



# Welcome

## Eurojust

The European Union's  
Judicial Cooperation Unit



# EUROJUST

## ROLE OF EUROJUST IN INVESTIGATION OF THB

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National Member for Bulgaria at Eurojust



# Eurojust

## What is Eurojust ?

- Eurojust is a judicial cooperation body created to help to provide safety within an area of freedom, security and justice;
- A permanent body of judicial cooperation composed of 28 EU National Members – prosecutors and/or judges;
- Created by Council Decision 2002/187/JHA1 of 28 February 2002, amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust;
- A body of the EU with legal personality - The judicial cooperation unit of the European Union;
- Main aim: “To deal more effectively with serious cross-border crime particularly when it is organised, and involves two or more Member States”;
- Based in The Hague, the Netherlands;

# Eurojust- aims and objectives

- To stimulate and improve the coordination of investigations between the competent authorities of the Member States;
- To improve cooperation between the competent authorities of the MS, in particular by facilitating the execution of international mutual legal assistance requests, European investigation orders & EAWs;
- To support the competent authorities of the Member States in order to render their investigations more effective;

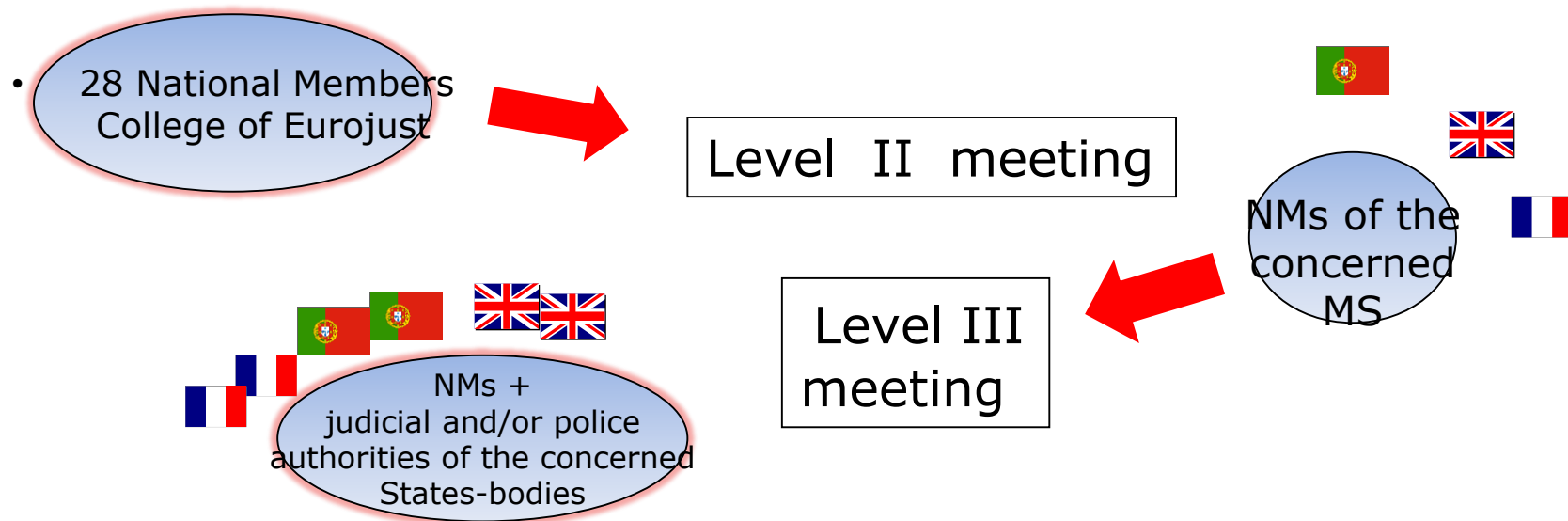
# Eurojust - competences

- Investigations concerning two or more Member States;
- Involvement is also possible in investigations concerning a Member State and a non-MS (cooperation agreement / essential interest);
- Eurojust has the authority to deal with a wide range of criminal offences, including terrorism, trafficking in human beings and drugs, illegal immigrant smuggling, serious fraud, OCGs, money laundering etc.;
- The types of crimes and the offences in respect of which Europol is at all times competent to act (listed in Annex I of Europol Regulation);
- Any other types of offences upon the request of a competent authority of a MS;

