Analyse on Counter-Terrorism* Professor Mohamed Elewa Badar - edited by EuroMed Justice Key Expert Mr. Virgil Ivan-Cucu
- *EuroMed Handbook on Judicial Cooperation* - Mr Dan Suter and Professor Mohamed Elewa Badar with the assistance of Dr. Polona Polona Florijancik, edited by EuroMed Justice Key Expert Mr. Virgil Ivan-Cucu
- *EuroMed Justice and Police Digital Evidence Manual* – Mr. Dan Suter, Ms. Marie Laurence Navarri, Mr. Jorge Carrera, , Mrs. Lina Cepeda, Mr Marc Varri, EuroMed Justice Key Expert Mr. Virgil Ivan-Cucu

In any case this suggestion doesn't means to not use to the before mentioned end another training materials, studies, publications, legal text, etc

professionals, to this new reality in order to take all possible advantages of this new landscape for cooperation.

1st Session – Best practices on Mutual legal Assistance requests

Taking into consideration the acquired experience in this field it has been demonstrated that some good practices on Mutual Legal Assistance requests are very useful to achieve an effective result. Practical aspects such as ensuring awareness of the required State internal Law, using alternatives methods of cooperation when possible or to promote effective personal contacts, among others, will be very helpful if we want to have an effective result.

INDICATIVE QUESTIONS to be dealt with (among others)

- The first question. What do we need to request?
- Do we know the international legal framework that should be applied?
- How do we want the requested state to proceed?
- Which is the final objective of the possible obtained result through the MLA request?
- Where can we find information to solve a possible doubt on these topics?

2nd Session- Grounds of refusal for a Mutual Legal Assistance request

One of the most frequent difficulties that can be found at the court is that after spending a lot of work, time and effort preparing a Mutual Legal Assistance request, it is coming back being refused by the requested State. Avoiding this possibility requires a previous knowledge of the main problems that can be found and how to solve them.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which are the main reasons for refusing a MLA request?
- How could we avoid this refusing decision?
- What are the consequences?
- Once refused the MLAR, is it possible to find a solution??
- Where can we find information to solve a possible doubt on these topics?

3rd Session-General checklist for requesting Mutual Legal Assistance. Specificities of different Mutual Legal Assistance requests. Special reference to videoconferencing.

Once you are used to work with Mutual Legal Assistance requests it is when you are aware about all aspects that should always be included in the formal request if you want to be sure of its effectiveness. Just something as simple as including a clear identification of the authority presenting or transmitting the request and clear contact details sometimes is forgotten. Having a clear and basic idea about the essential list of contents is crucial.

INDICATIVE QUESTIONS to be dealt with (among others)

- Why is it so important to be methodical in the preparation of a MLA request?
- Do all possible MLA requests have the same essential requirements?
- Which are the checklist questions that you should never forget?
- Where can we find information to solve a possible doubt on these topics?

4th Session- Writing an outgoing formal letter of request. Mutual legal Assistance request in electric format. Possible tools and resources to be used⁸

Writing a formal request through a Letter of Request is probably the most frequent instrument used to obtain International Judicial Cooperation. Being able of drafting such request should be one of the main objectives of this training session. To this end, a real approach based in a real cases should be provided to facilitate a very useful practice to the participants.

INDICATIVE QUESTIONS to be dealt with (among others)

- How may we write a MLA request?
- How may we write an electronic MLA request?
- Are there different models?
- What is what we should never forget?
- Where can we find the main information and tools to solve a possible doubt on these topics?

⁸ It is suggested to make special reference to UNODOC Mutual Legal Assistance Request writer tool.

4th MODULE: EXTRADITION

Understanding this cooperation mechanism and learning and practising how to prepare an active extradition request

Extradition is one of the oldest traditional forms of international cooperation. Generally, extradition may be formulated for the purpose of prosecution, that is to say, in order to prosecute an individual suspected of having committed a crime or for the purpose of enforcement, in order to enforce a custodial sentence following the conviction of an individual⁹. Nevertheless we could say that the Extradition procedure is not necessarily something to be dealt with in the same way everywhere.

Following this approach, extradition is regulated in different multilateral, universal and regional legal framework such as United Nations', European Union, Council of Europe or Arab League, among others. Bilateral agreements between States are also frequent. The legal framework will vary depending on the States/parties involved in each Extradition case.

At the same time, taking into account the domestic legislation of the State, a number of factors may be previously considered by a requested State related to a request of an extradition. The extradition procedure, in addition, is usually the result of a complex system where the judiciary is involved at the beginning of the process and the executive branch during the latter part of it.

It means that it is important to know all the specific aspects of this instrument of International Cooperation to avoid a possible "complication" during the Extradition proceeding.

This module aims to provide to the participants this general overview related to the International legal framework on this field, but, overall, to provide them a practical approach to the day-to-day extradition procedure. In any case, we kindly suggest to take into account for preparing this training module, together with other appropriate teaching materials and legal texts, the study on this field in the framework of EUROMED JUSTICE, CrimEx publication on Legal and Gaps Analysis Extradition and Transfer of sentenced persons, Conflicts of jurisdiction and transfer of proceedings written by Prf. Mohamed Elewa Badar, in which a deepen study of extradition and an extensive analysis of the region can be found.

1st Session-Concept, nature, types and essence of Extradition

⁹ CrimEx publication on Legal and Gaps Analysis Extradition and Transfer of sentenced persons. Conflicts of jurisdiction and transfer of proceedings. Prf. Mohamed Elewa Badar

As it has already been introduced, Extradition's nature has a plural approach bearing in mind that it is frequent the intervention of Judiciary and the executive branch. In addition, some types of Extradition can be found and, depending on this, the procedure to be applied will be different. Finally, it is very important to be aware of the nature of this mechanism of International Judicial Cooperation.

INDICATIVE QUESTIONS to be dealt with (among others)

- How could we define extradition?
- Are there different types?
- Which are the main challenges that we can find in this cooperation mechanism related to the concept of sovereignty?
- How can affect the domestic law of the required State to this kind of requests?
- Where can we find information to solve a possible doubt on these topics?

2nd Session- Extradition, international legal framework and how it is governed: main principles to be applied. Comparison with European Arrest Warrant

The legal regulation will vary depending on the States involved in each Extradition case. This is due to the frequent existence of bilateral agreements in this field. We could say that we can find such different situations due to the different countries that could be involved in the specific extradition procedure. Knowing this legal framework in order to identify the applicable text and to find the main principles to be applied, including possible refusal grounds, will facilitate the work of legal professionals involved in this field.

INDICATIVE QUESTIONS to be dealt with (among others)

- Is it possible to find different international legal frameworks that may be applicable at the same time?
- How can we know which one is the applicable one?
- Are all of them governed by the same general principles?
- What refusal grounds could be applied?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- Checklist for requesting Extradition requests.

An extradition request is a complex procedure, which is time consuming, and that it is expensive. Knowing from a practical point of view the essential pre-requisites in order to pre-empt any potential problem or difficulty (bearing in mind the main parameters for a success extradition) will provide to the participants a very useful tool in order to assure a good result of the extradition.

INDICATIVE QUESTIONS to be dealt with (among others)

- Have you identified the adequate channel through which the extradition request should be sent?
- Have we a clear vision concerning the extradition procedure?
- Which is the Central authority role?
- Who is sending the request and how is it possible to contact the authority in charge?
- How can we be sure that we are including enough information as legal basis?
- Where can we find information to solve a possible doubt on these topics?

