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EUROJUST'S WORK AND ASSISTANCE IN RELATION TO THB FINANCIAL INVESTIGATIONS AND ASSET RECOVERY

ERA seminar - Financial Investigation of THB
Vienna, 14-15 June 2018

Outline

Eurojust

Best practices/JITs

Case examples

Strategic Project on
THB



**EUROJUST
BEST PRACTICES/JITS**



Eurojust



Eurojust

- Bringing together judicial & law enforcement authorities
- Resolving legal & practical challenges of 34 legal systems
- Direct exchange of information in ongoing investigations
- Outstanding experience
- Informal and immediate intervention
- 340 persons
- 48,3 mil EUR (2017) annual budget

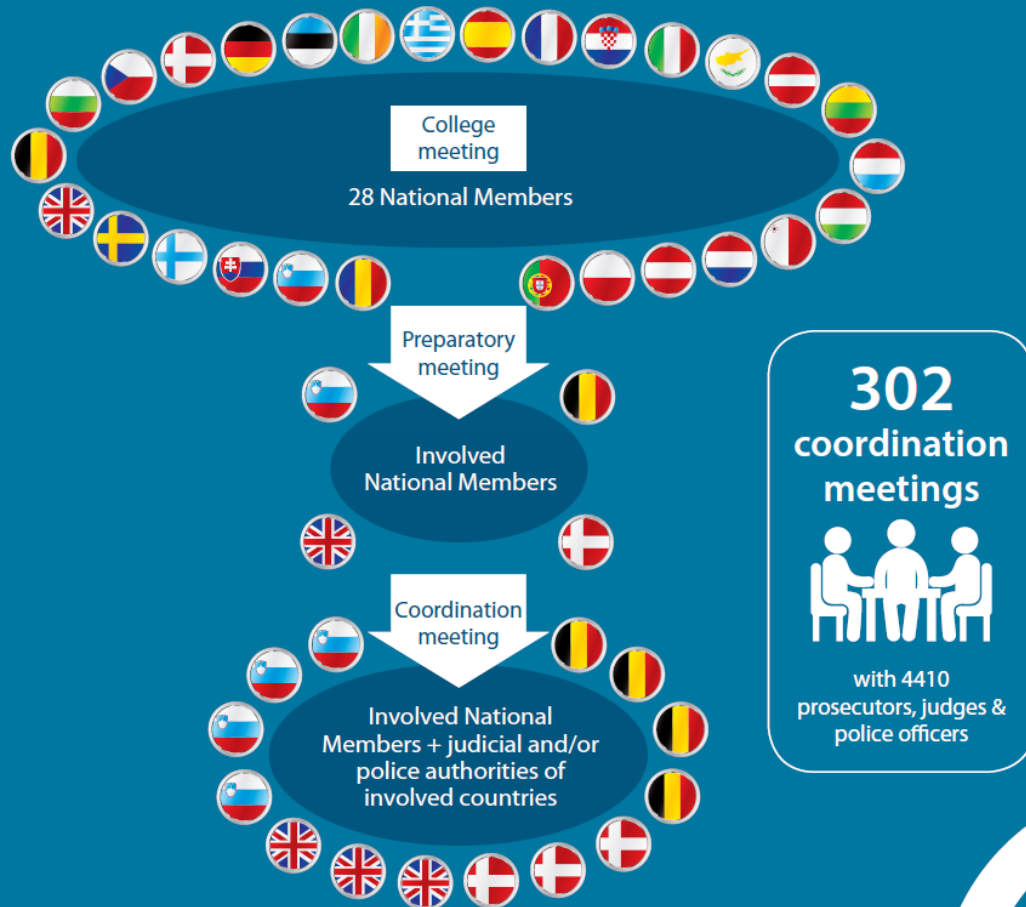


- MLA, seizures, searches
- Admissibility of evidence
- Execution of EAWs
- Conflict of jurisdictions
- Settle where to prosecute
- JIT agreements

Coordination meeting

1 Judicial coordination meetings

Bringing together judicial authorities and law enforcement from Member States and third States.



Coordination centre

24/7
availability

3 Coordination centres

Coordination centres enable coordination and real-time transmission of information in serious cross-border crimes among national authorities during action days.

17
Eurojust
coordination
centres were
held in 2017



Gathering evidence correctly is important for successful future court proceedings

Joint Investigation Team

2 Joint investigation teams (JITs)

Carrying out criminal investigations in one or more of the involved countries.