# Eurojust - powers

- Eurojust **has the power to request** competent authorities of MS:
  - To investigate or prosecute specific acts;
  - To accept that one country is better placed to prosecute than another;
  - To co-ordinate with one another;
  - To set up a Joint Investigation Team;
  - To provide Eurojust with any information necessary to carry out its tasks;
- Eurojust **may assist** in the following areas:
  - Facilitate mutual legal assistance;
  - Resolution of conflicts of jurisdiction;
  - Advise on competing EAWs;
  - Assist in the establishment of JITs;
  - Organize and facilitate strategic meetings;
  - Provide legal advice and support to law enforcement officers, investigators & prosecutors dealing with cross-border crime;

# Multilevel approach to case-work



## Level 1:

- Weekly Plenary Meeting involving all 28 National members and Liaison magistrates (for Norway and the USA);

## Level 2:

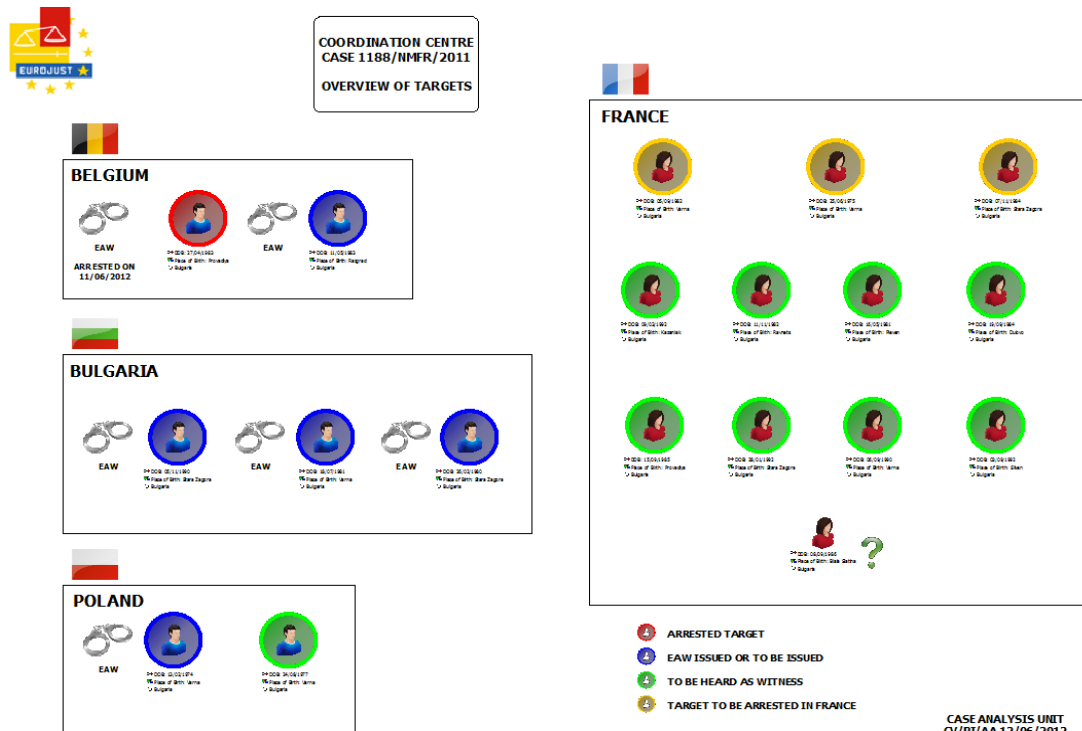
- Only these National members / National desks involved into a case;

## Level 3:

- Co-ordination meetings involving law enforcement officers, investigators & prosecutors from different Member States dealing with a case;

# Coordination centers at Eurojust

- Coordination center
- At Eurojust (The Hague):
- Coordination at judicial level contacts with prosecutors - judges
- Solve issues related to/issue additional or new LoRs, EAWs
- Judicial follow-up to avoid *ne bis in idem* issues
- Overview and results of arrests, house searches, freezing of assets in all countries involved