4th Session- Writing a formal Extradition request

Writing a formal extradition request in order to obtain an international cooperation is the main final objective of this module. Being able of drafting such request, bearing in mind all previous training sessions, will demonstrate the result of it. To this end, a very practical approach based on real cases should be provided to facilitate a very useful practice to the participants.

INDICATIVE QUESTIONS to be dealt with (among others)

- How may we write a formal extradition request?
- Are there different models?
- Which are the main difficulties that we can find from a practical point of view?
- What should we never forget?
- Where can we find the main information and tools to solve a possible doubt on these topics?

5th MODULE: TRANSFER OF LEGAL PROCEEDINGS AND TRANSFER OF SENTENCED PERSONS¹⁰.

Learning when and how using both cooperation mechanisms and practising how to work out a MLA request on these topics.

Transfer of legal proceeding is a frequent mechanism of judicial international cooperation in the day-to-day work. Generally speaking, through this mechanism, one State/Party may request another State/Party to take proceedings against a suspected person in its stead. In general, we could say that when a person is suspected of having committed an offence under the law of a Convention/Agreement, one signatory party/State may request another one to take proceedings in the cases and under the conditions provided for in the respective Convention/Agreement. Consequently, we can say that this cooperation mechanism should be used if the requesting party wants to guarantee that the pursuit and conviction of the case will continue its procedure in the requested State even if an impossibility or difficulty of continuing in the requesting State arises.

The transfer of sentenced persons is another frequent mechanism of International Judicial Cooperation. Concerning non-nationals convicted for a crime and sentenced, it has become a common practice to transfer them to their respective country if the international legal framework allows for such transfer. This procedure, among other benefits such as, for instance, not needing to provide additional facilities specifically for foreign citizens, will contribute to the rehabilitation procedure of the sentenced persons.

This specific procedure requires knowing very well all the formal requirements that should be taken into account. For example, aspects such as the consent of the condemned person, possible immunities under the requesting State law, time of the sentence remaining to be served, etc. should be bore in mind to assure a smooth processing of the Mutual Legal Assistance Request.

¹⁰ The authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed framework. CrimEx. In special way bearing in mind the publication "Legal and Gaps Analysis, Extradition and Transfer of sentenced persons. Conflicts of jurisdiction and transfer of proceedings. Prf. Mohamed Elewa Badar, where a deepen study of these topics and a extensive analysis of the region can be found. In any case this suggestion doesn't means to not use to the before mentioned end another training materials, studies, publications, legal text, etc

1st Session –Concept, content and justification of both mechanism of judicial cooperation

Knowing the concept, content and different approaches of both mechanisms during the first session will let the participants to understand from the beginning the main characteristics and justifications of each one. In addition, during this session should also be discussed how an appropriate attitude of cooperation is essential if we want to develop a real and effective judicial cooperation.

INDICATIVE QUESTIONS to be dealt with (among others)

- How could we define each mechanism of cooperation?
- Which is the legal nature of each one?
- How can we justify these cooperation mechanisms?
- Where can we find information to solve a possible doubt on these topics?

2nd Session-International Legal framework and requirements related to the transfer of legal proceedings and transfer of sentenced persons

Once the participants understand the essential content of both cooperation figures, it is necessary to know the international legal framework in a detailed way bearing in mind that bilateral agreements between States are also frequent. In addition, the main requirements of each cooperation mechanism should be discussed to avoid possible unexpected difficulties during the processing of the Mutual Legal Assistant request. Knowing in a practical way the essential pre-requisites, and possible complementary requested explanations required by the requested State (in order to pre-empt any potential problem or difficulty) will provide to the participants a very useful tool in order to assure a good result of both international cooperation mechanisms.

INDICATIVE QUESTIONS (among others)

- Is it possible to find different international legal frameworks to be applied in both cooperation mechanisms?
- How can we know which one is the applicable one?
- Are all of them governed by the same requirements?
- What refusal grounds could be applied in each one?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- Drafting a request on transfer of legal proceedings

Writing a formal request using a transfer of legal proceeding request to obtain an international cooperation is one the main final objectives of this module. Being able of drafting such request considering all previous training sessions will

demonstrate the result of the training. To this end, a real approach based on real cases should be provided to facilitate a very useful practice to the participants.

INDICATIVE QUESTIONS (among others)

- How may I write a request on transfer of legal proceeding?
- When can we use this tool?
- Are there different models?
- What is what we should never forget?
- Where can we find the main information and tools to solve a possible doubt on these topics?

4th Session- Drafting a request on transfer of sentenced persons

Writing a formal request using a transfer of sentenced persons request to obtain an international cooperation is one the main final objective of this module. To be able of drafting such request bearing in mind all previous training sessions will demonstrate the result of the training. To this end a real approach based on real cases should be provided to facilitate a very useful practice to the participants

INDICATIVE QUESTIONS (between others)

- How may we write a request on transfer on transfer of sentenced person?
- When can we use this tool?
- Are there different models?
- What is what we should never forget
- Where can we found the main information and tools to solve a possible doubt on these topics?

6th MODULE: MLA and SPECIAL INVESTIGATION TECHNIQUES¹¹

Knowing and being aware of the different special investigation techniques and learning to prepare a MLA to this end

Both domestic and transnational organised crime are continuously increasing their capacity in order to render more difficult the work of the police and courts in order to pursue the crime. This new transnational context, where new technologies and very sophisticated and modern instruments are used, requires new investigative strategies and new investigation mechanisms to enable the experts to carry out more complex investigations. To this end, these new investigation proceedings sometimes involve special investigative techniques that require, at the same time, a specific legal procedure to avoid a possible ulterior legal problem.

Consequently, when we are talking about a transnational investigation proceeding, some additional difficulties could appear and the effort and attention to be paid to the investigation procedure should be increased, over all, taking into account the legal guarantees of the investigation techniques and the respect of the human rights of the investigated person, victims or third persons. Therefore, efficiency and guarantees should be both faces of the same coin.

For this reason specific bilateral or multilateral Conventions/Agreements are very useful in order to have a clear and transparent legal framework in which the international cooperation, using special investigation techniques, avoid ulterior potential problems of validity of result at the court. As a conclusion we could say that an appropriate legal framework is a relevant tool to help the potential achievement of a good result.

In this respect knowing the legal framework of these investigative techniques, the internal and practical functioning of these investigative procedures is very important. To acknowledge the intrinsic technical difficulties depending on the own used mechanism and being sure that it has been developed respecting fundamental rights of investigated people is, in addition, the best guarantee for an efficient Mutual Legal request in this concrete field.

¹¹ The authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed and CrimEx framework. Specially bearing in mind the publication "Legal and Gaps analysis, Special Investigation Techniques", written by Mr. Daniel Suter and where a deepen study of these topics and an extensive analysis of the region can be found, where a deepen study of these topics and an extensive analysis of the region can be found. In any case, this suggestion does not mean not to use to the before mentioned and another training materials, studies, publications, legal text, etc

1st Session.- Understanding the importance of both legal and technical approach.

