



Programme and Priorities 2006

I. Background

The **Stability Pact initiative to fight Organized Crime (SPOC)** was adopted in Sofia in October 2000 to address one of the most serious threats to the development of South East European countries. Organized crime is considered as highly detrimental to the stability of democratic institutions and undermining the business climate, discouraging foreign direct investment and hampering economic growth.

SPOC has been created to facilitate the dialogue among the international and regional representatives of the legal, academic and law enforcement communities through building effective networks and assisting joint project formulation on capacity building, awareness raising and legislative reforms. SPOC is also involved in policy advocacy and helps the SEE region to make strategies against organized crime more effective, amongst others by building a regional network of specialised prosecutors. All the activities developed within SPOC promote the *acquis communautaire* and are in line with the requirements of both the Accession and the Stabilisation and Association processes.

SPOC takes a **multidisciplinary approach to fighting organized crime**, incorporating issues such as the adoption of international legal instruments, promotion of good governance, strengthening the rule of law and involving civil society. SPOC also provides partners with a **framework for coordination** and dialogue with the donor community. The role of regional states should increase leading to full ownership and leadership of the initiative by them.

Along these lines in **2003**, a **Regional Secretariat** was established in Bucharest to work closely with the SECI Regional Centre for Combating Transborder Crime on further enhancing regional cooperation among law enforcement, prosecutorial and judicial authorities in South East Europe in combating organized crime and to promote regional ownership of the Initiative. The SPOC Secretariat has been established as a legal entity by the Agreement between the Romanian Ministry of Justice and the Office of the Special Coordinator of the Stability Pact for South Eastern Europe – signed on 16 July 2003 and ratified by the Romanian Parliament on 29 June 2005.

The **SPOC Board** is the Initiative's decision-making body, consisting of senior representatives from the region and international partners of the Stability Pact. Its **Chairman** has been selected from the international community.

Within the Office of the Special Coordinator a WT III SEE expert will provide the coordination of the initiative with the other EU/international institutions/projects for South-eastern Europe and also assist the Chairman. Another Brussels-based researcher/assistant supports the Chairman to implement the SPOC Program.

SPOC's work is inspired by a wide range of instruments such as:

- The London Statement on Organised Crime (November 2002);
- The Thessaloniki Declaration on the Western Balkans (June 2003);
- The EU-Western Balkans Forum JHA Ministerial Meeting (December 2004);
- The SEECP joint statement on JHA (May 2004);
- The SPOC Program and Working Priorities for 2005, adopted by the SPOC Board session in Dubrovnik (April 2005);
- The Working Table III Chairman's conclusions adopted by the Regional Table meeting in Sofia (May 2005)

It also takes into account additional sources such as the **Assessment of the SECI Regional Centre for Combating Trans-Border Crime** (Report from August 2004), the **report of the Friends of the Presidency** on concrete measures to be taken to effectively enhance the fight against organised crime originating from the Western Balkans and the **Transcrime study** "The Contribution of Data Exchange Systems to the Fight Against Organised Crime in the SEE Countries" from November 2004.

II. Priorities

SPOC will concentrate in 2006 on:

1. Applying the regional ownership policy agreed by the Stability Pact Regional Table in May 2005 in Sofia;
2. Strengthening the SPOC Secretariat in order for it to become a focal point of regional efforts to combat organized crime (see attached Working program 2006 of the SPOC Secretariat);
3. Assisting in the transformation and upgrade of the SECI Centre and its legal framework;
4. Engaging regional SEE Parliaments in the work against organized crime and deepening the dialogue with the European Parliament, the Commission and the Council;
5. Raising political, educational and public awareness on the need to combat organized crime and the importance of regional cooperation;

III. Activities

1. Applying the regional ownership policy agreed by the Stability Pact Regional Table in Sofia

The creation of a strong mechanism to cooperate regionally for combating organized crime is on top of the SPOC priorities. In each country of the region a **senior representative** should be appointed by the respective executive bodies as a member of the SPOC Board. We expect that all the SPOC Board members will take the responsibility for the implementation of regional cooperation at the national level.

