



EuroMed Justice Programme

TOPIC 1: INITIATION TO AND TRAINING IN COOPERATION AND INTERNATIONAL JUDICIAL MUTUAL ASSISTANCE IN CRIMINAL MATTERS

**Seminar 1: International Judicial Cooperation:
nature and standards ruling this cooperation**

PROGRAMME

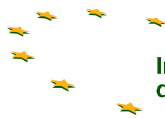
Lisbon, 10- 13 May 2005

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European Commission (EC)
MEDA Programme

Programme Management Unit:



**Institut Européen
d'Administration Publique – Centre Européen des Régions (IEAP-CER)**

**European Institute
of Public Administration – European Centre for the Regions (EIPA-ECR)**

INTRODUCTION and GENERAL INFORMATION

Presentation of the Programme

This Regional Cooperation Programme in the field of Justice and Home Affairs (EuroMed Justice Programme) for the Mediterranean partners falls under Chapter 1 of the Barcelona Declaration of November 1995. This programme represents among others a significant step towards creating an area of peace and stability in the Euro-Mediterranean region. The EuroMed Justice Programme has an overall objective of creating an inter-professional community of magistrates, lawyers and court registrars in the framework of an open and modern justice service, strengthening the rule of law and the effective implementation of Human Rights.

The programme's main objectives are to encourage the exchange of experience, knowledge and good practices and to set up a Euro-Mediterranean network in the field of judicial cooperation.

Seminar

The current seminar on 'International judicial cooperation: nature and standards ruling this cooperation', is the first of four seminars falling under the first topic of the Euro-Med Justice Programme on 'Initiation to and training in cooperation and international judicial mutual assistance in criminal matters'. During this seminar, participants will work on the foundations of the international judicial cooperation in criminal matters, they will analyse the training activities in each country and they will discuss in open debates and working groups the ways to improve this cooperation among EU Member States and Mediterranean partners.

Participants

The participants should be judges, magistrates, court registrars, lawyers, training officers and any other practitioner of the legal professions of the 10 Mediterranean partners and of the EU Member States.

Working methods

The seminar will combine plenary sessions and parallel working group sessions.

Considering the high profile of the participants, Mediterranean partners are invited to play an active role in the development of the seminar and will, among others, present the situation in their respective countries as well as the new developments in this field. We would welcome that, after attending the seminar, participants disseminate the outputs of the seminar through their professional network in order to increase the impact of the seminar.

It will also include case studies, where officials from the EU Member States and Mediterranean partners will share and discuss their experiences in the areas covered by the seminar. During the last day, participants will make an evaluation of the

seminar. Moreover, a final declaration will be read and approved at the end of the seminar.

The chairperson in every session will introduce the speaker and conduct the debate.

The role of the “rapporteurs” of the working groups is to follow closely the discussion and report on the results of their working group at the plenary session on the fourth day.

Basic Documentation provided to participants

The following documents will be distributed to participants on a CD-ROM at the beginning of the seminar:

- Final Declaration of the Opening Regional Conference of the EuroMed Justice Programme from the 20th of December 2004 in Brussels and Minutes of the Conference;
- Relevant United Nations' Conventions on the topic (EN-FR);
- Council of Europe relevant conventions (EN-FR);
- Euro-Med Association agreements;
- Relevant documentation produced by the European Union: conventions, White papers, recommendations, etc.
- Relevant web pages, etc.

Working Languages

The seminar will be held in English, French and Arabic, with simultaneous interpretation during the working sessions.

Venue of the seminar:

Instituto Superior da Policia Judiciaria
e Ciências Criminais
(Higher Institute of the Judiciary
Police and Criminal Sciences)
Quinta do Bom Sucesso
Barro
2670-345 Loures (Lisbon)

Programme organisation:

European Institute of Public
Administration - European Centre for
the Regions (EIPA-ECR)
Girona 20
08010 Barcelona (ES)
Tel.: +34.93.5672400
Fax: +34.93.5672399

PROGRAMME

Tuesday 10 May 2005

09.00 **Arrival of the participants and registration**

09.15 **Opening of the seminar**

Anna ABARIOTOU, Operations manager, DG EuropeAid Cooperation Office, European Commission, Brussels (BE)

Political speech:

- *Alberto COSTA*, Minister of Justice of Portugal, Lisbon (PT)
- *José SANTOS PAIS*, Director of the Bureau for International and Cooperation Affairs, Ministry of Justice, Lisbon (PT)

09.30 **Introduction: Presentation of the Topic: International Judicial Cooperation in criminal matters, overall presentation of the topic**

Eduardo SÁNCHEZ MONJO, Director of the EuroMed Justice Programme; Director, European Institute of Public Administration - European Centre for the Regions (EIPA-ECR), Barcelona (ES)