As it has been said previously, life is changing and criminal procedures are not an exception of this transformation procedure. Technically speaking, the specific investigative techniques are some times not well known by the legal practitioners and this gap can provoke some legal and practical problems. This first session is aimed to provide current and updated information of these special investigative techniques, from a legal and technical approach, to facilitate a wider overview, smooth and efficient, of a Mutual Legal Assistant request in this specific kind of cooperation.

INDICATIVE QUESTIONS to be dealt with (among others)

- What does special investigation techniques means?
- Which are the constitutional and fundamental rights limits to this kind of investigation techniques?
- Which is the role of the court in this type of investigations?
- Where can we find information to solve a possible doubt on these topics?

2nd Session- International Legal Framework and general requirements to special investigation techniques I: Surveillance, telephonic interceptions, Interception of computer or another type of communications.

Some of the most frequent request of these special investigation techniques is surveillance and interception of communications. International legal framework can be found in different contexts such as in the UN context, European Union, Council of Europe, Arab League, etc. In any case bilateral agreements between States are also frequents. The technical aspect to be followed should be evaluated in advance taking into account the possible fundamental right inherence through the special investigation technique. In this respect, interception of communication requires, generally speaking, a very specific control of the judicial/prosecutorial authority that should always guarantee the legal requirements of this specific investigative technique.

INDICATIVE QUESTIONS to be dealt with (among others)

- Are we able to identify the applicable legal framework depending on the parties involved in the concrete case?
- Can we clearly define the content of the required special investigation techniques?
- Which should be the relation between the investigative body/police in charge of the investigation and the court?
- Is there a time limit in the use of these special investigation techniques?
- Are the possible fundamental right affected in the before mentioned types of special investigation techniques the same?
- How can we know where is the appropriate balance to avoid a possible problem concerning admissibility of evidences?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- International Legal Framework and general requirements to special investigation techniques II: Joint Investigation Teams, Controlled Deliveries, Informants and Undercover Agents, among others.

As it has been explained in advance, when we are referring to special investigation techniques we should be aware that we should take into account some international legal framework such as the UN context, European Union, Council of Europe, Arab League, etc. In any case, bilateral agreements between States are also frequent. There is typically more than one model that law enforcement authorities use for implementation. Some models have their advantages above others and may make the tool more effective. For this reason some investigative techniques related to serious crimes including terrorist acts, such as undercover agents, require a very specific effort to update best practices in both judicial and police fields.

INDICATIVE QUESTIONS to be dealt with (among others)

- Can we clearly understand the difference between the previous special investigation techniques?
- Which are the possible fundamental rights to be affected in the previous special investigation techniques?
- Which should be the relation between the investigative body/police in charge of the investigation and the court?
- Is there a time limit in the use of these special investigation techniques?
- How can we know where is the appropriate balance to avoid a possible problem concerning admissibility of evidences using these concrete investigation techniques?
- Where can we find information to solve a possible doubt on these topics?

4th Session- Drafting a MLA request on a concrete special investigation technique.

Writing a formal request asking for a special investigation technique request to obtain international cooperation is one of the main final objectives of this module. To be able of drafting such request bearing in mind all previous work and all possible affected fundamental rights will demonstrate the result of the previous training sessions. To this end, a very practical approach based in real cases should be provided to facilitate a very useful practice to the participants.

INDICATIVE QUESTIONS (among others)

- How may we write a MLA requesting a special investigation technique?
- Which are the main common difficulties that we can find from a practical point of view?
- Are there different models depending on the specific technique to be used?
- What is what we should never forget?
- Where can we find the main information and tools to solve a possible doubt on these topics?

7th MODULE: FIGHTING AGAINST CYBERCRIME¹²

Understanding the complexity of this growing type of criminality and learning how to face it from an international point of view.

Life is changing and the use of Internet and new technologies are present around us every day and every time. Nowadays many citizens around the world have part of their lives “hanged on” in the cyberspace. In addition, the reality is that computer networks and electronic information may also be used for committing not just individual criminal offences, most of time affecting vulnerable groups, but also very serious crimes affecting the interest of a large number of people in different places of the world at the same time. Security, infrastructures or economic activities of Countries can also be affected at any moment. This permanent risk situation requires a permanent cooperation effort to have the capacity of facing this increased new type of crimes. Perhaps it deserves a reflection about how these types of crime have been installed in our life and what we should do to face them.

Although it is possible to find different approaches to the Cybecrime concept, generally speaking, and following EU approach, it consists of criminal acts that are committed online by using electronic communication networks and information systems. It is a borderless problem that can be classified in three broad definitions: a) Crimes specific to the Internet, such as attacks against information systems or phishing (e.g. fake bank websites that solicit passwords enabling access to victims' bank accounts). b) Online fraud and forgery. Large-scale fraud can be committed online through instruments such as identity theft, phishing, spam and malicious code and c) Illegal online content, including child sexual abuse material, incitement to racial hatred, incitement to terrorist acts and glorification of violence, terrorism, racism and xenophobia.

New technologies do not know about physical borders and most of people do not have a deepen knowledge of its complex functioning. Properly investigating these kinds of crimes requires practical technical knowledge related to the investigation, being aware of the necessity of respecting legal framework in this kind of investigations. In addition, fighting against Cybercrime requires rapid and well-functioning international co-operation in this field.

¹² The authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed framework and CrimEx. Specially bearing in mind the CrimEx “Legal and Gaps analysis, Cybercrime”, written by Mr. Daniel Suter and where a deepen study of these topics and an extensive analysis of the region can be found,. In any case, this suggestion does not mean not to use another training materials, studies, publications, legal text, etc to be prepared this training module.

Having a good knowledge of the content and procedures provided by international legal frameworks for the purpose of specific criminal investigations or proceedings in this field is essential to be able of taking the maximum possible advantage of them to fight against Cybercrime.

1st Session– Concept and content of cybercrime: is it possible to define them just in one way?

As it has been said before, it is possible to find different approaches to the concept of Cybercrime and its content. Nevertheless, without any doubt this type of criminality is becoming one of the most relevant and this is the tendency in the future taking into account the increasing use of new technologies in the daily life. Having a clear vision of the evolution of this kind of criminality and of the different new modalities will be very useful for the legal professionals involved in facing it.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which is the meaning and content of cybercrime?
- Which is the nature of this crime?
- Do we know the appropriate terminology to be used during the investigation?
- How important technical capabilities are in this kind of investigation?
- Can we fight against this type of criminality using the traditional cooperation methods?
- Where can I find information to solve a possible doubt on these topics?

2nd Session- International Legal framework: Special reference to United Nations, Council of Europe, Arab League and African Union, and EU context.

International legal framework on Cybercrime requires a permanent updating work and effort in order to adapt it to the new forms of this kind of criminality. An updated legal framework providing instruments to fight against last types of Cybercrime is one of the best tools to help the work of legal professionals on this field. The different international legislative actions in this respect such as those concerning attacks against information systems, combating the sexual exploitation of children on line, child pornography, protection of personal data in electronic communications, terrorism, etc., should be known by the experts on this field

INDICATIVE QUESTIONS to be dealt with (among others)

- Is it possible to find different international legal frameworks to be applied to facilitate international cooperation on this topic?
- How can we identify the different possible offenses?
- Are there special vulnerable victim groups?
- What should we do to protect them?
- Why is it so important in the investigation of these crimes the cooperation of the private sector?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- Tools to fight against cybercrime: special reference to the European instruments, UNOOC Repository Cybercrime and Budapest Convention and Council of Europe website. Other possible instruments. The importance of the police investigation works in this field.