200 JITs supported



Fixed time period



Agreement between countries



Joint criminal investigations



JITs enable more efficient, affordable and speedier justice

JITs/Definition

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

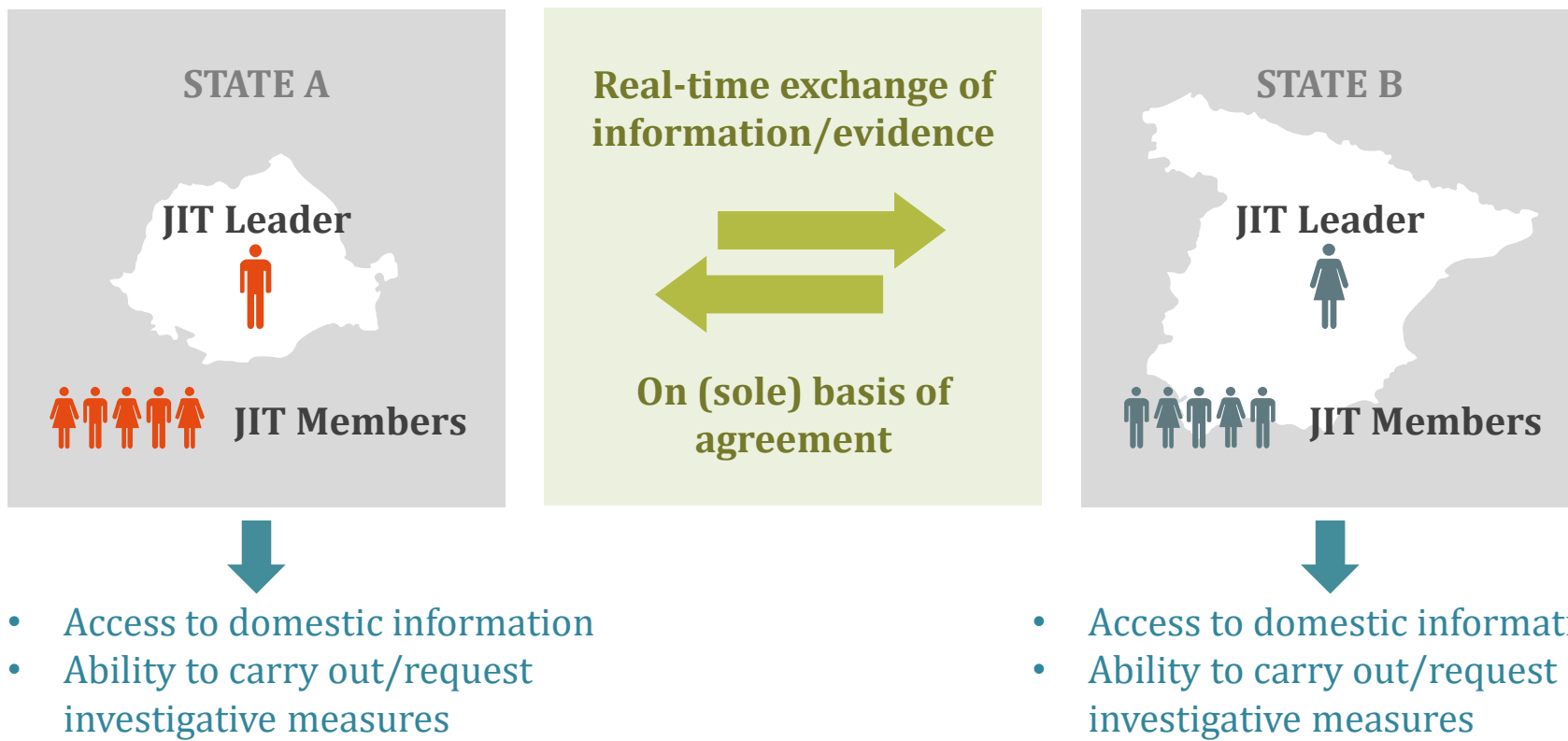
- A team of law enforcement officers, investigators & prosecutors;
- From 2 or more States and/or other parties;
- Based on a written agreement between the JIT partners;
- With the aim to investigate offences with cross border dimension;
- Established for a specific purpose;
- For a limited duration;
- There is no such thing as “standard JIT” - each JIT varies in size, expenses and also according to the underlying national legislation (different evidential and/or procedural rules);