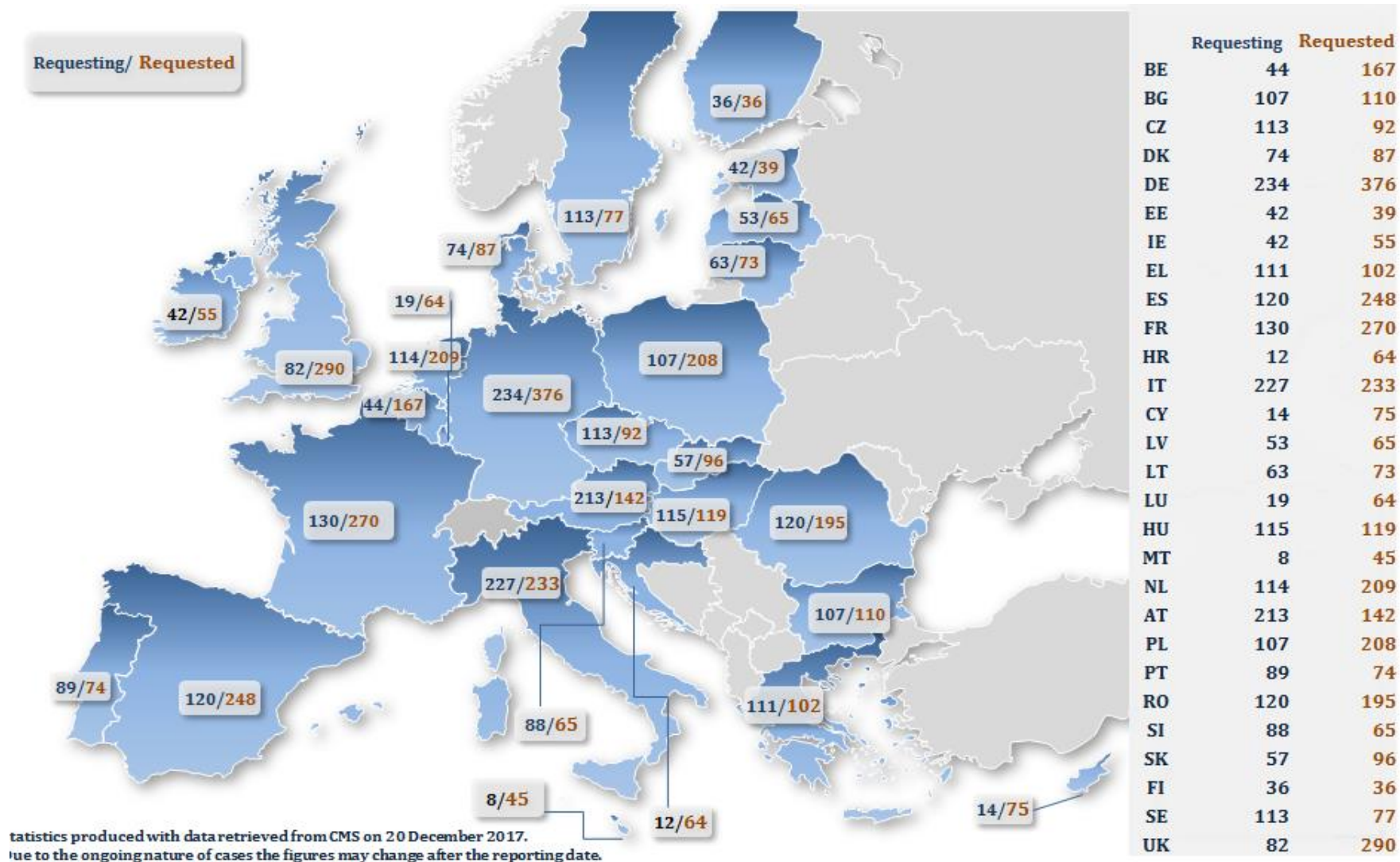




# Eurojust- casework



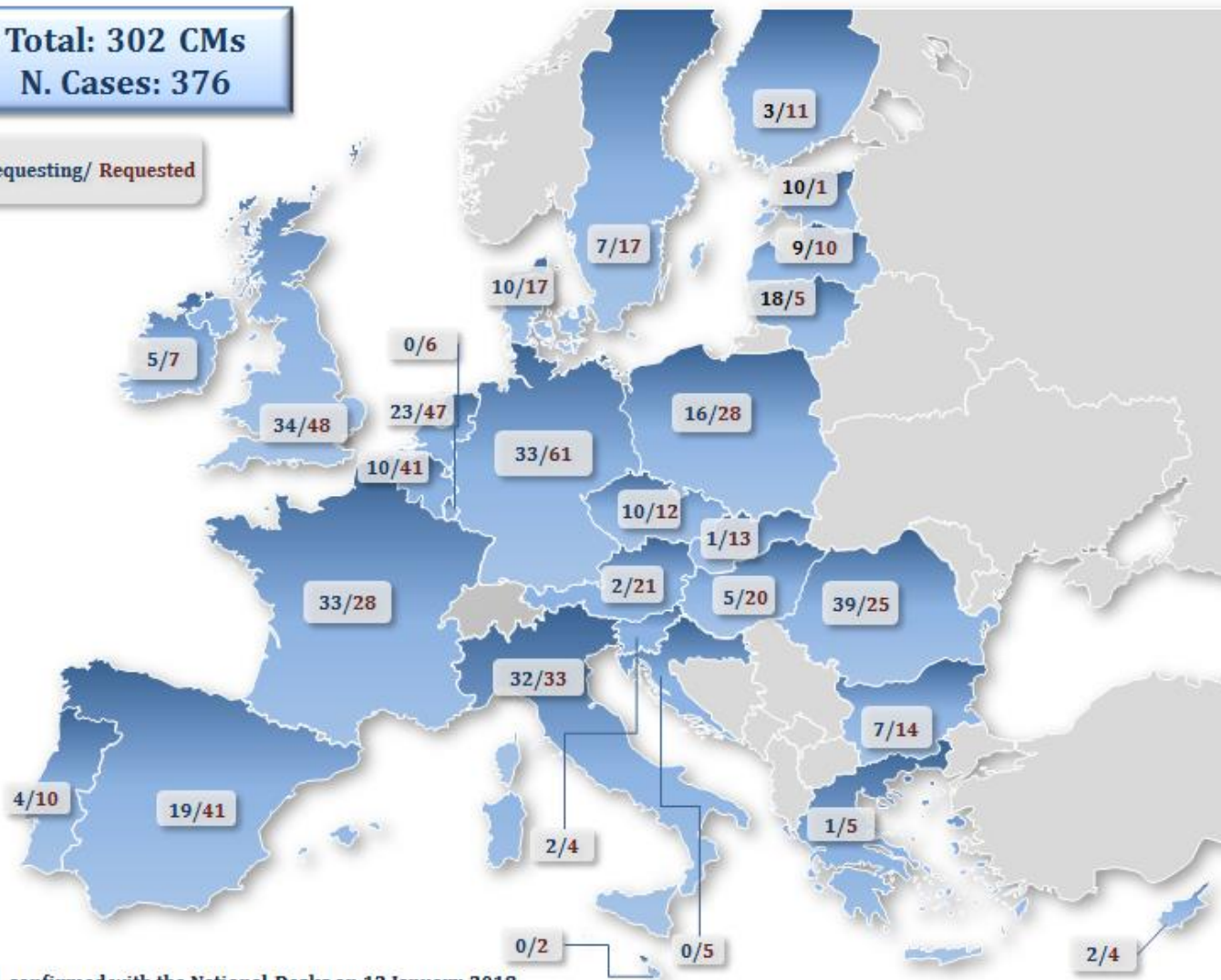
# Requesting/ requested Member States 2017



# Coordination meetings 2017

**Total: 302 CMs**  
**N. Cases: 376**

Requesting/ Requested



	Organising	Involved
BE	10	41
BG	7	14
CZ	10	12
DK	10	17
DE	33	61
EE	10	1
IE	5	7
EL	1	5
ES	19	41
FR	33	28
HR	-	5
IT	32	33
CY	2	4
LV	9	10
LT	18	5
LU	-	6
HU	5	20
MT	-	2
NL	23	47
AT	2	21
PL	16	28
PT	4	10
RO	39	25
SI	2	4
SK	1	13
FI	3	11
SE	7	17
UK	34	48

