

**SEECP PA GENERAL COMMITTEE ON JUSTICE, HOME AFFAIRS AND
SECURITY COOPERATION**

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REPORT

on

OPPORTUNITIES FOR COOPERATION IN THE FIELD OF JUSTICE

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Introduction

The systematic, continuous and extensive cooperation among the countries of South East Europe in the field of justice is one of the most important pillars of the wider cooperation in the area and may decisively influence the cooperation in other fields, such as those of the economic and social development.

A prerequisite for a successful cooperation in the field of justice, in any form, is the promotion and deepening of judicial reform in the countries of South East Europe. Judicial reform should aim to enhance the efficiency and speed of justice as well as strengthen the independence of justice, in order to enhance the feeling of confidence in the judicial systems. Judicial reform is at a different stage of development in the countries of South East Europe, but what is of significant importance, in any case, is not only the establishment of institutional and legal frameworks for judicial reform, but the implementation of these frameworks in practice.

With effective, independent and credible judicial systems, the countries of South East Europe will have a solid foundation for broad judicial cooperation. Judicial cooperation in civil and criminal matters should emphasize and make a decisive contribution to combating particularly serious cross border crime (organized crime, corruption, drugs) as well as to ease the lives of citizens and to enhance human rights. Judicial cooperation in civil and criminal matters could be further developed through the participation of all countries in Southeast Europe in existing multilateral frameworks for cooperation and through the full implementation of relevant international conventions, after their ratification. Furthermore, enhanced operational activities, such as exchange of information and good practices, as well as the training and the exchange of knowledge and experience among the legal practitioners (judges, lawyers etc.) of South East Europe can significantly contribute to judicial cooperation.

With the contribution of the South East European countries that are members of the European Union, the cooperation in the field of justice in South East Europe should take advantage of the rich EU experience in the field of judicial cooperation, which is founded on the principles of mutual trust, enhanced access to justice and balanced strengthening of procedural rights.

Opportunities for Parliamentary Cooperation in the field of Justice

Parliaments worldwide perform three core functions: to represent citizens interests, to pass laws and to monitor the actions of the government. They perform a legislative function because, in addition to introducing legislation on their own, they have the power to amend, approve or reject government draft laws. This function is strongly linked to the representation function in that it is through the will of the people that the parliament receives its authority in democratic countries.

The exact means by which a parliament is engaged in the law making process varies depending on the type of parliamentary system. In most parliaments with permanent committees, proposed legislation is introduced formally on the floor of the house, and then referred to one or more committees with jurisdiction over the legislation. Relevant committees at the national parliaments responsible for judicial affairs are usually called Justice or Legal Affairs Committees.

Although the names of the committees may differ from one country to other, cooperation among the committees specialized on legal affairs and justice is an important component of the wider cooperation mechanisms within our region as far as the justice issues is concerned. An effective and transparent cooperation among these committees will be a great asset in tackling various aspects of justice through harmonization of legislation and exchange of information and expertise on legal affairs.

Regular meetings of the representatives of the committees on legal affairs and justice of the SEECP PA member parliaments can be organized by the Chairmanship in Office of the SEECP PA. These kind of meetings will enhance parliamentary cooperation on justice by bringing together competent authorities of the relevant parliaments in line with a pre-determined agenda. Issues of significance with regard to legal affairs and justice that relates to the common priorities of all the countries in our region can be brought to the floor and important decisions and recommendations can be taken.

Another important step with regard to parliamentary cooperation in the field of justice is the designation of focal points at the respective national parliaments. Focal points can be assigned to a high level bureaucrat within the administrative structure of the parliament such as an expert working preferably at the relevant committees dealing with legal affairs and justice. Designation of focal points will facilitate rapid communication in cases of information requests and facilitate effective cooperation in the field of justice with regard to the exchange of information and expertise.

International Judicial Cooperation in Combatting Cross Border Organized Crime

In addition to parliamentary cooperation, there is a wide range of opportunities for cooperation in the field of justice at the governmental level as well. One of the most significant cooperation mechanisms is the ongoing international judicial cooperation in combatting cross border organized crime in our region.

Elements of organized crime perform wide ranging cross border activities by making use of the advantages offered by the technological developments. Organized crime, manifested and triggered by economic instability, unemployment, lack of education, political and legal vacuums and moral corruption, has become a problem that threatens not only the individual and societal but also the national and international security. In addition to typical activity areas such as illegal drug trafficking, human trafficking, fraud and arms smuggling, organized crime rings have added various kinds of cybercrimes to their portfolios as a result of the advances in IT technologies. Organized crime, in this respect, has become a significant threat to SEECF PA members and the people in the last decades.

The fact that the billions of dollars circulated by organized crime rings every year that is higher than the budgets of the many of the developing countries manifests that organized crime is a threat not only to the national security but also to the social and economic development of the countries. According to the data presented by the United Nations Office on Drugs and Crime, 320 trillion dollars has been procured from illegal drug trafficking, the highest figure among cross border crime. This figure is higher than the national income of the 90% of the countries all over the world. Cross border crime exploits legal regulations, uncontrolled borders and conveniences in goods and money transfer as a means of technological advances and globalization. Furthermore, lack of coordination among competent authorities of the countries and problems in information exchange paves the way for illegal activities of cross border crime.

Success of the struggle with cross border organized crime depends on a sophisticated strategy and international cooperation. From this point of view, it is important for the countries of our region to participate in the programs for developing bilateral and multilateral cooperation for combatting cross border organized crime, sharing of experiences in different platforms such as the United Nations and playing an active role in various activities.

