



Two different approaches to Joint Investigation Teams

Experience and lessons learned

Mariana Lilova
National Member for Bulgaria

Why Joint Investigation Teams



- The need to coordinate cross-border investigation;
- To avoid the so called normal and slowly mutual legal assistance;
- To improve exchange of information;
- To speed up the investigations;
- To share experience and enhance a mutual trust.

What is a JIT ?



- Special form of cross-border legal assistance fixed by a treaty or agreement between the judicial or police authorities of at least two states
- There is no need of MLA requests between the signing states in this special case - the case and scope of the investigations have to be clarified
- Signing authorities can exchange information and evidence on this case directly

Legal basis of the JIT



- Art.13 EU Convention on MLA in criminal matters between EU Member States /29 May 2000/
- Council Framework Decision of 13 June 2002 concerning JITs
- Art.20 Second Additional protocol to the European Convention on MLA in criminal matters to investigate or prosecute specific acts
- Council resolution of February 26th, 2010 on a model agreement for setting up a JIT (OJ C70/1 19.03.2010)

Bulgarian experience



- Within the period of 1 year 4 JITs were considered through Eurojust
 - 1 JIT was successfully finalized and an indictment was submitted to the Court
 - 3 JITs are ongoing.
 - Europol and Eurojust together are parties in one JIT
 - Eurojust is a party in another one
 - Fast exchange of information, consideration on the legal base is being ensured and investigative activities were planned together in a short timeframe

French-Bulgarian JIT and Eurojust/ Europol support



- In 2008 French police has found out criminal activities on French territory of an organized criminal group involving several Bulgarian citizens.
- Europol has been asked to provide the French police and prosecution authorities with analytical information concerning the international dimension of that criminal network – how long and where the criminal organization has carried out criminal offences of the type concerned/skimming/.
- With a close cooperation of the Bulgarian police it was found out that the Bulgarian citizens are in Bulgaria by the time being and money laundering activities on the Bulgarian territory were detected.

French-Bulgarian JIT and Eurojust - Europol support



- The French desk at Eurojust registered the case towards several EU MS and asked the Bulgarian desk for a level 2 meeting.
- The questions on MLA facilitation, possible execution of EAW against the Bulgarian citizens were discussed. The competent Bulgarian prosecutor's office was identified, the MLA request was respectively transmitted and its execution was ordered. The presence of French officials was asked to be permitted during the MLA execution in Bulgaria.
- Immediately after the execution of the requested seizures in Bulgaria EAW procedures were launched and the suspects were arrested. There was enough evidence found to launch an investigation in Bulgaria on money laundering as well as for charging the suspects with money laundering under the Bulgarian case. The operation was provided with the technical support of Europol.

French-Bulgarian JIT and Eurojust



- Meanwhile the French authorities found out that 2 Bulgarian citizens have been sentenced in two of EU countries involved for some of offences committed in their territory. At the same time the French authorities after the consultation with the French desk at Eurojust recognized the need to establish a JIT with the Bulgarian authorities.
- The idea was consulted with the Bulgarian desk at Eurojust and a coordination meeting level 3 was scheduled at Eurojust in order to discuss the frame of the future JIT.
- During the level 3 meeting information on the state of play of the French and Bulgarian investigations was exchanged and the text of the draft JIT agreement was discussed and agreed. The draft was sent to the French MoJ as far as the provisional principal approval was needed. After the provisional approval the next meeting was organized in Bulgaria and the agreement was signed by the competent French and Bulgarian authorities. Under the JIT agreement FR and BG authorities collected and analyzed evidence and planned the future activities.



French-Bulgarian JIT and Eurojust

- Before being surrendered to France the suspects were charged also under the BG investigation with money laundering. For the need of confiscation provided by the Bulgarian Penal Code the BG authorities took the necessary measures for freezing property and assets of the suspects in Bulgaria
- 4 Annexes to the initial JIT agreement were consulted and exchanged through Eurojust, as well as additional consultations, information on the case and additional request for surrender.

Conclusions on the case by now



- Fast exchange of evidence without MLA requests
- Permanent consultation due to the presence of French /Bulgarian prosecutors at Eurojust at the same time and place
- Flexible use of procedural terms on both French and Bulgarian investigations
- Technical support by Europol even if not mentioned further in the JIT agreement
- Gathering evidence in a relatively short time
- Logistical and financial support from Eurojust

SPANISH / BULGARIAN JIT



- Forged euro banknotes were apprehended in Spain.
- Their origin was traced to Bulgaria.
- Spain registered a case in Eurojust.
- It turned out that Bulgarian authorities are already investigating an OCG producing those same forged euro banknotes.





