JITs Network

The Network of National Experts on Joint Investigation Teams

JOINT INVESTIGATION TEAMS (JITS) OVERVIEW EUROJUST ROLE

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Eurojust

Outline

- Legal bases and main features
- Eurojust support :
  - Setting-up phase
  - During JIT's life
  - Other tools:
    - JITs Manual
    - Model agreement and operational action plan
    - JITs Network
    - Funding
- Trends and perspectives

LEGAL BASES

- **From EU concept…**
  - *Article 13 of 2000 EU Mutual Legal Assistance (MLA)Convention*
  - *Article 1 of 2002 EU Framework Decision*
  - Article 5 of EU-US MLA Convention
  - Article 24 of customs cooperation convention (Naples II)

- **… to regional and universal legal basis**
  - Article 27 of Police Cooperation Convention for Southeast Europe (PC SEE)
  - *Article 20 of Second additional Protocol to 1959 Convention*
  - Article 19 of United Nations Convention against transnational organized crime (UNTOC)
  - Article 49 of United Nations Convention against corruption (UNCAC)

A law enforcement and judicial tool

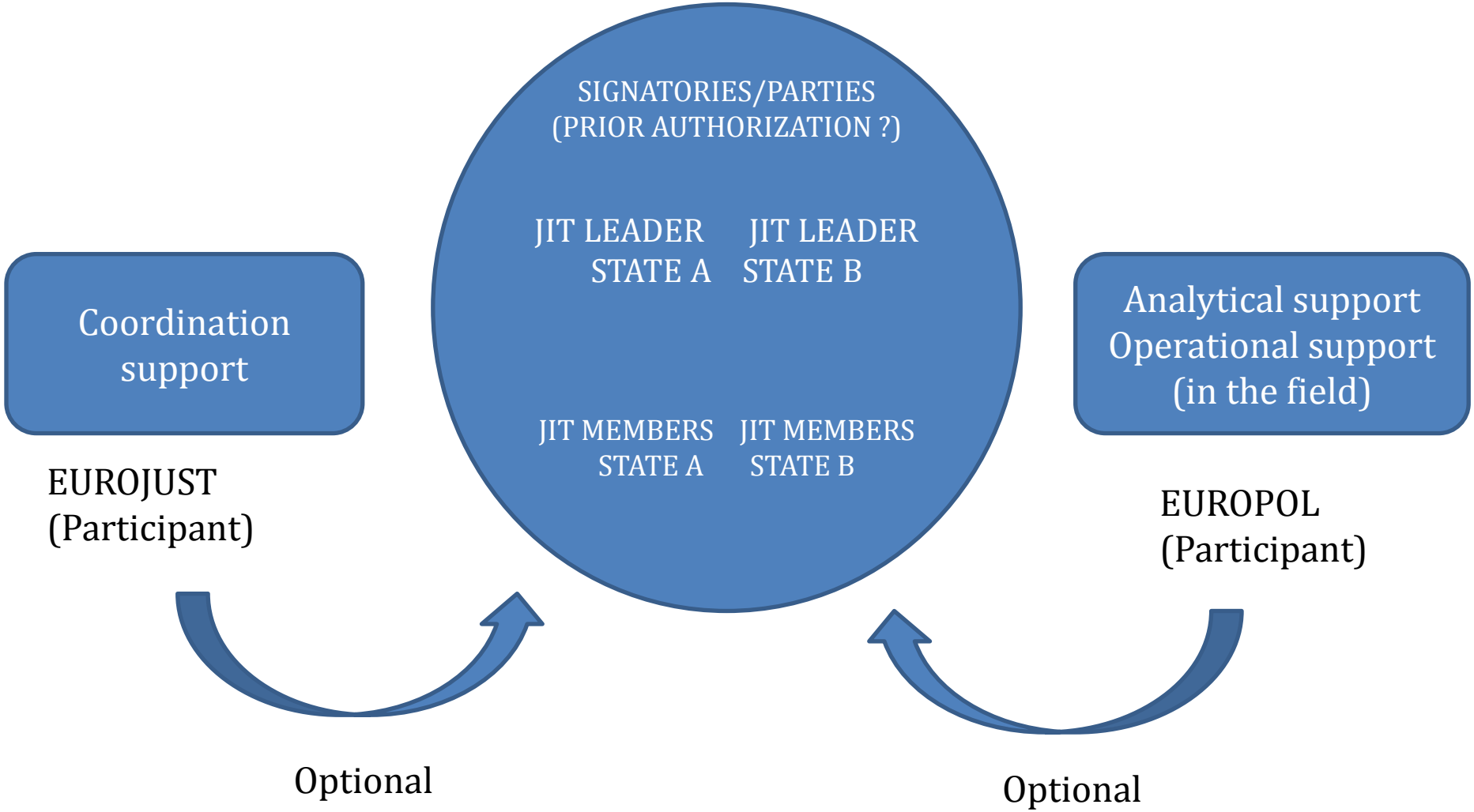
- **Police cooperation** : informal exchange of operational information - in principle cannot serve as evidence