2. Strengthening the SPOC Secretariat to become a focal point of regional efforts to combat organized crime;

The SPOC Secretariat is the main *implementing body of the initiative* operating under the oversight of the SPOC Board, its Chairman and Working Table III and should become a real *Center of Excellence* for the countries of South Eastern Europe. The SPOC Secretariat's role is to develop, plan and implement concrete activities in partnership with regional governments and existing initiatives in the field of combating organized crime. Among other tasks, the Secretariat:

- Monitors the implementation by the countries of South East Europe of international, European and regional treaties, conventions and agreements on combating organized crime, such as the UN Palermo Convention and the Council of Europe Convention on Mutual Legal Assistance;
- Facilitates the transfer of knowledge and experience-sharing between the countries of the region and international organizations, the EU, the US and other donor countries on legal reform measures and best practices enhancing the fight against organized crime;
- Provides legal advice and assistance on strengthening current efforts and the development on new mechanisms advancing regional cooperation in combating organized crime such as the

SECI Centre for Combating Transnational Crime and the South Eastern Europe Prosecutors Advisory Group (SEEPAG); and

- Facilitates donor assistance and advises on the development and implementation of legal reform projects with a regional character seeking to increase the impact of donor funds, reduce overlapping and improve coordination.

The Secretariat's workplan for 2006 is attached as Annex.

3. Assisting the transformation and upgrade of the SECI Centre and its legal framework

Promoting the Bucharest-based (SECI) Regional Centre for Combating Transborder Crime is a priority for Working Table III. SPOC will assist in the implementation of the recommendations made by the EU Assessment team in 2004.

Europol's strategy for the Balkans has been approved by the JHA Council of Ministers in its meeting of October 2005. The SECI Centre is well placed within the future planning of Europol and the selection of an experienced Slovenian director proves the interest of the EU Member States for it.

Complementary efforts by SPOC aim to also **politically promote the Centre inside and outside SEE.**

SECI Centre Task Force Operations often run into incompatibilities between the various Member Countries' legislation and law enforcement procedures, and the European *acquis* and international practices in the field of police, customs and judicial cooperation. Therefore, the link between the SECI Centre and SEEPAG (South East European Public Prosecutors Advisory Group) should be strengthened to establish coordination between law enforcement and prosecution agencies within the region. The SPOC Secretariat has already started the assistance for the SEEPAG network, the SECI Centre and its Member States to harmonize relevant legislation and procedures, in order to support the operational activities.

4. Supporting regional SEE Parliaments in their work against organized crime and deepening the dialogue between them and the European Parliament, the Commission and the Council

In addition to the above-mentioned aim to link regional actors and Brussels-based politicians, the aim is to create a **network of specialised parliamentarians in the region**, connected to the respective committee of the European Parliament. There is a need to deepen the co-operation among the regional parliaments, especially the various parliamentary committees involved in the fight against organised crime from the SEE region, and the European Parliament.

Accordingly, SPOC Brussels will organize briefings for parliamentarians and will also facilitate parliamentary cooperation in tandem with other SP initiatives. A working seminar will be organized within South-eastern Europe for the chairpersons of the specialised parliamentary committees. The main topic of this two-day seminar will be to focus on the present instruments of the European Union's fight against organized crime, regional programmes, regional instruments and other regional activities, but also to intensify the networking of the EU Parliament with the parliamentarians from Albania, Bosnia - Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Moldova, Romania and Serbia.

5. Political, educational and public awareness raising

Experience has demonstrated that law enforcement and the judiciary often need more political support for their work, as well as from civil society. Therefore, cooperation between legal experts,

specialised parliamentarians from SEE and EP, local authorities, and civil society, including media should be initiated.