Self Presentation of participants

09.55 **Presentation of the seminar about the nature and the standards ruling the international judicial cooperation in criminal matters**

Manuel de ALMEIDA PEREIRA, Coordinator of the EuroMed Justice Programme, European Institute of Public Administration - European Centre for the Regions, Barcelona (ES)

Presentation of the situation in two MEDA Partners

2 MEDA Partners should present the situation related to this topic in their country (*Hülya CETIN*, judge, Turkish Ministry of Justice, and *Mohamed BENALILOU*, judge, Ministry of Justice of Morocco)

11.00 **Break**

11.30 **Foundations of the International Judicial Cooperation in Criminal matters: Historical background, ruling principles and standards.**

Chair: *Yuval Z SASSON*, Senior assistant to the State Attorney, Ministry of Justice from Israel, Tel Aviv (IL)

Speaker: *Nuno PIÇARRA*, Professor of the “Universidade Nova” of Lisbon – Faculty of Law, Lisbon (PT)

12.30 **Open debate**

- 13.00 Lunch**
- 14.30 The European approach - Part I: from bilateral agreements to the Council of Europe and United Nations' roles.**
- Chair: *José Adriano SOUTO MOURA*, Republic's General Public Prosecutor of Portugal, Lisbon (PT)
- Speaker: *Juan Carlos DA SILVA OCHOA*, Expert appointed by the Council of Europe, Bilbao (ES)
- 15.30 Break**
- 16.00 Open Debate**
- 17.00 End of the day**
- 20.00 Dinner offered by the Portuguese Ministry of Justice with the presence of the Deputy Secretary of State of Justice, Mr. Conde Rodrigues.**

Wednesday 11 May 2005

- 09.00 The European approach – Part II: The European Union**
- Chair: *João RATO*, Deputy Director of the Training School for Magistrates in Portugal, Lisbon (PT)
- Speaker: *Claudia GUALTIERI*, European Commission, DG Justice, Freedom and Security, Brussels (BE)
- 09.45 Presentation of existing operational tools to facilitate mutual judicial cooperation in criminal matters inside the European Union.**
- Chair: *Jamal HAROUN*, judge of Jordan, Amman (HKJ)
- Speaker: *Ana GALLEGO*, Deputy Director of the Bureau of International Judicial Cooperation, Spanish Ministry of Justice, Madrid (ES).
- 10.30 Open Debate**
- 11.00 Break**
- 11.30 Training of magistrates in international judicial cooperation in criminal matters**
- Chair: *Esin ÖZBILGIN*, Judge, Ministry of Justice of Turkey, Ankara (TR)
- Speakers:
- *Luis PEREIRA*, Deputy General Prosecutor, Trainer from Training School of Magistrates in Portugal, Lisbon, (PT)

- *Mohamed Idrissi AMRAOUI*, Director of the Superior School of Magistrates (*École Supérieure de la Magistrature*), Rabat (MA)

12.15 **Each Mediterranean delegation will present the situation in its country related to the training of magistrates in this topic.**

13.00 **Lunch**

14.30 **Working Group:** presentation of each country's internal judicial system as well as political organisation in order to provide a proper answer to international needs in this field. Exchange of points of view and debate.

This working group will be divided into 4 groups. Each working group will designate a "rapporteur" that will present the conclusions at the plenary session.

Chair: *Carla BOTELHO*, Ministry of Justice, Lisbon (PT)

17.00 **End of the day**

Thursday 12 May 2005

09.00 **The Mediterranean partners' approach to the International Judicial Cooperation in criminal matters.**

Chair: *António Henriques GASPAR*, Magistrate of the Portuguese Supreme Court

Speaker: *Esin ÖZBILGIN*

10.00 **Open Debate**

11.00 **Break**

11.30 **The individual as subject of International Cooperation in criminal matters.**

Chair: *Bouraoui BEN ABDLAHFIDH*, Councillor at the Administrative Court, Ministry of Justice of Tunisia, Tunis (TN)

Speaker: *José Luis LOPES DA MOTA* from Eurojust, Portuguese delegate in this organisation, Lisbon (PT)

Presentation (15 minutes) of the Website of the European Judicial Network (EJN) by *Rosa Maria ROCHA*, Deputy Public Prosecutor and Coordinator of the Penal Department of the GRIEC, Lisbon (PT)

12.30 **Open debate**

13.00 **Lunch**

14.30 Working Group: How to improve international judicial cooperation between European Member States and the Mediterranean partners: identification of existing problems and ways to overpass them.

This working group will be divided into 4 groups. Each working group will designate a “rapporteur” that will present the conclusions at the plenary session.