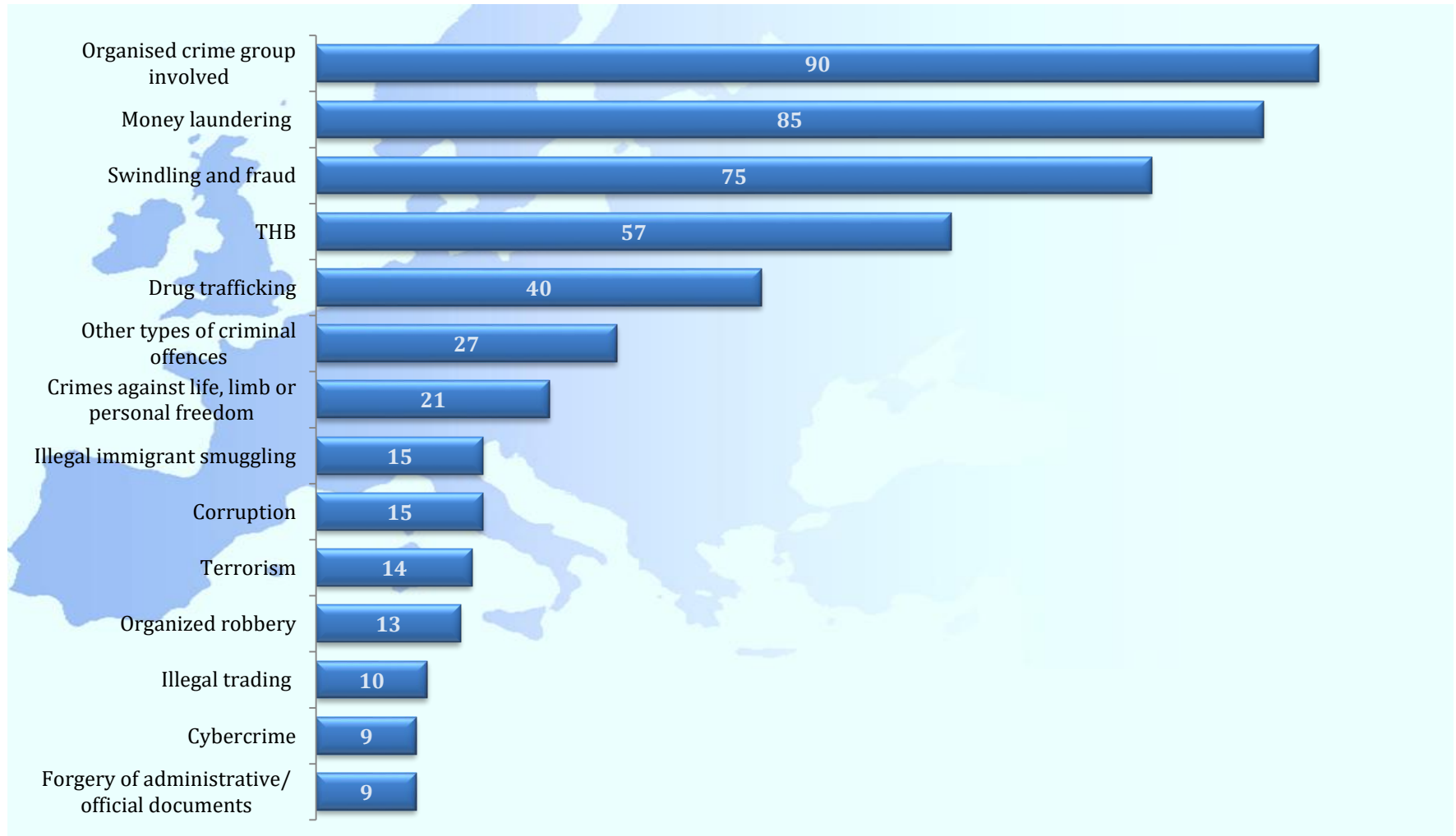
Data confirmed with the National Desks on 12 January 2018

30/05/2018

Welcome to Eurojust

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# Main crime types in Coordination Meetings 2017



# Trafficking in human beings - legal framework

- UN Convention against transnational organized crime- the Palermo Convention

*Art. 1 “The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively”*

- The two Protocols to the Palermo Convention

PROTOCOL to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the united nations convention against transnational organized crime

PROTOCOL against the Smuggling of Migrants by Land, Sea and Air

# Trafficking in human beings - legal framework

- **Council of Europe legal instruments**

- European Convention on Human Rights;
- Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse from 25.10.2007 ;
- Convention on action against trafficking in human beings from 16.05.2005 ;
- Convention on Extradition;
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
- Convention on the transfer of proceedings in criminal matters