Progress on judicial reforms in most of the SEE states is slow and difficult in character. Studies criticize the lack of independent judges and unskilled public prosecutors. Greater emphasis needs to be given to law faculties in the region in order to ensure that young legal talent is available to strengthen under-staffed courts. Curricula and syllabi need to be adjusted. The SPOC team has already started to explore with the Central and Eastern European University Network (CEEUN) possible cooperation. The University of Trento, with its TRANSCRIME research institute, together with the universities' network of the Central European Initiative are taken into consideration. A possible SEE internship program could be initiated within the SPOC Secretariat



WORKPLAN 2006

I. OVERVIEW

In 2005 the Secretariat was restructured to address the growing need for regional cooperation among law enforcement and prosecutorial authorities. Vacancies within the Secretariat were filled following a public competition and besides the head of office, the Secretariat currently consists of two attorneys as well as an executive assistant. The Secretariat's staff will be strengthened in 2006 with the transfer of positions from Brussels allowing a more effective cover of SEE's different legal systems. During the reporting period, the Secretariat has consulted and established regular links of communication with the law enforcement, prosecutorial and judicial authorities of the region as well as with the respective officials of donor countries and the EU. It also participated in a number of regional events and implemented a series of activities with partners such as the US Department of Justice, the SECI Center, SEEPAG, and the Greek Ministry of Justice. The Headquarters' Agreement between the Stability Pact Special Coordinator and the Romanian Minister of Justice entered into force in July 2005 awarding the Secretariat with legal personality and the status of a diplomatic mission to Romania.

In implementation of its mandate and based on available funding, the Secretariat will strive in 2006 to achieve the following main objectives:

1. Support SEEPAG's development and the establishment of a network of prosecutors of organized crime within the framework of SEEPAG in consultation with other regional initiatives in the field of prosecutorial cooperation;
2. Continue supporting the SECI Center operations and the SECI Center task forces as well as provide advice on the upgrading of the Center's legal status in accordance with the EU Assessment Report of August 2004;
3. Monitor and report regularly on the status of implementation of the UN Palermo Convention in SEE as well as of other regional agreements and declaration on combating organized crime especially in the context of the SEECP;
4. Advise on the harmonization of legislation of SEE countries with international and European standards in concrete criminal justice fields such as witness protection and financial crime as well as advise on the implementation of such legislation;
5. In close coordination with the SECI Center, SEEPAG and the US Department of Justice, facilitate the experience-sharing and support the establishment of operational links among the SEE law enforcement, prosecutorial and judicial authorities in fields such as witness protection.

II. ACTIVITIES

1. REGIONAL COOPERATION

A. PROSECUTORIAL COOPERATION IN SEE – SEEPAG

In 2005, the Secretariat supported the continuing development of SEEPAG into a regional forum of cooperation among SEE prosecutors in combating trans-border crime. Secretariat officials also

held meetings with general prosecutors, special prosecutors on organized crime and/or their representatives in a number of SEE countries (BiH, Croatia, FYROM, Hungary, Serbia-Montenegro, Romania) to discuss the problems the prosecutors face in investigating effectively and prosecuting organized crime cases. The Secretariat facilitated through a coordinated effort by the US Departments of State and Justice, Serbia's Ministry of Justice, and the OSCE Mission to Serbia and Montenegro, the establishment of a SEEPAG Secretariat in Belgrade, Serbia to support the Serbian Deputy Republic Prosecutor holding currently the rotating SEEPAG chairmanship in coordinating SEEPAG activities. In July 2005, the SPOC Secretariat together with the SECI Center, the US Department of Justice and the Greek Ministry of Justice organized in Athens, Greece a meeting of SEEPAG experts to discuss the fostering of closer relations with the SECI Center and the measures required to further strengthen the initiative. Participating delegates adopted a series of conclusions agreeing that the establishment within SEEPAG of a network of special prosecutors dealing with organized crime and counter-terrorism cases would be among SEEPAG's top priorities. The Athens meeting of SEEPAG experts was included in the Justice and Home Affairs activities of the Greek SEECF Presidency. Finally, the SPOC Secretariat established a website for SEEPAG (www.seepag.org) that could serve as the basis for the development of a web tool facilitating mutual legal assistance requests on the model of the European Judicial Network (EJN) as well as a secure platform for communication between SEEPAG delegates.