JITs/Main Legal Framework

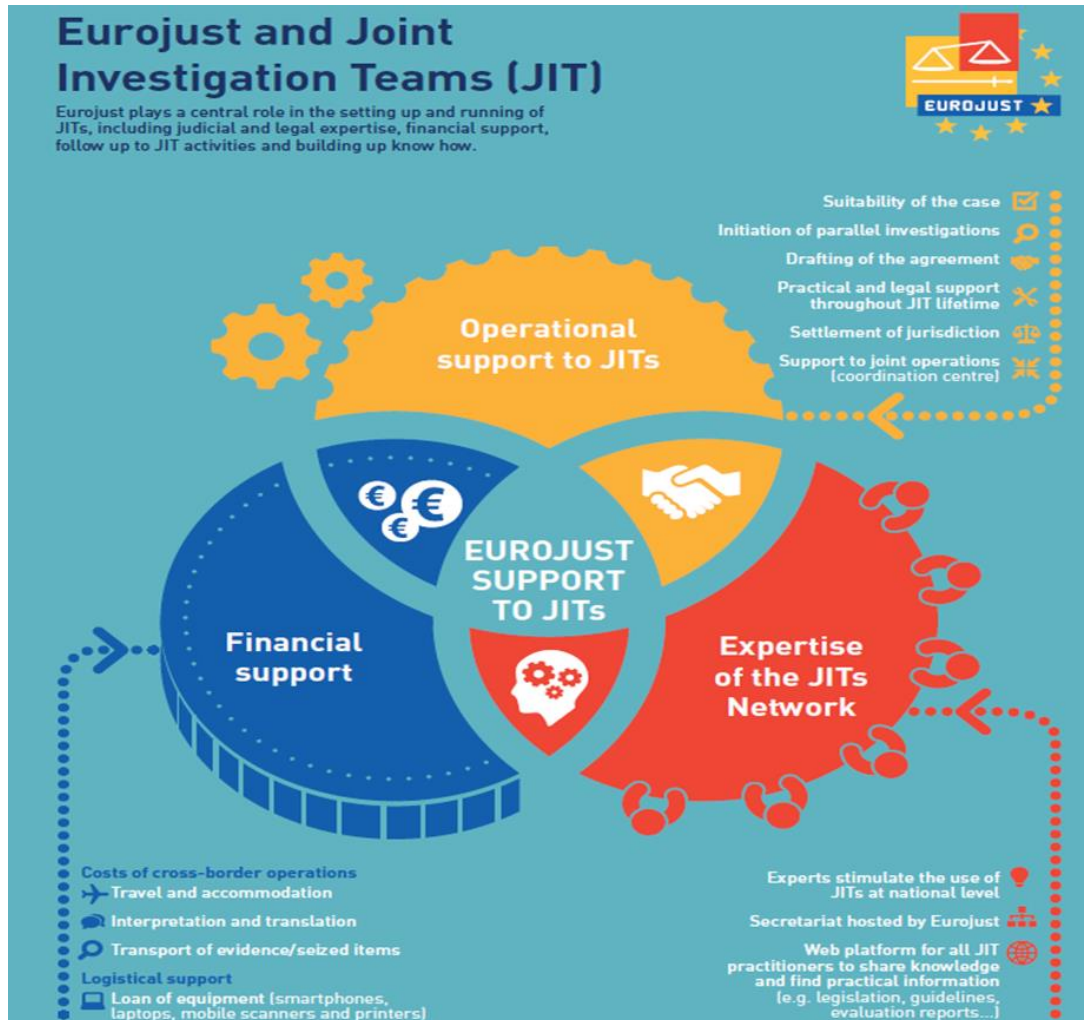
- **Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000**
- Council Framework Decision of 13 June 2002 on joint investigation teams
- Article 1 of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto of 29 December 2003
- Article 5 of the Agreement on Mutual Legal Assistance between the European Union and the United States of America
- **Article 20 of the second additional protocol to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959**
- Article 9(1)(c) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)
- Article 19 of the United Nations Convention against Transnational Organized Crime (2000)
- Article 49 of the United Nations Convention against Corruption (2003)
- Article 27 of the Police Cooperation Convention for South East Europe (2006)

The JIT concept

Exchange of information and evidence within a JIT

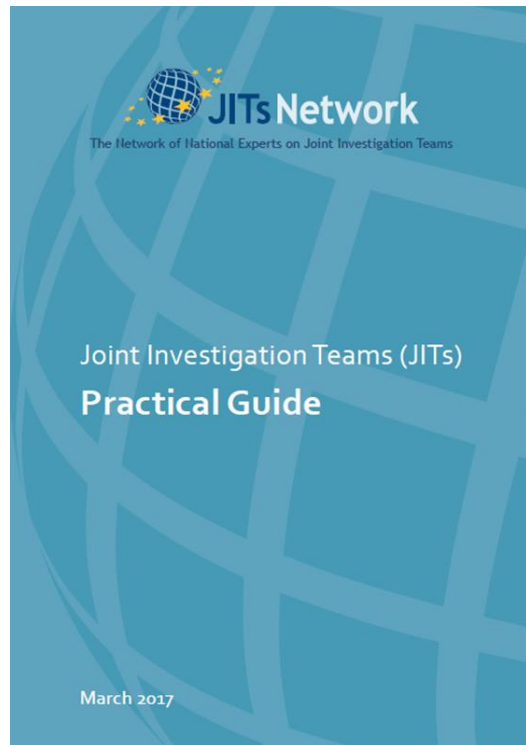


Support by Eurojust



Supporting tools accessible on Eurojust's website

JITs Practical guide



Model agreement

19.3.2010 EN Official Journal of the European Union C 70/1

ANNEX

MODEL AGREEMENT ON THE ESTABLISHMENT OF A JOINT INVESTIGATION TEAM

In accordance with Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000⁽¹⁾ (hereinafter referred to as the Convention) and the Council Framework Decision of 13 June 2002 on joint investigation teams⁽²⁾ (hereinafter referred to as the Framework Decision)

1. Parties to the Agreement

The following parties have concluded an agreement on the setting up of a joint investigation team, hereinafter referred to as 'JIT':

1. (Name of the first competent agency/administration of a Member State as a Party to the agreement)

and

2. (Name of the second competent agency/administration of a Member State as a party to the agreement)

3. (Name of the last competent agency/administration of a Member State party to the agreement)

The parties to the agreement may decide by common agreement to invite other Member States' agencies/administrations to become parties to this agreement. For possible arrangements with third countries, bodies competent by virtue of provisions adopted within the framework of the Treaty and international bodies involved in the activities of the JIT, see Appendix I.