In order to facilitate the work of legal professionals in charge of fighting cybercrime, knowing the possible use of different tools is very important taking into account that, in a general way, these professionals do not have a previous deep knowledge in this topic. In this respect, as it is already happening in different fields of Mutual Legal Assistance requests, it is important to increase deep and, if possible, technical knowledge on the specific topic of the request.

INDICATIVE QUESTIONS to be dealt with (among others)

- Is there any kind of lesson learned in fighting cybercrime?
- Is there a database on international legislation in this field?
- Do I have updated information related to the day-to-day work developed by the police specialist in this field to take advantage of their knowledge and experience?
- How should we coordinate our work with the police team in charge of the investigation?
- Which are the more frequent difficulties that we can find in this kind of cases?

4th Session- Drafting a MLA request on a Cybercrime case.

Writing a formal request asking for a mutual legal assistance in a specific case of cybercrime in order to obtain an international cooperation is one of the main final objectives of this module. Being able of drafting such request bearing in mind all previous work will demonstrate the result of the previous training sessions. To this end, a real approach based in real cases should be provided to facilitate a very useful practice to the participants.

INDICATIVE QUESTIONS (among others)

- How may we write a MLA requesting information concerning the investigation of a cybercrime?
- Which are the main common difficulties that I can find from a practical and technical point of view?
- Are there different models of MLA request depending on the specific requested information?
- What is what we should never forget in this kind of request?
- Where can I find the main information and tools to solve a possible doubt on these topics?

8th MODULE: GATHERING CROSS-BORDER DIGITAL EVIDENCE¹³

Learning more about how to gather cross-border digital evidences and draft a MLA request.

As it is explained in the *EuroMed Manual on Digital Evidence: A practical Guide*¹⁴, the “use of the internet is growing exponentially, with more than 3.8 billion internet users worldwide, which accounts for almost 47% of the global population. It is estimated that we will spend five years of our life on social media. It is estimated that the cost of cybercrime could be \$2.1 trillion USD globally by 2019. Upwards of 80 per cent of cybercrime acts are estimated to originate in some form of organized crime with online black markets, computer infection and harvesting of personal and financial data. Terrorists use social media to spread propaganda, raise funds, recruit, plan attacks and to share information the same way we use it. This electronic evidence can be important information to show where a suspect is located, who they are associating with and what they are communicating.

The Arab States had 161 million internet users in 2016 and since the Arab Spring use of social media platforms has significantly increased. Facebook has 156 million users, which is an increase of over 40 million from last year. Egypt gained more than 14 millions Facebook users, Algeria 9.3 million and Morocco 5.5 million. The use of Twitter is significant, with Egypt producing 152 million tweets per month and Algeria 71 million. This greater use of social media enables identity theft, cyberbullying, sexting and radicalisation. Significantly social media has also created a conduit for terrorist fundraising, recruitment, propaganda and use of open source information for attacks”

Previous analysis demonstrates the importance of this training module in relation with the continuous increasing of Mutual legal Assistance requests concerning cross-border digital evidence. In this respect, electronic evidence is sometime the most essential component for investigating and prosecuting very serious crimes and it is frequent that Service Providers are located abroad. If we take into account that to investigate some types of serious crimes it is very important the process to request possible electronic evidence speedily, including in a real time, and with all legal requirements in order to be used at court, we should conclude that International Judicial Cooperation can acquire a very relevant role in the gathering Cross-Border Evidence procedure.

¹³ The authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed framework and CrimEx. Specially bearing in mind the publication “**Practical Guide on Digital Evidences**”, written by ... and where a deepen study of this topic and an extensive analysis of the region can be found. In any case this suggestion does not mean not to use to the before mentioned end another training materials, studies, publications, legal text, etc

¹⁴ See 12

1st Session- Gathering Cross-Border Digital Evidence: main categories of electronic evidence and justification of this mechanism of judicial cooperation. Knowing the terminology.

More than half of all criminal investigations today include a cross-border request to access electronic evidence such as pictures, e-mails or messaging apps. That is why the European Commission is proposing new rules which will make it easier and faster for police and judicial authorities to access the electronic evidence they need in investigations to catch and convict criminals and terrorists. This approach is applicable around the world.

INDICATIVE QUESTIONS to be dealt with (among others)

- Why it is so important nowadays to improve international cooperation in this field?
- Is it possible to distinguish different categories of electronic evidence request?
- Could all electronic evidence MLA request be prepared in the same way?
- Do we understand the common terminology used in this field and its meaning?
- Where can we find information to solve a possible doubt on these topics?

2nd Session- Main International Legal instruments, tools and guidelines regarding cross-border access to digital evidences. Special reference to the EuroMed Practical Guide.

At this moment there is not a specific Convention on this topic. Nevertheless we can find different approaches from different International perspectives (European Union, United Nations, Council of Europe, Arab League or African Union among others) The objective of this session is to provide a general approach to the current legal framework and allow the participants of the training session to deeply understand the concept of electronic evidence and how to promote efficient international co-operation in this field.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which is the main difference between the different international legal instruments?
- Could all of them be considered as legal basis for international cooperation to secure electronic evidence?
- When should be applied one or another?
- Would be different the procedure to be followed depending on the possible legal basis to be applied?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- Best practices for Judges, Investigators and Prosecutors requesting digital evidence from foreign jurisdictions.

In order to facilitate the work of legal professionals in requesting digital evidence through a Mutual Legal Assistance request, having a previous basic technical knowledge on this specific field is a pre-requisite bearing in mind that,

generally, these professionals do not have a previous deepen knowledge in this topic. In this respect, focusing this training session on best practices will make easier the understanding of this cooperation mechanism for the training participants.

INDICATIVE QUESTIONS to be dealt with (among others)

- Are we sure that we cannot achieve the needed information using internal/national sources?
- How should we proceed to preserve the information as a first step to be taken?
- Do we know all technical aspects of the request?
- In case of an urgent request, have we explained properly why it is urgent?
- Where can we find information to solve a possible doubt on these topics?

4thSession- Checklist. Drafting a MLA request on Cross-Border Digital Evidence.

Writing a formal request asking for a mutual legal assistance in a specific case on cross-border digital evidence to obtain an international cooperation is one the main final objectives of this module. Being able of drafting such request bearing in mind all previous work will demonstrate the result of the previous training sessions. To this end, a practical approach based on real cases should be provided to facilitate a very useful tool for the participants

INDICATIVE QUESTIONS (among others)

- How may we draft a MLA requesting information concerning cross-border digital evidence??
- Which are the main common difficulties that we can find from a practical point of view?
- Are there different models depending of the specific requested information?
- What is what we should never forget in this kind of request?
- Where can I find the main information and tools to solve a possible doubt on these topics?

9th MODULE: INTERNATIONAL JUDICIAL COOPERATION IN TERRORIST OFFENSES AND COUNTERING VIOLENT EXTREMISM¹⁵.