# Trafficking in human beings - legal framework

- **European Union legal instruments**

- COUNCIL FRAMEWORK DECISION of 19 July 2002 on combating trafficking in human beings (2002/629/JHA)
- DIRECTIVE 2004/80/EC relating to compensation to crime victims
- COUNCIL FRAMEWORK DECISION of 15 March 2001 on the standing of victims in criminal proceedings – replaced by Directive 2012/29/EU ( by 16 November 2015 to be transposed in national legislation )
- DIRECTIVE 2011/36/EU of the European parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
- DIRECTIVE 2012/29/EU of the European parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council FD 2001/220/JHA
- Charter of Fundamental Rights of the European Union (integral part of the Lisbon Treaty)

# Cross- border cooperation- practical dimension

- THB - serious crime severely violating fundamental human rights and is usually committed by OCGs in a highly structural manner.
- In THB cases - an international element, affecting at least two countries and frequently more than two – i.e. country of source, transit country and destination country.





# Cross- border cooperation - practical dimension

- **Problems that occur in cross-border cases of THB**

- perpetrators, victims and witnesses have residence in different places;
- the crime itself is committed on more than one territory ;
- a number of accompanying offences;
- investigations are carried out in two or more countries;
- problems with the legal qualification of the offences;
- principle *non bis in idem*.

- **Other obstacles identified: Evidentiary difficulties and identification of THB cases and victims**

- Victims' testimonies;
- Not sufficient corroborative evidence;
- Difficulties in gathering evidence from other countries;
- Identification of THB cases and victims;

## How to address the described problems?

- assistance programs
- providing compensation to victims;
- interviewing victims by trained staff in a safe environment;
- testimonies from police officers or other authorities;
- interviewing as witnesses of persons who have used the services of victims of THB;
- training and specialisation of prosecutors;

# Cross- border cooperation - practical dimension

## Multilateral dimensions of THB cases

- **Problems with judicial cooperation**
  - evidence to be obtained from different jurisdictions
  - significant time delays in issuance, translation and execution of MLA requests, obtaining evidence from third states caused by poor infrastructure and absence of systems for tracing individuals and assets
- **Possible solutions:**
  - involvement of Eurojust and Europol in all cross-border THB cases
  - setting up of JITs as suitable and efficient tools

# Cross- border cooperation - practical dimension

## **Asset recovery - financial investigations**

THB related crimes are committed mainly for the purpose of obtaining a financial gain.