- **Judicial cooperation** :
  - ❖ Cooperation aimed at collecting evidence in criminal matters : <u>mutual legal assistance</u>

- **Complementarity between police and judicial cooperation** : from intelligence to evidence

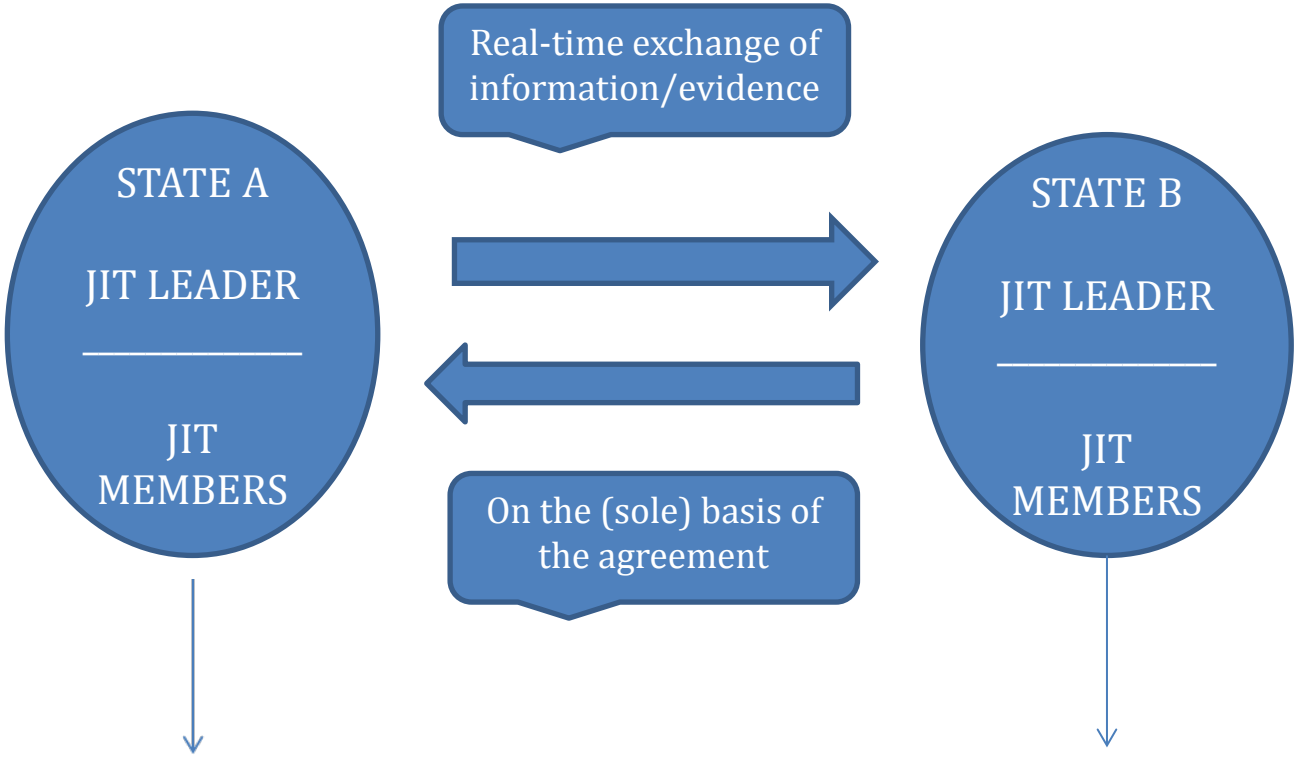
JITs = (not a 'panacea' but) a tool adapted to the fight against cross-border crime ?