Learning how to pursue an international investigation in terrorism offenses and
countering violent extremism

Terrorism is a global scourge and fighting against it requires an efficient, deep and collective effort of cooperation for all countries of international community. Taking into account the international and complex dimension of terrorism, it is not possible to think about facing it from an exclusive national approach or exclusive national legal basis. International legal instruments, International cooperation and judicial international cooperation are essential to effectively tackle and fight against it. In this regard, most of the countries, International Organisations/Institutions and the main international strategies have a common concern and work together to this end. A comprehensive and plural approach to this very serious type of crime, including the international cooperation mechanisms against financing terrorism, tools and strategies on fighting against terrorism will be useful for the legal practitioners of this training module in order to improve their knowledge related to this very serious crime and their technical capacity in the day-to-day work in this field.

As stated in the *United Nations Global-Counterterrorism Strategy*, it is essential to intensify cooperation, as appropriate, exchanging timely and accurate information concerning the prevention and combating of terrorism. Promoting mutual understanding and knowledge concerning the different experiences of the participants will contribute to this end. Efficient International Judicial Cooperation instruments are needed if we want to have useful mechanisms to fight against terrorism. Only a global approach based on international cooperation and mutual confidence and working together can guarantee the success of this effort.

Another additional reflection concerning the type of procedure and the context where people become violent radical, or how radicalised prisoners take advantage of the concentrated population in prison in order to proselytise and develop extremist and terrorist network, or how international cooperation can be useful to deal with radicalised people once the person is realised, also may be discussed during the training session in order to facilitate the understanding of the radicalisation procedure and at the end, the phenomenon of terrorism.

¹⁵ The authors of this training programme kindly suggest to prepare this training module using the previous work developed in the EuroMed framework and CrimEx. Specially bearing in mind the publication "Legal and gaps analysis. Terrorism financing", written by Mr. Daniel Suter and where a deepen study of this topic and an extensive analysis of the region can be found. In any case, this suggestion does not mean not to use to the before mentioned end another training materials, studies, publications, legal text, etc.

1st Session– The International legal context of fighting against terrorism and countering violent extremism: Universal and regional approaches. Special reference to the fight against terrorism financing.

This training session is aimed to provide a general approach to the general principles of international law as well as the basic elements of international criminal law, humanitarian law, refugee law and human rights law which may be relevant in counter-terrorism and countering violent extremism context. United Nations framework should be dealt with as main international legal context applied in the region.

INDICATIVE QUESTIONS to be discussed (among others)

- Which is the hierarchy of international legal basis/standards?
- Do we know the scope of the different instruments?
- Which is the definition of terrorist acts?
- Do we know the function of the Financial Action Task Force (FATF)?
- Do we know the main recommendations to fight against terrorism finances?
- Where can we find information to solve a possible doubt on these topics?

2nd Session– Fight against terrorism and violent extremism, International Judicial Cooperation and human rights: best practices.

Fighting against terrorism and all the measures taken to this end must be lawful and respecting fundamental Human Rights. Specific aspects such as collecting and processing personal data, measures which interfere with privacy, arrest, police custody, protection and compensation of victims, etc. are not an exception.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which are the basic principles of international cooperation against terrorism and violent extremism?
- How should the coordination between the court and the police in charge of the investigation be organised?
- Which are the main obligations of international cooperation against terrorism?
- Which are the main causes of violent extremism?
- Why is it so important to respect the rule of law and fundamental rights in fighting against terrorism and violent extremism?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- Role of the court as legal response to terrorism: looking for a balance between rights and security.

As the phenomenon of terrorism has become increasingly international, cooperation between States to prevent acts of terrorism and to bring terrorists to justice has become a crucial element in the criminal justice approach to combating terrorism. Fight against terrorism and all measures taken to this end must be lawful and respecting fundamental Human Rights and in this respect Courts acquire a very relevant role.

INDICATIVE QUESTIONS to be discussed (among others)

- Are there best practices to be taken into account by the courts?
- What does “control of condition of detention” mean?
- What does “legality of the proceeding” mean?
- Which are the more frequent difficulties that can be found when the court is pursuing these cases?
- Where are the limits of investigation?
- What does “fair trial” mean?
- Where can we find the main information and tools to solve a possible doubt on these topics?

4th Session- Drafting a MLA request related to a terrorism judicial investigation.

Writing a formal request asking for a mutual legal assistance in a specific case based on a terrorism investigation to obtain an international cooperation is one of the main final objectives of this module. Being able of drafting such request bearing in mind all previous work will demonstrate the result of the previous training sessions. To this end, a practical approach based on real cases should be provided to facilitate a very useful tool for the participants.

INDICATIVE QUESTIONS to be dealt with (among others)

- How may we write a MLA requesting information concerning the investigation of a terrorist act?
- Which are the main common difficulties that we can find from a practical point of view?
- Are there different models depending on the specific requested information?
- What is what we should never forget in this kind of request?
- Where can we find the main information and tools to solve a possible doubt on these topics?

10th MODULE: INTERNATIONAL COOPERATION AGAINST CORRUPTION

Improving knowledge about the harmful and transversal effects of corruption and learning to draft a MLA corruption related request

“Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.

This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development”¹⁶.

Bearing in mind the definition mentioned above, it should be highlighted that international cooperation becomes an essential instrument to facilitate the fight against corruption. In this respect, some specific Mutual Legal Assistance requests such as executing searching, seizures and freezing or identifying or tracing the procedures for this type of crime, properties, instrumentalities or other things for evidentiary purposes are key investigative actions where International Judicial Cooperation some times are the only way for an effective investigation and prosecution beyond national borders.

This module is aimed to make the international legal framework familiar to the participants creating at the same time a space for reflection where, through the exchange of experiences and training sessions, the participants become aware of the judiciary role related to fight corruption and the harm caused by this type of crime where International Judicial Cooperation in this field is extremely relevant to face it.

1st Session– The International legal framework to fight against corruption: Special reference to the United Nation framework. Fighting against the corrosive effects of corruption.

¹⁶ Statement on the adoption by the General Assembly of the United Nations Convention Against Corruption. New York, 31 October 2003. The Secretary-General.

Corruption is a phenomenon that exists around the world as an extended corrosive plague. In this respect, the international legal approach can be made at different international levels such as UN, EU, CoE or AL. Most of the SPCs are States Parties of the United Nations Convention Against Corruption and for this reason this legal framework should be analysed in a special way without prejudice of introducing the other different international legal frameworks dealing with this crime.

INDICATIVE QUESTIONS to be dealt with (among others)

- ¿Which international legal framework could be applied in the region?
- Which is the meaning and real effects of corruption?
- Which is the nature of this crime?
- Can we fight against this type of criminality just using traditional cooperation methods?
- Where can I find information to solve a possible doubt on these topics?

2nd Session- The importance of the preventive measures: public and private sectors.

Prevention, and in consequence, the use of preventive measures, is one of the most effective instruments to fight against corruption. These preventive measures should be focused in both sectors: public and private. In this respect, preventive policies and practices should be supported by an appropriate criminalization and law enforcement where judiciary and legal professionals acquire a relevant role. In this respect, and without prejudice of respecting judicial independence, taking measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary is a necessary complement in order to guarantee an effective fight against corruption.

INDICATIVE QUESTIONS (among others)

- Why is it so important to promote preventive measures to fight against corruption?
- How can be these measures improved in both sectors: public and private?
- Which is the role of legal professionals in this procedure?
- How can corruption affect to the judiciary?
- Where can I find information to solve a possible doubt on these topics?