A prominent and progressive cooperation that exists among the countries of the Southeast Europe with regard to combatting cross border organized crime is The Southeast European

Prosecutors Advisory Group (SEEPAG). Ankara, Athens, Belgrade, Bucharest, Budapest, Kishinev, Podgorica, Sarajevo, Skopje, Sofia, Tirana and Zagreb are the members of the SEEPAG. SEEPAG is an international mechanism of judicial cooperation, formed by the countries of the SEE region in 12 December 2003, with an express intention of facilitating judicial cooperation in significant trans-border crime investigations and cases. This initiative recognizes that, as trans-border crime transcends national borders, the strategy for combating it must have a regional as well as a national dimension. By improving the available facilities for mutual legal assistance, the SEEPAG seeks to increase the capacity of individual states to suppress, investigate and prosecute serious trans-border crimes.

The SEEPAG is composed of national representatives who are high ranked experienced prosecutors or judges. The role of the SEEPAG involves two closely related but conceptually distinct functions. First, the SEEPAG is a network of experienced prosecutors who assist the Southeast European Law Enforcement Center (SELEC) in operational matters and facilitate, to the greatest extent possible, the rapid exchange of information and evidence in trans-border investigations. By linking together a network of experienced prosecutors, the SEEPAG seeks to fill a critical gap in the region by promoting the timely exchange of information and evidence.

The SEEPAG's second function is to provide guidance, assistance, and feedback to lawmakers in the region on justice and law enforcement issues. By capitalizing on the unique knowledge and concrete operational experience of criminal prosecutors, SEEPAG provide a link between the conceptual framework of laws and their affect at an operational level. By combining the legal skills and functional experience of prosecutors, SEEPAG assist in the creation and harmonization of laws and regional agreements aimed at combating organized crime. The SEEPAG can also provide legal guidance and opinions on various legal issues that arise in the context of regional cooperation on justice matters.

By performing these functions the SEEPAG enhances co-operation and co-ordination between national investigating and prosecuting authorities allowing all law enforcement agencies to act more effectively, both individually and collectively, when dealing with international crime and more importantly to bring criminals to justice more quickly. Utilizing the advantages of the modern age in international legal cooperation will undoubtedly enhance the effectiveness of the cooperation and lead to the achievement of success in combatting cross border organized crime. Support given to this mechanism by the member countries by means of a good planning and motivation will be influential in achieving the assigned objectives.

Southeast European Law Enforcement Center (SELEC), on the other hand, is a unique operational organization which facilitates the rapid exchange of information between law enforcement agencies from different countries regarding trans-border criminal cases. Ankara, Athens, Belgrade, Bucharest, Budapest, Kishinev, Podgorica, Sarajevo, Skopje, Sofia, Tirana and Zagreb are the members of the SELEC. The objective of SELEC, within the framework of cooperation among competent authorities, is to provide support for Member States and enhance regional coordination in preventing and combating crime, including serious and organized crime such as drug trafficking, human trafficking and illegal immigration, smuggling and customs fraud, financial and cybercrimes, where such crime involves or appears to involve an element of trans-border activity. Main tasks of SELEC within this framework is to coordinate regional operations and support investigations and crime prevention activities of the Member States in trans-border cases; provide the Member States with the opportunity to exchange information and criminal intelligence and offer operational assistance in a quick and timely manner; collect, collate, analyze, process and disseminate information and criminal intelligence; produce strategic analysis and threat assessments related to its objective; establish, operate and maintain a computerized information system, which implies also to ensure the protection of personal data.

CONCLUSION

Ongoing cooperation activities within the SEECP both in the parliamentary and governmental level will contribute to the development of an integrated policy regarding the judicial cooperation, widening of the scope of judicial cooperation and enhancing its effectiveness, combatting cross border organized crime, harmonization of the legislation, joint utilization of IT and communication technologies, organizing mutual training programs and advancing judicial cooperation in the bilateral level as well.

Provision of mutual understanding and confidence in regional judicial cooperation, organization of negotiations on common concepts can be foreseen as short-term gains. In the medium term, on the other hand, main objective is the creation of a network of contact points among the countries of the region and initiation of a direct communication channel between judicial authorities. In the long term, ultimate aim is to establish regional international bodies through joint endeavours of all the countries in the region with a task of preparation and implementation of multilateral conventions for the harmonization of legislation among them

and reports that contain recommendations for the improvement of judicial systems and cooperation.

Existence of regional dimension of cooperation of the participating countries in the field of judiciary, rule of law and fight against crime and corruption is the essential element and sine qua non prerequisite for building democratic society and the rule of law state. Activities in the scope of work of the SEECP PA General Committee on Justice, Home Affairs and Security Cooperation will undoubtedly contribute to better exchange of information and best practice in the field of judiciary, home affairs and security.

The European and Euro-Atlantic civilization values have been laid down in the guidelines for the future development of South-East Europe in order to transform it into a region of political stability and economic and social prosperity, which inevitably necessitates applying single standards with a view to improving the regional cooperation in the area of justice. The creation of an intensive regional cooperation in the area of justice within the SEECP will contribute to optimizing the work of justice institutions, to a more effective and fast judicial proceeding and to improving the quality of justice. The institutional interaction in the system of justice at a regional level, within the SEECP, is a precondition to identify existing latent local problems and solve them using the accumulated foreign experience and introducing good and proven practices.

Our future activities need to be focused on drafting the wording of the joint proposals in order to upgrade the coordination between the national authorities, parliaments and governments, regional and international organizations, with the aim of developing the orchestrated and integrated action.

In the forthcoming period we need to jointly map the priorities and activities necessary for overcoming the main challenges in the region in the field of judiciary, home affairs and security and integrate our efforts in agreeing on the activities and projects in this field.