2006 Outlook:

1. Establish a network of special prosecutors handling organized crime cases within the Southeast European Prosecutors Advisory Group (SEEPAG) in accordance with the conclusions of the SEEPAG experts meeting of July 2005;
2. Increase public awareness of SEEPAG as a forum where prosecutors of the countries involved consult and cooperate with each other in combating organized, transnational and other forms of serious crimes through the upgrading of the SEEPAG website and the holding of a series of seminars on SEEPAG's role in each of the countries involved.

B. SECI CENTER

The Secretariat has undertaken a number of joint activities with the SECI Center aiming at fostering closer cooperation among law enforcement agencies in SEE and provided direct support to the SECI Center task forces in fields such as trafficking in human beings, financial crime etc. In July 2005, the Secretariat organized together with the SECI Center a SEEPAG experts meeting in Athens, Greece to discuss amongst others the fostering of closer cooperation between the two initiatives. The Secretariat has also offered support to the development of a new legal framework for the SECI Center in accordance with the EU Assessment Report and has been included in the respective working group set up by the Center.

2006 Outlook:

1. Continue providing legal advice and support to the SECI Center's operations and task forces and in particular the task force on financial crime through the holding of an expert's conference on combating credit card fraud with the participation of national law enforcement agencies from SEE, US and Italy as well as of the private sector;
2. Provide legal advice and support to the working group tasked with the development of amendments to the SECI Center's legal framework in accordance with the European Commission's SECI assessment;
3. Support the SECI Center's efforts to strengthen regional cooperation among SEE law enforcement agencies in counter-terrorism.

2. LEGAL REFORM / HARMONISATION

A. UN PALERMO CONVENTION

In 2003-2005, SPOC monitored the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its additional protocols (Palermo Convention) by SEE countries. A matrix was developed and posted on the Stability Pact website. The matrix was presented in a number of regional meetings and conferences. In 2006, work on the matrix will continue and following the ratification of the UN TOC by the countries under monitoring, the Secretariat will focus on the specific measures and criminal legislation that the above countries would need to enact in implementation of UN TOC in areas such as witness protection and mutual legal assistance. The Secretariat will also look at the degree of implementation of the SEECP JHA Ministerial declarations on combating organized crime and in particular of the Bucharest Joint Statement on a Joint Campaign to Fight Organised Crime and Corruption in Southeast Europe of March 2004 as well as of the various bilateral and multilateral agreements signed between the countries of the region to foster cooperation against organized crime.

2006:

1. Upgrade the matrix maintained by the Stability Pact regarding the status of implementation of the UN Palermo Convention in SEE and the enactment of implementing legislation;
2. Establish a mechanism for monitoring and reporting on the implementation of JHA SEECP Declarations.

B. Witness Protection – criminal laws

The Secretariat with the assistance of international organizations and the US Resident Legal Advisors in SEE has researched and compiled in a CD ROM the witness protection legislation from the countries of the region as well as all relevant international and European instruments. A number of meetings to exchange information have also been held with other institutions and international organizations active in this field such as US Department of Justice, SECI Center, and the CoE. In September 2005, the Secretariat participated along with representatives of other international organizations as well as representatives of law enforcement agencies representing different legal systems at a closed meeting organized by the UN office on Drugs and Crime (UNoDC) on the development of a set of generally applicable guidelines for the establishment of efficient witness protection systems. In October 2005, the Secretariat supported the conduct of a seminar for judges and prosecutors organized jointly by the Romanian Ministry of Justice and UNoDC on the implementation of the UN counter-terrorism conventions.

2006 Outlook:

1. In close coordination with the SECI Centre and the US Department of Justice, hold a regional conference of senior law enforcement and judicial officials focusing on exchanging information on the status of implementation of witness protection legislation, on experience-sharing with other countries with a long experience and a successful record as well as on the development of bilateral and/or multilateral agreements on witness protection;
2. Organise together with UNODC, training sessions for magistrates on the implementation of the UN counterterrorism conventions in several SEE countries;
3. Compile a database in the English language of SEE criminal laws in areas such as financial crime and data protection as well as of national strategies and action plans against organized crime.