3rd Session- Strategic considerations for developing and managing a case on corruption.

Corruption is a complex crime that, in frequent cases, is integrated by different aspects/sides. Simple approaches to fight it are not enough and require a more holistic approach. In this sense, managing a corruption case also demands a special managing approach because aspects such as the evaluation of initial sources of information, how to assemble task forces or Joint Investigations teams when required, how to obtain international cooperation etc. should be coordinated to assure the result of the investigation and prosecution of the case.

INDICATIVE QUESTIONS (among others)

- Which is the first approach to manage an investigation corruption case?
- Is the approach the same in cases of public or private sectors?
- Which are the main difficulties that we could find prosecuting a corruption case?
- Can we identify some good practices to this end?
- Where can I find information to solve a possible doubt on these topics?

4th Session- Corruption and Mutual Legal Assistant: Drafting a MLA request to asset recovery.

Writing a formal request asking for a mutual legal assistance in a specific case based on a corruption investigation to obtain an international judicial cooperation is one of the main final objectives of this module. Asset recovery should be guaranteed as much as possible in corruption cases. To be able of drafting such request, bearing in mind all previous work, will demonstrate the result of the previous training sessions. To this end, a practical approach based on real cases should be provided to facilitate a very useful tool for the participants

INDICATIVE QUESTIONS (among others)

- Which are the main common difficulties that we can find from a practical point of view in working out a MLA request in this field?
- Are there different possible MLARs depending on the specific requested demand?
- Could we identify some best practices in this field?
- What is what I should never forget in this kind of request?
- Where can I find the main information and tools to solve a possible doubt on these topics?

11th MODULE: MONEY LAUNDERING, ASSET RECOVERY, FREEZING AND CONFISCATION¹⁷

Learning about the complexity of money laundering strategies and working out an effective MLA request

As an inherent effect of many criminal activities, money laundering is the final step of the criminal process aiming to take advantage of the result of the crime. According to INTERPOL, money laundering is “any act or attempted act to conceal or disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources”

Regardless of the definition of this crime, investigating money-laundering cases is a complex and time consuming process where it is required special technical knowledge, including economic and financial ones, and it is necessary involving considerable resources and special investigators such as financial investigative corps and forensic accountants with very good and deep knowledge of this topic and being capable of using very concrete investigation techniques.

On the other hand, it is frequent in most of the cases, that legal professionals involved in these kinds of investigations do not have special knowledge concerning the specify of these types of crimes. Receiving specific training on this field, and consequently acquiring technical knowledge, will facilitate to become familiar with these criminal practices and in consequence with the technical knowledge in order to pursue this specific type of criminality. If, in addition, we take into account that, also in most of the cases, this requires a very active International Judicial Cooperation, we may conclude that having a deepen knowledge on this topic would facilitate the work and possible success of the investigations and prosecutions led by the investigative professionals involved in these cases.

As a complementary approach it should be highlighted that, usually, recovery assets, freezing and confiscations are general strategic priorities and instruments in the international fight against organised crime, whereas fighting against money laundering is a more particular strategy. It is essential to be aware that the financial aspect of most severe types of crimes is often essential to maintain the criminal activity. In consequence, “hit criminals where it hurts them most” and hinder criminal activity through confiscation and asset recovery

¹⁷ The authors of this training programme kindly suggest to prepare this training module taking advantage of the previous work developed in the EuroMed framework and CrimEx. Specially bearing in mind the publication “Legal and Gaps analysis. Mutual Legal Analysis in Criminal Matters/Confiscation of proceeds crimes in the EuroMed area”. Worked out by Mr David Mayor Fernández. Senior Prosecutor, where a deep study of this topic and an extensive analysis of the region can be found. In any case, this suggestion does not mean not to use to the before mentioned end another training materials, studies, publications, legal text, etc.

becomes essential in any strategy followed to fight against this criminal activity. Sometimes, legal practitioners, due to the complexity of the recovering asset procedure and lack of experience, are not aware of the importance of this phase to face this type of crime

1st Session– International legal framework: Universal and regional legal instruments.

Money laundering crime is most of the times linked with transnational organised crime and requires international complex organisations where offshore bank accounts are used. The international and complex dimension of this crime requires a deep knowledge of the different international legal instruments to deal with these specific crimes and knowing how to use them.

INDICATIVE QUESTIONS (among others)

- Which international legal framework could be applied in the region to fight money laundering ?
- Why is it so important to fight against this type of crime?
- Why countries should apply the crime of money laundering to all serious offences?
- Can we fight against this type of criminality just using the traditional cooperation methods?
- Where can we find information to solve a possible doubt on these topics?

2nd Session- Understanding Money Laundering crime and laundering methods

As said in advance, most of money laundering cases take place in an international context where different national legal systems, including different possible models of investigation and prosecution, could provoke additional difficulties to an effective investigation and prosecution. Understanding the specificity of this crime and money laundering methods will be a very useful instrument for legal practitioners in this field

INDICATIVE QUESTIONS (among others)

- When we are talking about money laundering crime what are we talking about?
- Do all money-laundering crimes have the same internal cooperation procedure?
- Why is it so important a Financial Intelligence Unit?
- Where can I find information to solve a possible doubt on these topics?

3rd Session- Recovery asset, freezing and confiscation of instrumentalities of crime

Tracing of assets derived from crime is essential to achieve an effective confiscation and recovery of criminal profits. To proceed as fast as possible, this tracing procedure is a priority to guarantee as much as possible an efficient final

result. Recovery asset is a strategic priority in the international fight against organised crime. It is essential to be aware that justice can hit the pillar stone of this type of criminality through confiscation and asset recovery. Sometimes practitioners, due to the complexity of the procedure, lose sight of this essential phase of recovering assets.

INDICATIVE QUESTIONS (among others)

- How can we identify, trace or evaluate properties subject to confiscation?
- Which are the most efficient provisional measures to be adopted?
- How can we assure that appropriate investigating measures have been adopted?
- Where can we find information to solve a possible doubt on these topics?

4th Session- Asset recovery and Mutual Legal Assistant: Drafting a MLA request

Writing a formal request asking for a mutual legal assistance in a specific case based on a money laundering investigation to obtain an international cooperation is one the main final objectives of this module. Asset recovery should be guaranteed as much as possible in these cases. To be able of drafting such request, bearing in mind all previous work, will demonstrate the result of the previous training sessions. To this end, a practical approach based on real-life cases should be provided to facilitate a very useful tool for the participants

INDICATIVE QUESTIONS (among others)

- Which are the main common difficulties that we can find from a practical point of view in working out a MLA request in this field?
- Are there different models depending on the specific requested demand?
- Is it possible to identify some good practices in this field?
- What is what we should never forget in this kind of request?
- Where can we find the main information and tools to solve a possible doubt on these topics?

12th MODULE: INTERNATIONAL COOPERATION AGAINST TRAFFICKING IN HUMAN BEINGS AND ILLEGAL MIGRATION

Learning how to understand the nature of these crimes, how to protect victims and how to prepare MLA request to assure an effective investigation.

Perhaps one of the most contemptible crimes is trafficking in human beings. A crime that most of the times is linked with transnational criminal organizations and that demand complex international criminal organization structures. Fighting against this kind of crimes requires a plural, complex and wide approach without losing sight on victim's rights and their protection.