2. Purpose of the JIT

The agreement shall cover the setting up of a JIT for the following purpose:

Description of the specific purpose of the JIT. This should include the circumstances of the crime(s) being investigated (date, place and nature):

The parties may redefine the specific purpose of the JIT by common agreement.

3. Approach

The parties to the agreement may agree on an operational action plan (OAP) setting out the orientations according to which the purpose of the JIT is to be achieved⁽³⁾.

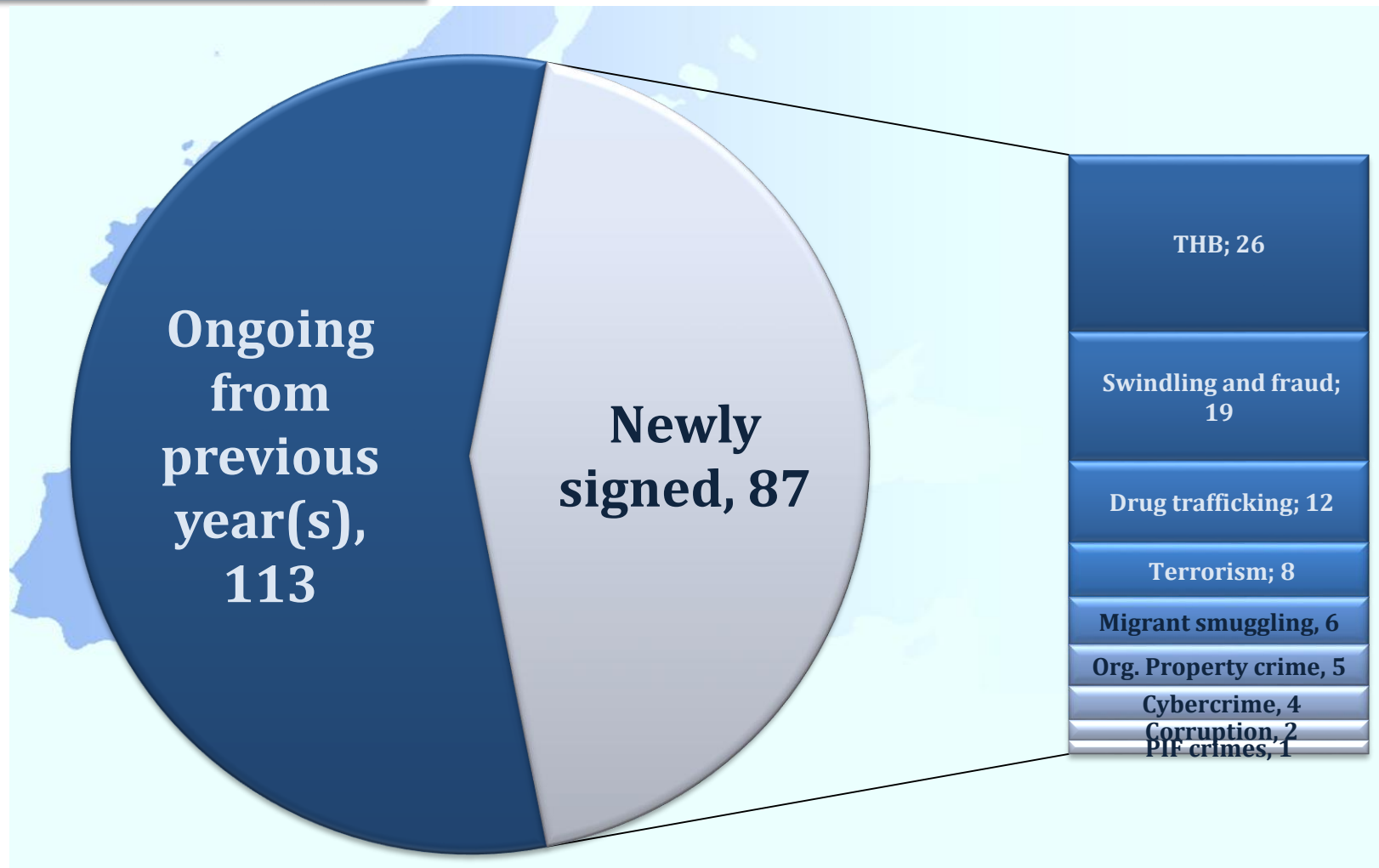
4. Period covered by the agreement

In accordance with Article 1(1) of the Convention and Article 1(1) of the Framework Decision, JITs shall be set up for a limited period of time. With respect to this agreement, this JIT may operate during the following period:

⁽¹⁾ OJ C 147, 12.7.2000, p. 1.
⁽²⁾ OJ L 142, 20.4.2002, p. 1.
⁽³⁾ In the light of the national legislation and its disclosure requirements, the OAP could be included in the JIT agreement, or as an appendix to the agreement or treated as a separate confidential document. In all cases the competent authorities which sign the agreement shall be aware of the content of the OAP. The OAP must be a flexible document: consequently practical agreements on a justified change and on how to achieve the purpose of the JIT set out in Article 2, including the practical arrangements not otherwise covered by the agreement.
A check for reporting the points related to the possible content of the OAP is set out in Appendix II to this model agreement.

JITs 2017

Total JITs supported: 200



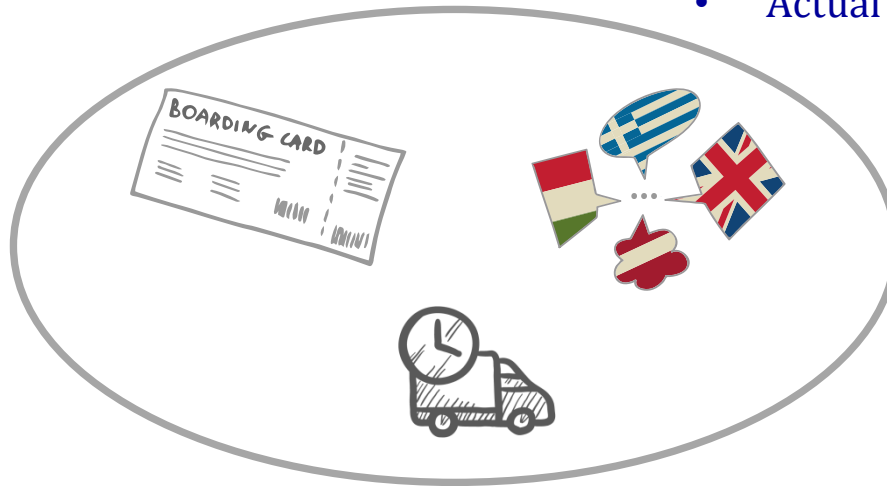
Costs of cross-border operations

Travel & Accommodation

- JIT members/non-members
- JITs & non-JIT States
- Operational meetings/support to operations
- Fixed rates

Translation & interpretation

- Carried out after JIT setting-up (even if evidence collected before)
- Target & sources languages not limited to languages of JIT States
- Actual costs



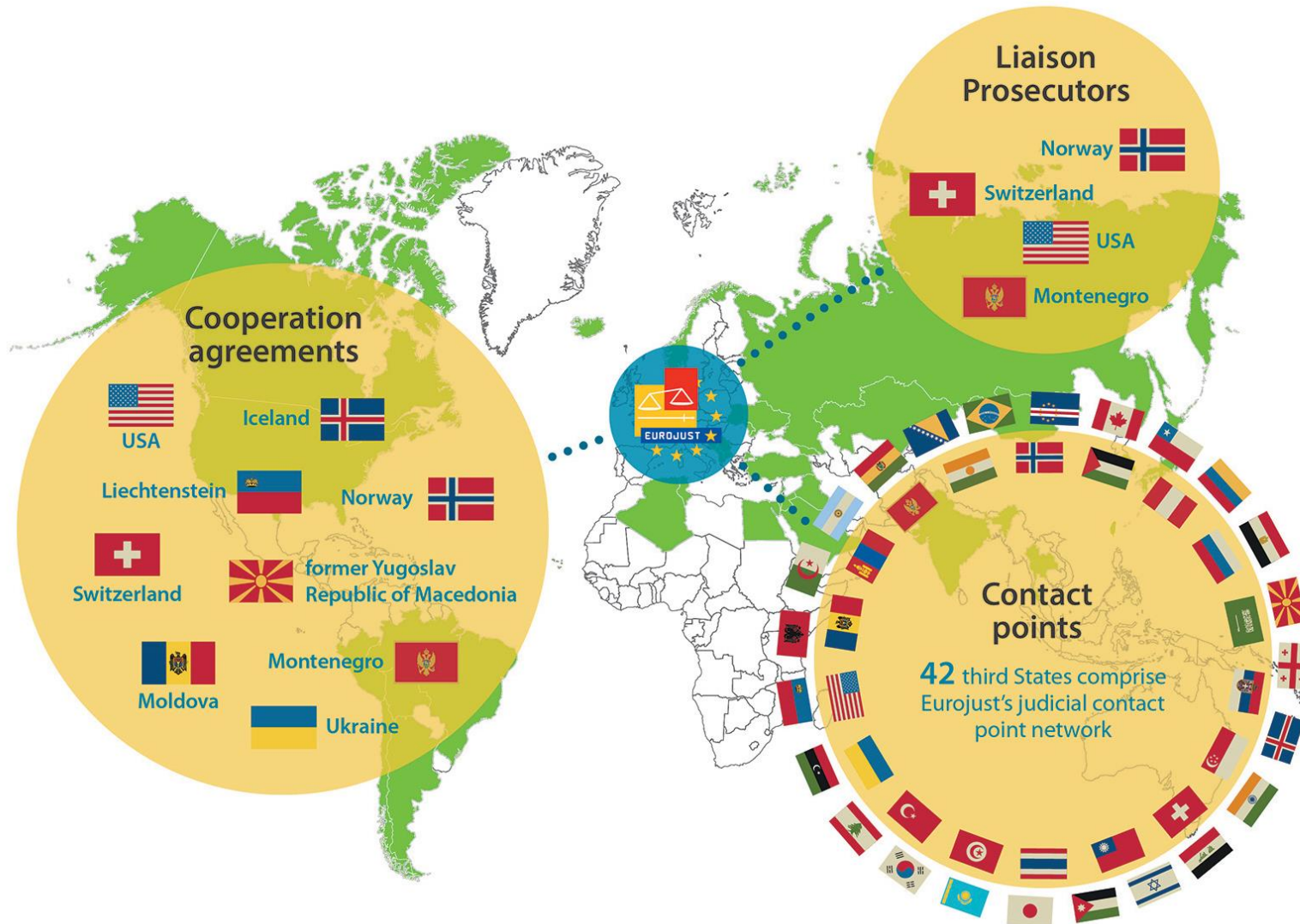
**€ 50.000 max
per each 3 month period**