Composition of the team
Parties vs. Participants



The JIT concept

Exchange of information and evidence within a JIT



- Access to domestic information
- ability to carry out/request investigative measures

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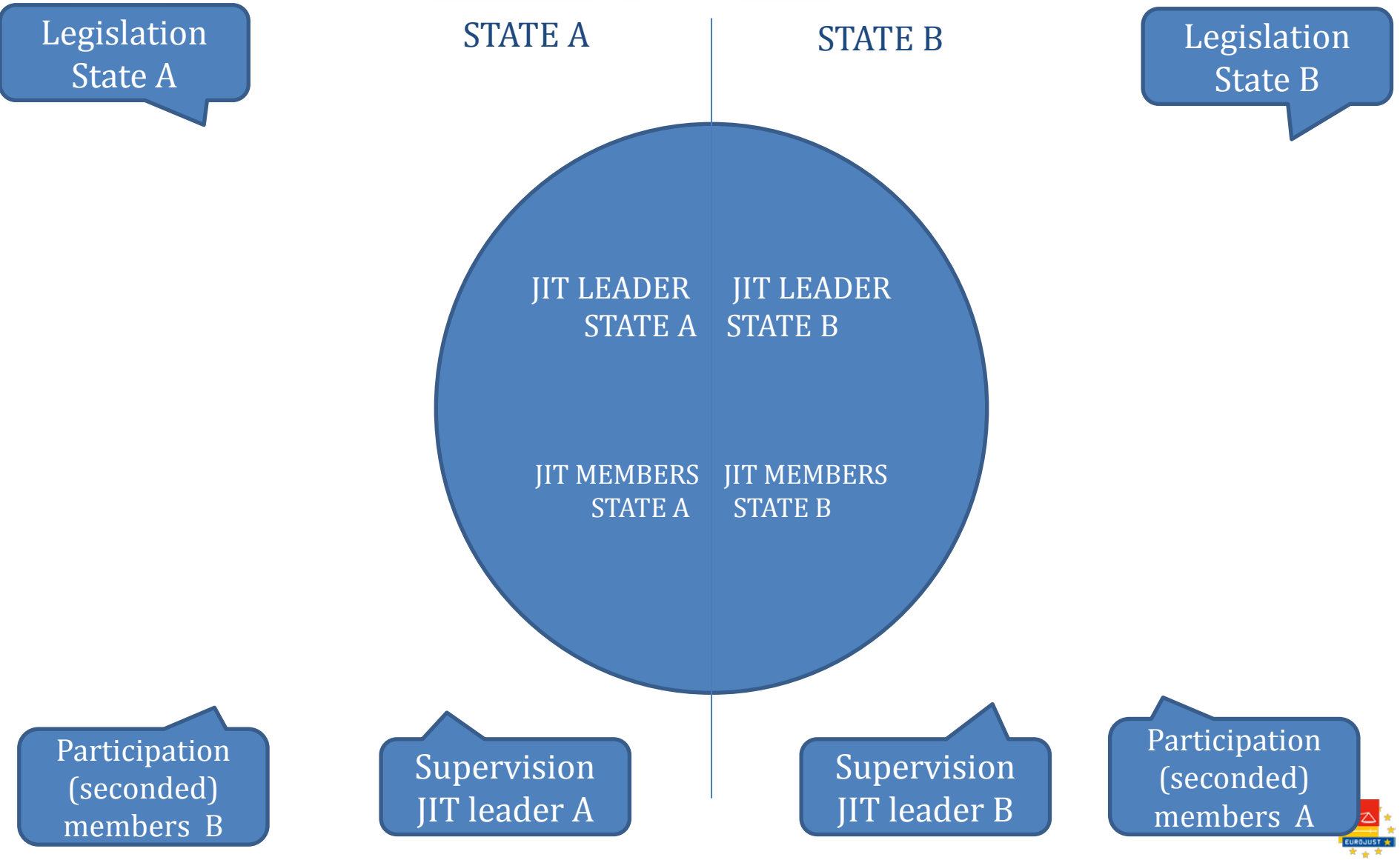
The JIT concept

Joint Investigative activities



A JIT for which cases ?

- **Features of the case :**

  - An organised / complex / swiftly evolving criminal organisation
  - Close connexion with other countries :
    - important investigations to be carried out abroad
    - other countries “impacted”
    - Police cooperation/Europol role in assessing the “international” picture of the case

- **Relations between domestic investigations**

  - Existence of parallel proceedings a prerequisite ?
  - State of play of respective investigations : importance of coordination /Eurojust role
  - A JIT with all or certain involved countries ?

What is Eurojust ?

What possibilities does it offer ?