According United Nations ¹⁸ this crime means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability. It could also be done through the giving or receiving of payments or benefits in order to have the consent of a person or to have control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In Europe fighting against trafficking in human being is a priority. In this respect, International Cooperation is one of the most important instruments to fulfil this task. In this regard, close cross-border cooperation, including the sharing of information and the sharing of best practices, as well as a continued open dialogue between the police, judicial and financial authorities of the Member States, is essential. The coordination of investigations and prosecution of cases of trafficking in human beings should be facilitated by an enhanced cooperation with Europol and Eurojust as well as by the setting-up of joint investigation teams¹⁹

Nowadays illegal migration is a growing and global phenomenon that requires also a multilateral and complex approach where International and Judicial Cooperation are an important part of this procedure. Moreover, it is also important to protect the rights of migrants and their families, including persons who have been smuggled or trafficked, the protection of refugees and durable solutions to refugee problems; return, readmission and reintegration of persons who do not have, or no longer have, authorization to remain in a destination country, etc. All these topics should be dealt with in a necessary holistic approach to this human reality.

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

¹⁹ Directive 2011/36 of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing the Council Framework Decision 2002/629/JHA

1st Session–International legal framework: Purpose, scope, non-discrimination principle and human rights approach.

Understanding these kind of crimes, with the required sensibility that their complexity demand, is a key learning objective. To this end, knowing the international legal framework and how these crimes are dealt with, from a holistic approach, including Universal and regional approaches, is the first required step. In both cases, the non-discrimination and human rights approaches should be the guiding thread.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which international legal framework can be applied in the region?
- How are affecting these crimes to the Euro Mediterranean region?
- Why is it so important non-discrimination and human rights approaches?
- Why international cooperation between Countries is essential in these cases?
- Can we fight against this type of criminality just using the traditional cooperation methods?
- Where can we find information to solve a possible doubt on these topics?

2nd Session- Trafficking in Human beings. The importance of International judicial cooperation: Preventing and combating. Investigation, prosecution and procedural law. Protecting and providing assistance to victims.

As it has been introduced in advance, trafficking of human being is one of the most contemptible crimes we can find. In addition, and frequently, this crime is based in very complex international organised crime organisations. The investigation and prosecution of these cases require a very strong and solid international cooperation. In addition, international cooperation is important to assure victims' protection.

INDICATIVE QUESTIONS (among others)

- Have you wondered what lies below this crime surface?
- Which is the role of legal professionals during the investigation and prosecution proceedings?
- How should be the interaction with the investigative police bodies?
- Which is the role of judiciary for protecting the victims?
- Where can we find information to solve a possible doubt on these topics?

3rd Session- Transversal approach to illegal immigration: International cooperation, human rights and judiciary.

Nowadays perhaps one of the most sad and constant growing realities is the phenomenon of illegal migration. Phenomenon which complexity is very important to be aware of and where it is very important a transversal approach to fight

against it without forgetting the migrants' Human Rights. Without an efficient international cooperation, including the judicial one, it is not realistic to think that it is possible to face this phenomenon.

INDICATIVE QUESTIONS (among others)

- Have you wondered what lies below this crime surface?
- Are you sure that it is an illegal migration case and not a case of human trafficking?
- How should it be the interaction with the investigative police bodies?
- Which is the role of the judiciary for protecting migrants' human rights?
- Where can we find information to solve a possible doubt on these topics?

4th Session- Practical case based on International Case Law related to trafficking in human beings

The complexity of these cases requires a wider approach in order to guarantee an effective investigation. Therefore, International Judicial Cooperation is essential. Writing a formal request asking for a mutual legal assistance for a specific case, based on a trafficking in human beings case, in order to obtain international cooperation is one the main final objectives of this module. Being able of drafting such request bearing in mind all previous work will demonstrate the result of the previous training sessions. To this end, a practical approach based on real cases should be provided to facilitate a very useful tool for the participants.

INDICATIVE QUESTIONS to be dealt with (among others)

- Which are the main common difficulties that we can find from a practical point of view in working out a MLA request in this field?
- Are there different models of MLA depending on the specific requested demand?
- Could we identify some good practices?
- What is what we should never forget in this kind of request?
- Where can we find the main information and tools to solve a possible doubt on these topics?

13th MODULE: TECHNICAL AND PRACTICAL TOOLS FOR INTERNATIONAL JUDICIAL COOPERATION

Learning by doing. Practicing with e-tools and e-information. Case law to be used in International Judicial Cooperation.

This training module is focused exclusively on facilitating to the participants an intensive practical approach to the main practical tools/information/case law that can be used in International Judicial Cooperation. It does not pretend to be an exhaustive approach but it has been elaborated in order to provide the possible maximum utility for the participants. In any case, depending on the participants' experience in the field and specific context of the training session, its content could be adapted consequently.

1st session- United Nations context: Special reference to the MLA request written tool.

The Mutual Legal Assistance Request Writer Tool (MLA Tool) has been developed by UNODC to assist criminal justice practitioners in drafting expeditiously MLA requests, thereby enhancing cooperation between States and accelerating responses to such requests. The tool is an HTML-based stand-alone application, capable of running on all devices. It provides guidance to practitioners through each step of the drafting process and further helps them draft MLA requests by filling in all appropriate and relevant information²⁰

2nd session.- European Union Context: Special reference to the European Judicial Network's instruments, European e-Justice portal and EU instruments of cooperation with 3rd countries; CJEU case law

The website of the European Judicial Network in Criminal matters (EJN), is dedicated to actors in the field of International Judicial Cooperation in criminal matters. The EJN is a network of contact points for the facilitation of the cooperation and for the establishment of direct contacts between the judicial authorities in the EU Member States. The EJN website offers the appropriate e-tools required for the functioning of the network and for the facilitation of the cooperation. The website also contains other practical information, including the cooperation with EU candidates and associated countries and other third countries

²⁰ UNODC's MLA website.
<https://www.unodc.org/mla/>

and judicial networks. EJM Contact Points, prosecutors, judges and other legal professionals will find valuable information and tools on this site²¹.

3rd session.- The Council of Europe context: Special reference to the work developed by the Council of Europe's Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

The Council of Europe's Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters is the forum in which, since 1981, experts from all Member States, Observer States and Organisations come together to elaborate ways to improve international co-operation in criminal matters and identify solutions to practical problems encountered in the application of the Council of Europe Conventions in this field. ²²

4th session: How to have access to international jurisprudence concerning Human Rights: Special reference to UN Human Rights data base, European Court of Human Rights data base and HELP Program

UN Database

This database provides easy access to jurisprudence emanating from the United Nations Treaty Bodies which receive and consider complaints from individuals: the Human Rights Committee (CCPR), the Committee against Torture (CAT), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of Persons with Disabilities (CRPD), the Committee on Enforced Disappearances (CED), the Committee on Economic, Social and Cultural Rights (CESCR), and the Committee on the Rights of the Child (CRC).

The jurisprudence database is intended to be a single source of the human rights recommendations and findings issued by all above committees in their work on individual cases. It enables the general public, governments, civil society organizations, United Nations partners and international regional mechanisms to research the vast body of legal interpretation of international human rights law as it has evolved over the past years²³

ECHR Database

²¹EJM's website

https://www.ejm-crimjust.europa.eu/ejm/EJM_Home.aspx

<https://www.e-justice.europa.eu/home.do>

²² PC-OC's webpage.