Transport of seized items

- Documents, evidence, assets
- Actual costs

Welcome to Eurojust

Liaison Prosecutors and third States



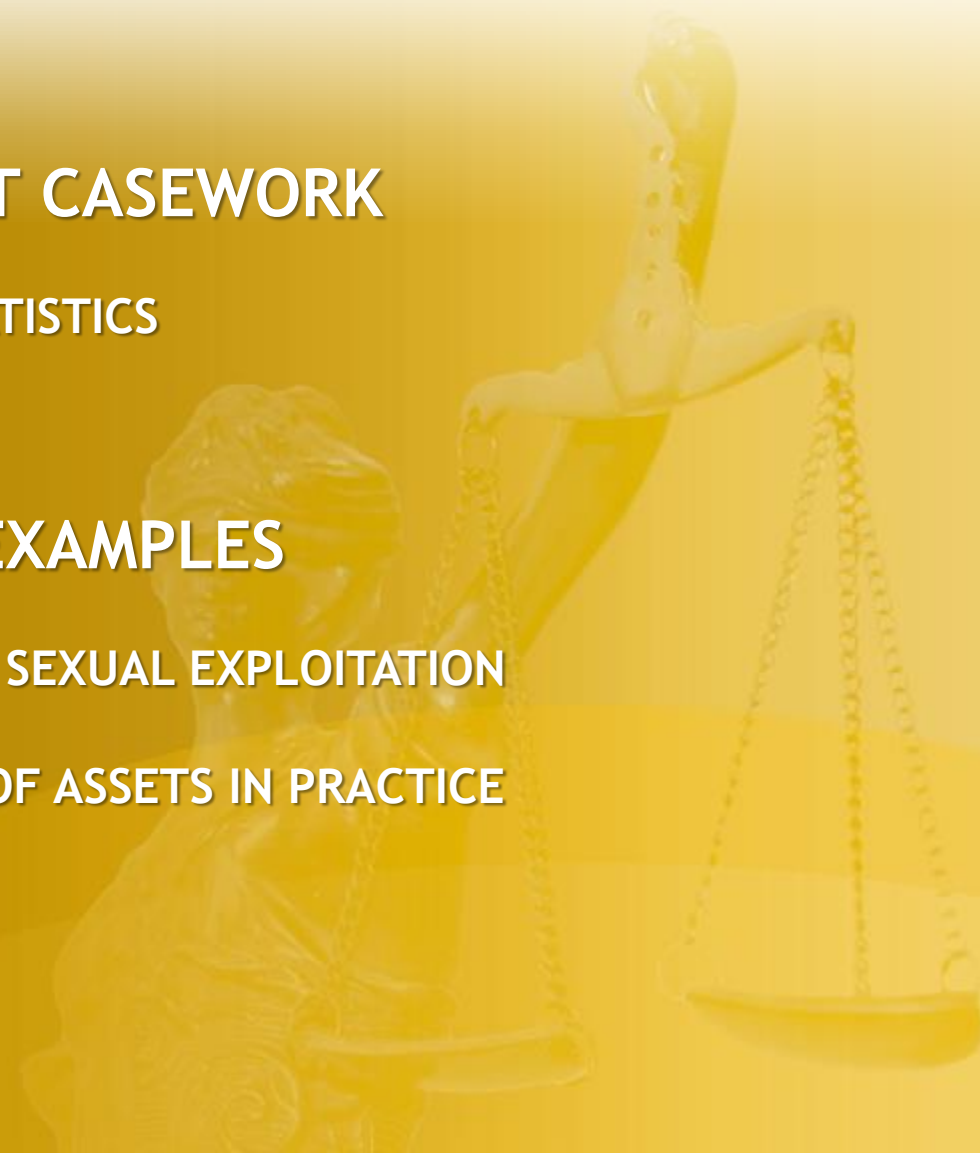
EUROJUST CASEWORK

STATISTICS

CASE EXAMPLES

CASE „A“ THB FOR SEXUAL EXPLOITATION