Chair: *Carla BOTELHO*

17.00 End of the day

Friday 13 May 2005

09.00 The future of international cooperation in criminal matters in the framework of the EuroMed cooperation

Chair: *Teodósio JACINTO*, Deputy Attorney General, Director of the Superior Institute of the Judiciary Police and Criminal Sciences (ISPJCC – *Instituto Superior da Policia Judiciária e Ciências Criminais*) – Host Institution of the Seminar, Lisbon (PT)

Speaker: *António VITORINO*, former EC Commissioner in charge of JHA, Lisbon (PT)

A round table will follow Mr Vitorino’s presentation. This round table will be composed of experts from the Portuguese Cassation Court (*Varges GOMES*), from the Turkish Ministry of Justice (*Esin ÖZBILGIN*) and from the Moroccan *Ecole Supérieure de la Magistrature* (*Mohamed Idrissi AMRAOUI*).

10.00 Open Debate

11.00 Break

11.30 Presentation of the working groups’ conclusions and general discussion.

Chair: *Manuel de ALMEIDA PEREIRA*

13.00 Lunch

14.30 Final reflections/ new developments on how to improve cooperation tools.

Chair: *Teresa ALVES MARTINS*, Deputy Director of the Bureau for International and Cooperation Affairs of the Ministry of Justice (GRIEC), Lisbon (PT)

15.30 Final Declaration

Eduardo SÁNCHEZ MONJO

16.00 Closing of the Seminar

Eduardo SÁNCHEZ MONJO

Saturday 14 May 2005

09.00 Study visit to the Anti-Terrorism Special Operations Force of the Portuguese Police (GOE). There will be a practical demonstration.

13.00 Lunch

14.30 Sightseeing tour through Lisbon

17.30 End of the day

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LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

ALGÉRIE/ ALGERIA

Ahmed MEDJATI
Juge
Président de la Cour de Mostaganem

Benali EL BEY
Procureur général
Cour de Tebasse

EGYPT/ ÉGYPTTE

Hany Hanna SEDRA AZER
Vice President Supreme Court
Ministry of Justice

Mohamed KHALIFA
District Attorney
Member of the International and Cultural
Cooperation Department
Ministry of Justice

ISRAEL/ ISRAËL

Miri SHARON
Head of the Department for International
Agreements and International Litigation,
Ministry of Justice

Yuval Z SASSON
Senior assistant to the State Attorney
Ministry of Justice

JORDAN/ JORDANIE

Eiad HAWATMEH
Judge

Jamal HAROUN
Judge

LEBANON/ LIBAN

Omar NATOUR
Judge and Director General of the
Ministry of Justice

Nassib ELIA
Judge of the District Court of Mont-Liban
Ministry of Justice

MAROC/ MOROCCO

Mohamed BENALILOU
Juge attaché aux services centraux du
Ministère de la Justice – Direction des
affaires pénales et des grâces

Ahmed CHMARKH
Avocat général
Ministère de la Justice

PALESTINIAN AUTHORITY / AUTORITÉ PALESTINIENNE

Paulette GHANEM
Judge of First Instance at the Court of
Jericho

Thuraya AL WAZIR
Judge at the Court of Gaza

SYRIA/ SYRIE

Jawdat NABOUTI
Director of the legislation's Department
of the Ministry of Justice, Vice President
of the Cassation's Court and Member of
the Council of Justice

Ali DIB
Judge
Counselor and Member of the Cassation's
Court.

TUNISIE/TUNISIA

Bouraoui BEN ABDLHAFIDH
Conseiller au tribunal administratif
Directeur de la coopération internationale
Ministère de la Justice

Elyes ATTIA
Procureur de la République
Tribunal de première instance de Ben
Arous

TURKEY/ TURQUIE

Hulya ÇETIN
Judge in the General Directorate for the
European Union Affairs of the Ministry
of Justice

Abdullah Ayhan SAN
Public Prosecutor in Ankara

FRANCE

Brigitte MAURIN
Adjointe au chef du bureau de la coopération
Service des affaires européennes et internationales
Ministère de la Justice

SPEAKERS/ ORATEURS

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École Supérieure de la Magistrature
Maroc

Juan Carlos DA SILVA OCHOA
Magistrate
Council of Europe
Spain

Ana GALLEGO
Deputy Director of International Judicial Cooperation
Ministry of Justice
Spain

Claudia GUALTIERI
DG Justice, Freedom and Security
European Commission
Brussels

José Luis LOPES DE MOTA
Portuguese Delegate at EUROJUST
Portugal

Esin ÖZBILGIN
Judge
Ministry of Justice
Turkey

Luis PEREIRA
Deputy General Prosecutor
Centre for Judicial Studies
Portugal

Nuno PIÇARRA
University Professor
Universidade Nova de Lisboa
Portugal

Antonio VITORINO
Ex-commissioner of DG Justice and Home Affairs of the European Commission
Portugal

**EUROPEAN COMMISSION/
COMMISSION EUROPÉENNE**

Anna ABARIOTOU
DG EuropeAid Cooperation Office
Principal Administrator
European Commission
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