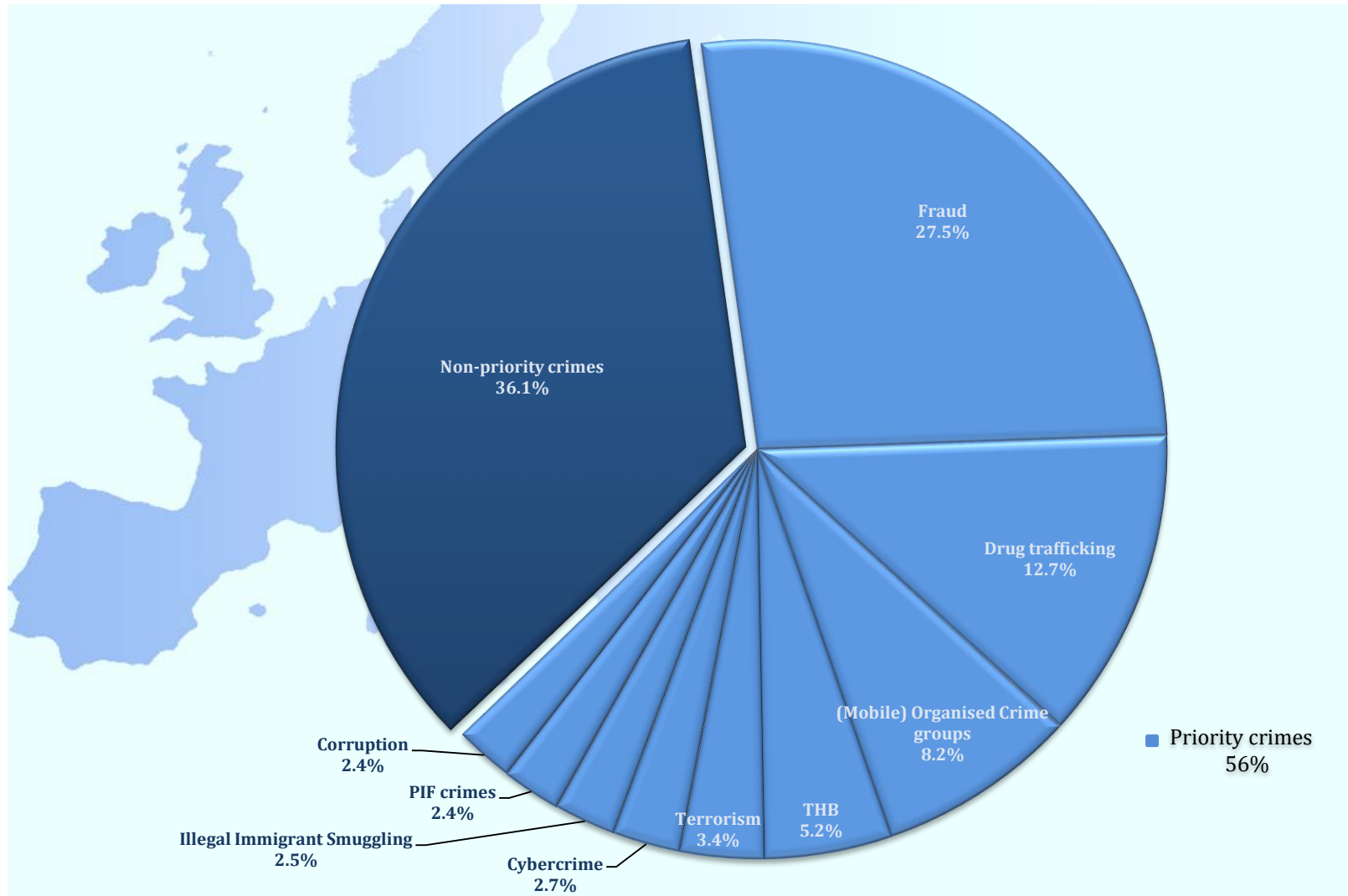
### **Solutions:**

- financial investigations should be launched at an earlier stage along with the criminal investigations
- use of other investigating techniques, such as interception of telecommunications
- involvement of Eurojust as a key facilitator in cross-border judicial cooperation

# THB Cases in Eurojust 2015-2017

Year	THB
<b>Registered cases</b>	
2015	79
2016	93
2017 (until 30 September)	105
<b>Coordination Meetings/Coordination Centres</b>	
2015	32 CMs, 1 CC
2016	33 CMs, 0 CC
2017 (until 30 September)	35 CMs, 0 CC
<b>Joint Investigation Teams</b>	
2015	21 JITs (9 new, 12 ongoing)
2016	32 JITs (19 new, 13 ongoing)
2017 (until 30 September)	41 JITs (17 new, 24 ongoing)

# Eurojust priority crime types 2017



Statistics produced with data retrieved from CMS on 20 December 2017.  
Due to the ongoing nature of cases the figures may change after the reporting date.

# Joint investigation teams (JITs)

Definition - JIT is an investigation team set up on the basis of a mutual agreement between two or more Member States and/or other parties, for a specific purpose and limited duration

# Role of Eurojust in setting up JITs

- Support could be provided to the national authorities in:
  - Identifying cases;
  - Coordination meetings;
  - Clarifying the legal framework;
  - Drafting the JIT agreement;
  - Coordination of the signing procedure;
  - JIT funding;
- JITs with non-EU countries



# Obstacles or impediments to the establishment of JIT were identified, namely:

- Lack of ongoing investigations or different stages of the investigations/preliminary stage vs advanced stage/ in the countries of relevance;
- Involvement of several authorities on national level-parallel investigations pending at several judicial authorities in one country;
- Formal requirements in relation to JIT Agreement-domestic authorisation process-resulting in a lengthy drafting process of the JIT Agreement.

# JIT funding at Eurojust

JIT funding Project - Based on Eurojust own budget - approximate budget € 1.000.000;

- Financial support: reimbursement of costs (travel, accommodation, translation and interpretation);
- Logistical support: loan of equipment (mobile phones, laptops, mobile scanners and printers) + communication costs included;

# Contact Information

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