CASE „B“ SEIZING OF ASSETS IN PRACTICE



Casework 2002 - 2017



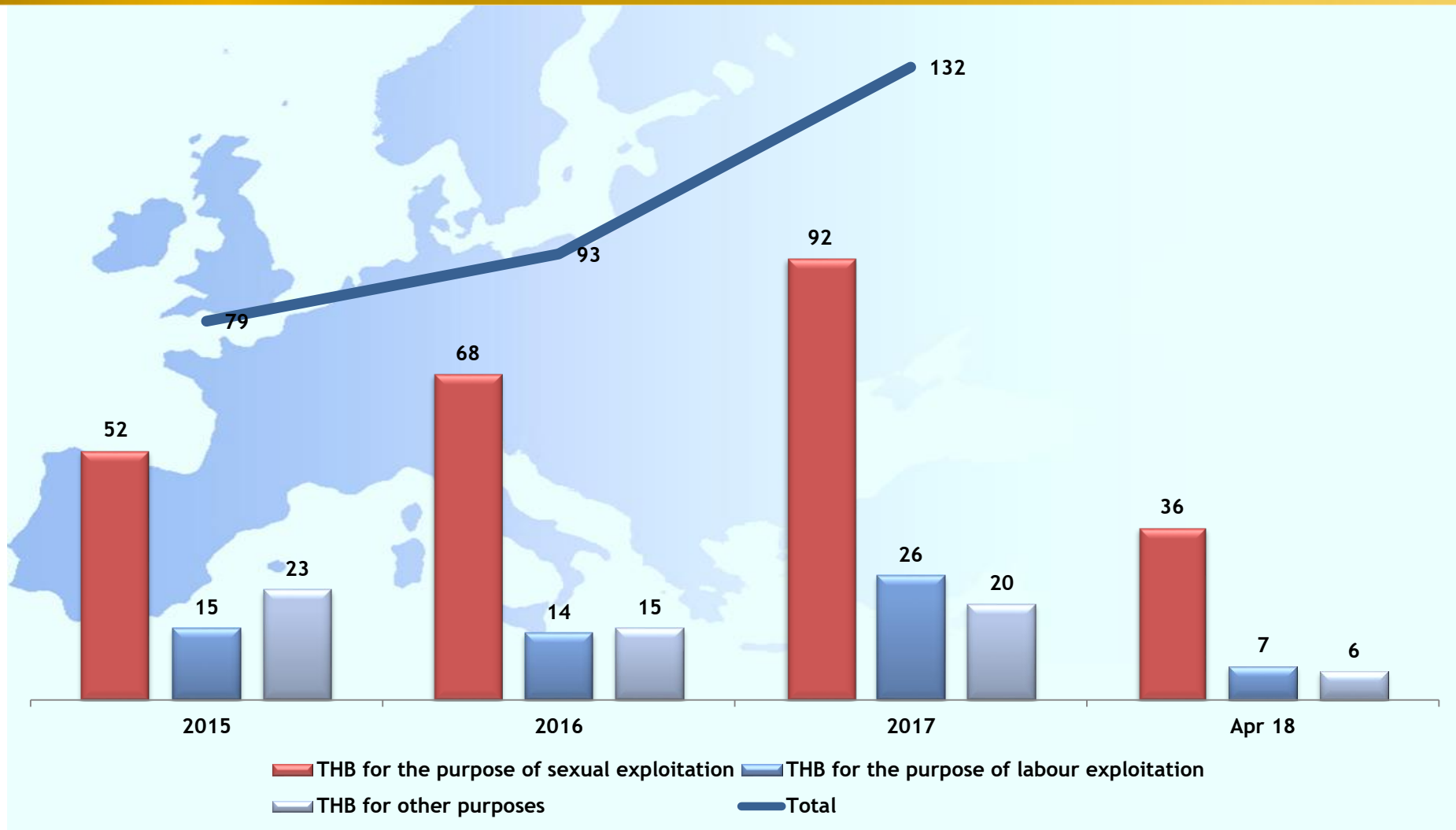
Statistics produced with data retrieved from CMS on 20 December 2017.
 Due to the ongoing nature of cases the figures may change after the reporting date.