<https://www.coe.int/en/web/transnational-criminal-justice-pcoc>

²³ UN's database webpage.

<http://juris.ohchr.org/en/Home/Index/>

The HUDOC database provides access to the case-law of the Court (Grand Chamber, Chamber and Committee judgments and decisions, communicated cases, advisory opinions and legal summaries from the Case-Law Information Note), the European Commission of Human Rights (decisions and reports) and the Committee of Ministers (resolutions).²⁴

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HELP contains several on line training programs regarding hr protection in cooperation in criminal matters , combating thb, pre-trial investigation:

CoE HELP programme <http://help.elearning.ext.coe.int/login/index.php>

²⁴ ECHR's database webpage.
[https://www.echr.coe.int/Pages/home.aspx?p=caselaw/HUDOC&c=.](https://www.echr.coe.int/Pages/home.aspx?p=caselaw/HUDOC&c=)

LINGUISTIC TRAINING MODULES

14st MODULE: THE IMPORTANCE OF THE LANGUAGE SKILLS: ENGLISH

Improving legal English knowledge and being able to write a MLA request in this language.

In XXIst Century the most important instruments for communicating are telephone or new technologies (Internet and International Judicial Cooperation is not an exception to this. Being able to properly deal with this technologies and facilitating the understating of the content of the message is crucial. Nowadays it is not possible to think about fighting against transnational crime without being able of communicating with our foreign colleagues and interlocutors in order to facilitate International Judicial Cooperation. In a world becoming more and more globalised, criminals and criminal organisations have developed new mechanisms using new technologies and instruments which have enabled them developing their activities around the world overcoming the traditional concept of border. In consequence, it is very frequent to need help abroad to start or to continue investigations against the suspected of participating in all forms of transnational criminality. Sometimes language troubles add additional difficulties to an effective International Judicial Cooperation.

Through the answers received in the questionnaires, we realized that most of the countries have showed great interest in legal languages courses.

This draft programme is just a proposal and can/should be adapted to the concrete necessities/level of the target group and length of the course. It has been suggested to carry out the course in 3 days but it would be very welcomed if it could be led at least during 5 days.

Teaching material should be prepared and sent to the participants in advance to let them become familiar with the documents before the meeting takes place.

1st day.- Introduction to the English legal language. General introduction: Oral discussion, telephone conversations and writing skills.

A first general approach to legal English and explaining the content and methodology of the course will facilitate the participants understanding the structure of the training seminar. All training material should be focused on promoting previous work at home before the training session takes place and encouraging further work of the participants once they will be back at home.

2nd day.- Improving legal English. Practical approach. Learning useful expressions and related vocabulary.

Second session should be focused on teaching the general legal English approach to the participants. The idea is to provide them with good training materials and let the participants becoming familiar with these documents during this working day. A very practical and interactive methodology should be followed to incentive the participants' participation.

3rd day.-Improving International Judicial Cooperation in English: Oral and writing. Learning useful expressions and related vocabulary. Writing a Mutual Legal Assistance request.

The last day of the training course should pay special attention to the specific terminology and frequent used expressions related to International Judicial Cooperation. The methodology to be followed should be the same as in previous sessions and a specific training module should be devoted to teach how to write MLA requests.

15nd MODULE: THE IMPORTANCE OF THE LANGUAGE SKILLS: FRENCH

Improving legal French knowledge and being able to write a MLA request in this language.

In XXIst Century the most important instruments for communicating are telephone or new technologies (Internet) and International Judicial Cooperation is not an exception to it. Being able to do it properly and facilitating the understating of the content of the message is crucial. Nowadays it is not possible to think about fighting against transnational crime without being able of communicating with our foreign colleagues and interlocutors in order to facilitate International Judicial Cooperation. In a world becoming more and more globalised, criminals and criminal organisations have developed new mechanisms using new technologies and instruments which have enabled them developing their activities around the world overcoming the concept of traditional border. In consequence, is very frequent to need help abroad to start or to continue investigations against the suspected of participating in all forms of transnational criminality. Sometimes language troubles add additional difficulties to an effective International Judicial Cooperation.

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This draft programme is just a proposal and can/should be adapted to the concrete necessities/level of the target group and length of the course. It has been prepared to carry out the course in 3 days but it would be very welcomed if it could be led at least during 5 days.

The teaching material should be prepared and sent to the participants in advance to let them become familiar with the documents before the meeting takes place.

1st day.- Introduction to the French legal language: General introduction: Oral discussions, phone conversation and writing skills.

A first general approach to legal English and explaining the content and methodology of the course will facilitate the participants understanding the structure of the training seminar. All training material should be focused on

promoting previous work at home before the training session takes place and encouraging further work of the participants once they will be back at home.

2nd day.- Improving legal French. Practical approach. Learning useful expressions and related vocabulary.

Second session should be focused on teaching general the legal French approach to the participants. The idea is to provide them with good training materials and let the participants becoming familiar with this material during the working day. A very practical and interactive methodology should be followed in order to incentive the participants' participation.

3rd day.-Improving International Judicial Cooperation in French: Oral and writing. Learning useful expressions and related vocabulary. Writing a Mutual Legal Assistance request.

The last day of the training course should pay special attention to the specific terminology and frequent used expression related to International Judicial Cooperation. The methodology to be followed should be the same as in previous sessions and specific training module should be devoted to teach how to write MLA requests.

Study visits

Having the possibility of visiting in person an International Institution involved in International judicial/police/Institutional cooperation is one of the most relevant and practical ways of training for legal practitioners and to help them to understand “in situ” how these institutions work and how they can help us in our day-to-day work.

In addition, during this study visits, it should not only be introduced to the participants the formal aspects of the institution such as internal structure, general functions, etc. but also driving the participants to the very practical work that is devoted in each institution to facilitate International Judicial Cooperation. This would enable explaining in more concrete way, which are the main frequent problems that are frequently found and how they could be solved.

This proposal is also based on the answer received from the SPCs through the preparatory questionnaires.

Just as an example, and depending on ulterior contacts with each institution to discuss their availability or the possible content and objective of the visit, it could be suggested to visit some institutions such as: INTERPOL, UNODC or some of the main European Institutions involved in International Judicial Cooperation such as EUROJUST and Europol. (To be defined in a deepen way after having an internal discussion with EuroMed Team)

Exchange programme aiming to exchange experiences: Increasing Mutual Trust

The Exchange Programme for Judicial practitioner/authorities/central authorities would be intended to the SPCs legal practitioners, judges, prosecutors and central authorities involved in Judicial International Cooperation.

Short- and long-term exchanges taking place within judicial, prosecutorial institutions or central authorities of another State (No necessarily SPCs State), would allow an exclusive experience to the participants to understand in concrete terms the daily work of other abroad counterparts and having the possibility of sharing mutual experiences.

The Exchange Programme aims to develop the mutual trust between participants by allowing them to get to know better each other and by giving them the opportunity to work together.

We are aware with this proposal of the possible technical and budgetary difficulties that could arise but, in any case, we are convinced that this exchange mechanism have showed their utility and helpfulness in different regional contexts such as the European one through the work developed by EJTN. (To be defined in a deepen way after having an internal discussion with EuroMed Team)