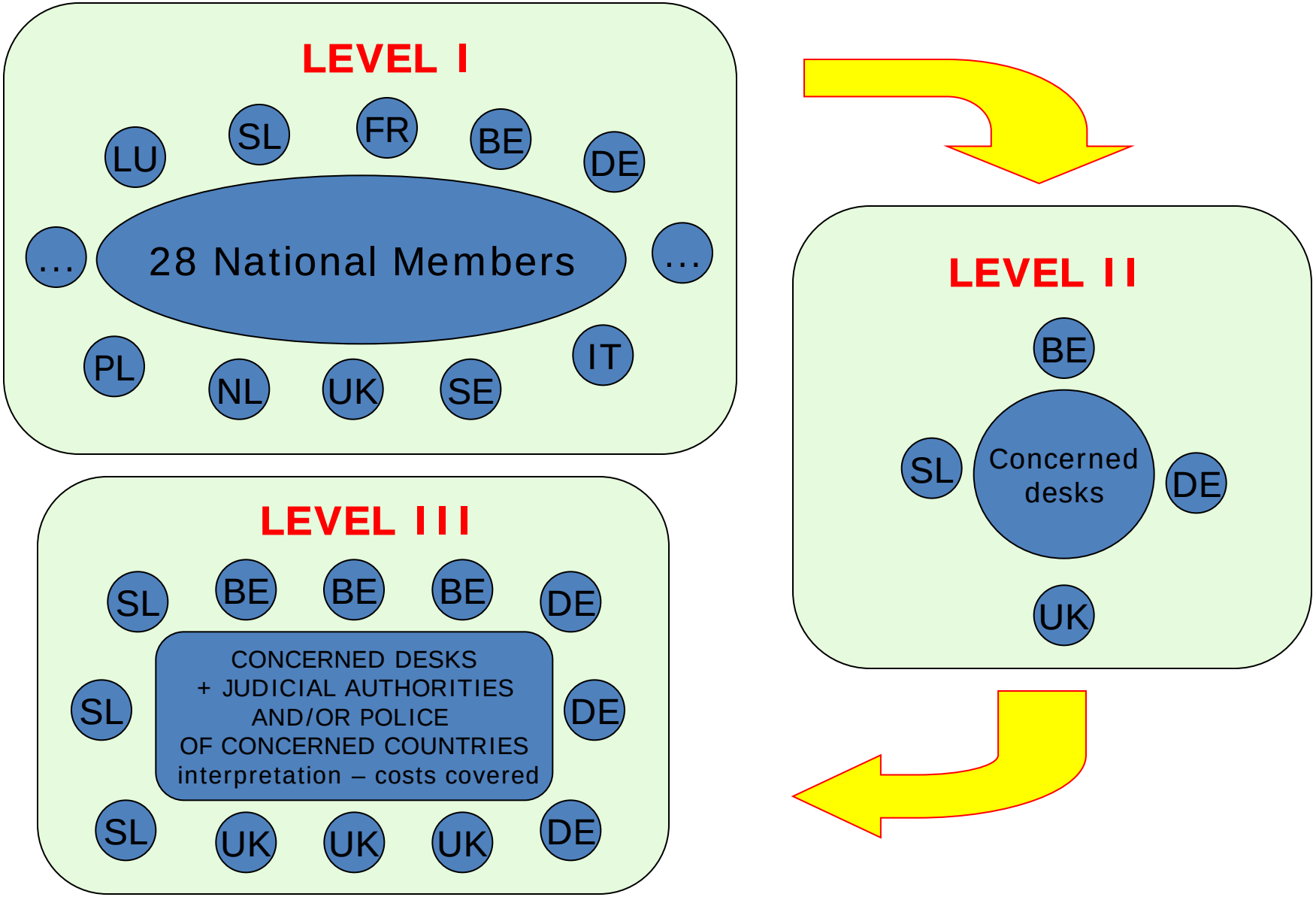
- Set up by A council Decision of 2002
  - revised in 2008
  - Draft Regulation under discussion

- A simple idea : **bringing together in one place prosecuting authorities from the 28 Member States.**

- Two missions :
  - support to judicial cooperation in criminal matters
  - coordination of national prosecutions.

- Contribution to the finding of a **common strategy for investigation and prosecution**: simultaneous and coordinated investigations in several countries, contribution to the resolution of conflicts of jurisdiction, setting up of a joint investigation team...).

- **In practice: an increasing involvement in JITS** : 20 new JITs in 2010, 33 in 2011, 47 in 2012, 40 in 2013. Currently, 101 active JITs.