Statistical overview of THB cases

Year	THB
Registered cases	
2016	93
2017	132
2018 (until 30 April)	49
Coordination Meetings/Coordination Centres	
2016	33 CMs, 0 CC
2017	57 CMs, 0 CC
2018 (until 30 April)	12 CMs, 0 CC
Joint Investigation Teams	
2016	19 JITs signed (6 still active, 13 closed)*
2017	27 JITs signed (22 still active, 5 closed)*
2018 (until 30 April)	7 JITs signed (7 still active)*

* JIT status on 01 May 2018

Total number of THB cases



The facts (case A)



OCG (THB) active in two Member States (A and B)

Victims from “A” trafficked to “B” for sexual exploitation

Parallel investigations “A” (recruitment, transport) and “B”(exploitation)

Suspects and victims - “A” nationals, lover boy method

Eurojust’s assistance

Judicial cooperation/JIT

Financial investigation

The facts (case B)



OCG (fiscal crime)

Damage exceeding 25.000.000 EUR

Need for urgent intervention/seizure of assets

Eurojust's involvement

Legal issues

Financial Investigations/Challenges

- Legal e.g.
 - Bank secrecy
 - Lengthy MLA procedures
 - Lacking legal basis in cross border cooperation
- Practical e.g.
 - Cash transfers
 - Lacking resources
 - Swift transfers of money, hence problematic seizures

**EUROJUST
STRATEGIC PROJECT ON THB**



The project aims and findings

- Improved judicial cooperation
- Increased prosecutions THB
- Enhance Eurojust's involvement

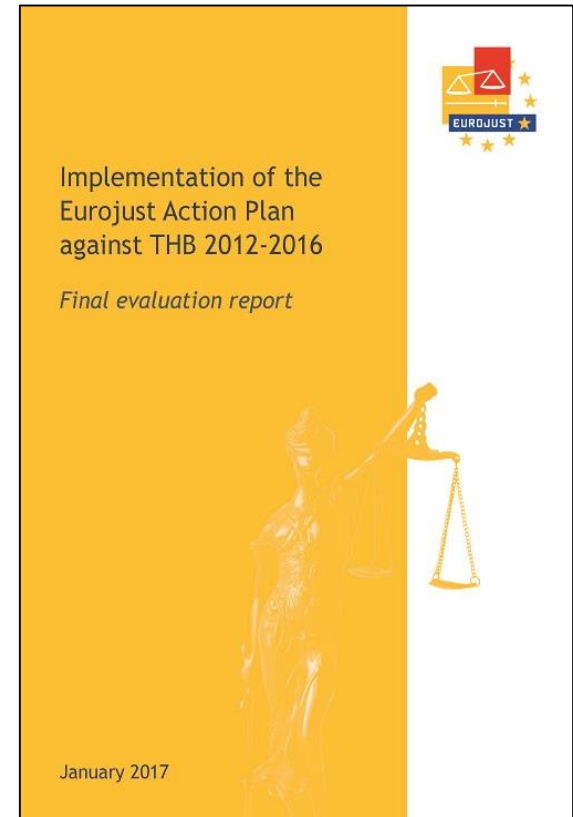
Evidentiary difficulties

Identification of cases and victims

Multilateral dimension of THB

Lack of knowledge and experience

Asset recovery is problematic



Background

- 2012: [Strategic Project on Eurojust's Action against Trafficking in Human Beings](#) – identified and proposed solutions to the main challenges stemming from the investigation and prosecution of THB cases from a judicial cooperation perspective
- 2014: [Mid-term Report](#) – covering the period 2012-2013
- 2015: [EJ Strategic Meeting on THB](#)
- 2015: [Report on prosecuting THB for labour exploitation](#)
- 2017: [Implementation of the Eurojust Action Plan against THB 2012-2016 Final evaluation report](#) - completion of the project

Priority Areas

1. Exchange of information
2. Increase number of detections and joint investigations and prosecutions
3. Training and expertise in THB
4. Cooperation with third states
5. Alternative approaches (multidisciplinary)
6. **Financial investigations (asset recovery)**

Main tools to address the problems

Eurojust:

- Improves judicial cooperation
- Coordination meetings
- Coordination centers
- Role in conflicts of jurisdiction
- Cooperation with third States

Europol:

- Exchange of information
- Operational support
- Strategic analytical support
- Emerging trends in THB
- Better understand and investigate THB

JITs:

- Suitable and useful tools for effective investigations and prosecutions;
- Offer solutions for addressing the lack of financial resources needed to proceed with the investigations

Main findings

- Complexity of THB cases is the main obstacle to the successful repression of THB;
- Judicial cooperation is of added value in dismantling THB networks;
- Eurojust plays a crucial role in facilitating cross-border judicial cooperation;
- Practitioners have now a better understanding of THB specifics;
- Number of coordination meetings and JITs (including 3rd countries) reflect a higher level of coordination;
- National authorities are willing and available to cooperate on a higher level with the assistance of Eurojust;
- Cooperation between Europol and Eurojust on THB has expanded by improving the flow of information and increasing shared casework;
- **Importance of financial investigations and assets recovery**

Thank you for your attention!

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