LEVEL I
LU
SL
FR
BE
DE
...
28 National Members
...
PL
NL
UK
SE
IT
LEVEL II
BE
SL
Concerned desks
DE
UK
LEVEL III
SL
BE
BE
BE
DE
SL
CONCERNED DESKS
+ JUDICIAL AUTHORITIES
AND/OR POLICE
OF CONCERNED COUNTRIES
interpretation – costs covered
DE
SL
UK
UK
UK
DE

Eurojust role (1)

setting-up phase

- Facilitates **discussions/agreement on the use of the JIT tool**
- In the absence of parallel proceedings, triggers the **opening of parallel investigations** (Article 7 2000 Convention)
- Assistance **drafting/negotiation JIT agreement** (to be finalized asap !)
- **Discussion on principal terms/conditions** : exchange of information, limits of seconded members' participation in investigative measures, carrying/use of weapons, operational objectives, admissibility requirements, press communication, responsabilities in relation to funding.
- **Right after signature : ** first objectives, initiation and planning of contacts between JIT partners

Eurojust role (2)

operation and closure of the JIT

- Eurojust involvement after signature ?

- Assistance in solving **legal and practical difficulties** :
  - Admissibility
  - Discrepancies in disclosure regimes ;
  - Lack of communication. incidents

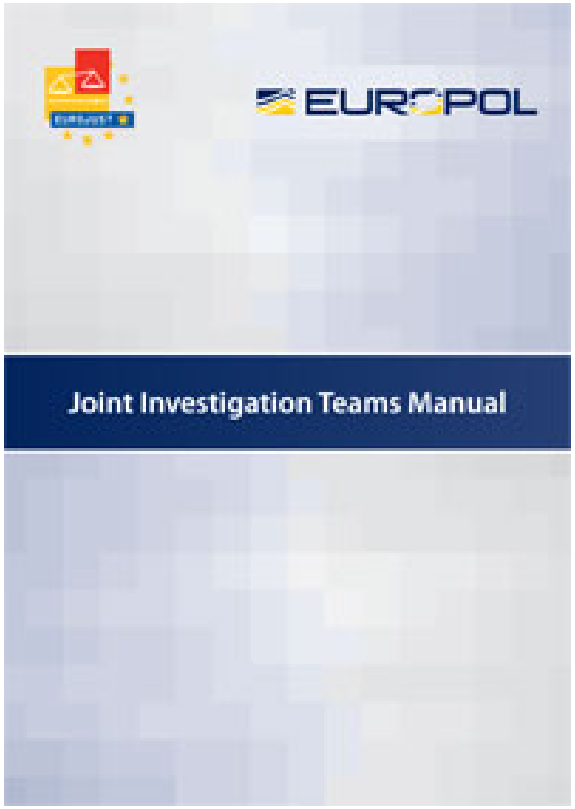
- Facilitates **coordination of investigations/operational objectives /prosecutions** (to be considered asap !)

- **Preparation and support operational phase :**
  - scope and legal framework of operations ;
  - involvement of MS no parties to the JIT ;
  - coordination centre.

- **Debriefing / Evaluation :** lessons learned ?

OTHER SUPPORTING TOOLS

JITs Manual / Model Agreement / OAP



Available on Eurojust website
in all official languages

The JITs Network and its Secretariat

- **Experts role at national level**
  - awareness-raising
  - Information and expertise
  - “linkin point” : statistics, obstacles encountered…
  - In most cases : 1 ‘law enforcement’, 1 ‘Justice’

- **Experts’ role in the Network**
  - Sharing of experiences
  - Contribution to improvement of the tool (updated of model agreement, JIT evaluation form…)

- **Secretariat hosted by Eurojust** (Article 25a Eurojust Decision)
  - A « support center » on JITs ?
  - Responsible for management of Eurojust JITs Funding

Annual meetings

Conclusions published on Eurojust website

Tools aimed at enhancing knowledge

- **JITs webplatform : single repository**
  - information on national legislations (« fiches espagnoles »)
  - Model agreements,
  - case-law
  - News and annoucements
- **JITs evaluation form / process.**

JITS funding

- **Unique EU funding programme** specific to JITs activities

- Based on **grants legal framework**:
  - annual budget (650 000 € for 2014) - 8 calls for proposals
  - evaluation (**importance/ performance of the JIT)**
  - **Funded actions to be performed in a given period of 3 months (limit = urgent needs)**

- **Costs covered** : linked to cross-border investigative activities
  - (non-domestic) travel, accomodation
  - interpretation, translation
  - loan of equipment

- **Invitation of Eurojust** to participate = pre-requisite

- **Reimbursement** (no pre-financing)

Trends

- From bilateral JITs to **multilateral JITs** : what impact ?
- Use of JITs for a **wide range of crime types** : VAT fraud, cybercrime
- Use of JITs **not limited to « high-profile »** cases anymore :
  - JITs, part of the « routine » law enforcement and judicial practice ?
  - Or a way to efficiently coordinate parallel proceedings ?
- Progressive **involvement of non-EU States**
- More frequent integration of **asset recovery dimension**

Contact Information

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