Establishment the JIT

- With the assistance of Europol and Eurojust a mutual decision was reached for the establishment of a Spanish/Bulgarian JIT.
- Primary objectives:
 - Locating the printer KONICA MINOLTA, model "bizhub" C252P, serial No. 206701067. Tracing the BITMAP code of EUA0100 P00013.
 - Finding the print-shop for offset printing of banknotes EUA0200 P00001, EUA0100 P00013.
 - Revealing and gathering evidence for the criminal activity of the OCG and its dismantling.

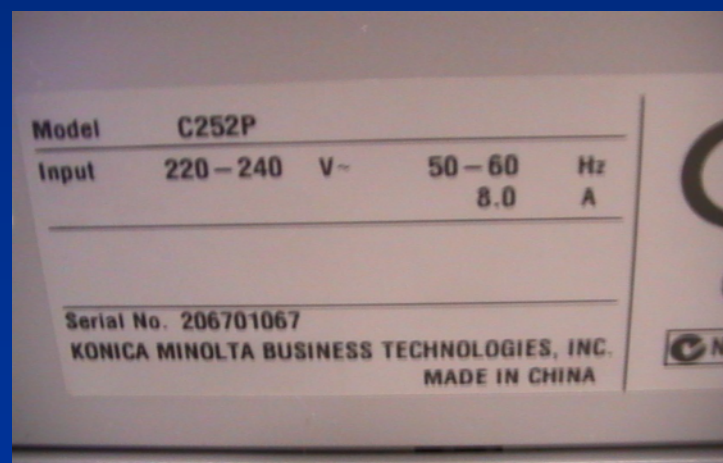
Methods of investigation:



- Listing the members of the OCG in both states.
 - Creating circumstances for infiltration into the OCG and usage of undercover officers and special intelligence means.
 - Verification of the incoming information.
 - Information exchange within the JIT and coordinated teamwork.
 - Analysis of the incoming information from the investigation under the supervision of the Prosecutor's Offices in both states.
-

Realization:

- On 24.06.2009 a decision in the JIT for neutralization of the OCG was taken
- The realization was made on 24 and 25.06.2009 in Bulgaria and Spain.
- Arrests were made in both states.
In Bulgaria 17 persons were arrested, two of whom -officials from the Ministry of Interior.

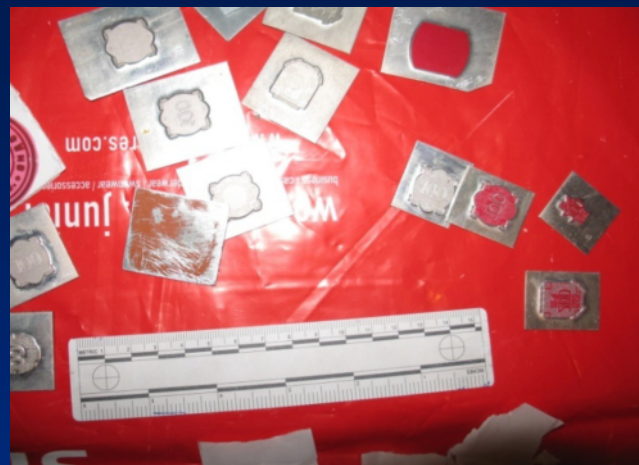


In Bulgaria the following banknotes were seized:

- Forged euro banknotes with face value *500*, **160 000** in total;
- Forged euro banknotes with face value *200*, **5 000** in total;
- Forged euro banknotes with face value *100*, **320 000** in total;
- Many printing plates for forged euro banknotes with face value *100* and *200*.



- Many sheets of paper with images of banknotes with different face value in various making phases/ cutting, putting hologram signs, printing serial numbers on the banknotes/.
- Paper and foil for forged money were seized.
- The actions in Spain gave equally good results – 3 house searches were made, 5 people arrested and 12 000 Euro were seized.



Printingshop:





Conclusion:



- The establishment of the JIT, facilitated by Eurojust and Europol, working in both EU member states simultaneously, gave the opportunity to dismantle the OCG having its criminal activities across borders.
- Only the joint work and efforts of the law enforcement on international level and close cooperation at the judicial level can oppose the increased growth of OCGs acting worldwide.
- The JIT is one of the most advanced tools that can be used from the law enforcement units, providing speed for the investigation and firm evidences that can be used by the partners in the JIT.
- Eurojust has the means to facilitate and fund JITs thus to help the proactive investigation of international OCGs

Two different approaches and added value



- The considerations of JIT establishment started at different stages of investigations
- Although the idea for establishment of the JITs was initiated from different authorities, the outcome was positive in both cases-the criminal groups were dismantled and an evidence admissible in all the countries-participating in the JITs was gathered
- There were no problems neither with the leadership, nor with the media, because the information was given to them in the frame of limits which were “healthy” for the investigations

Added value

Earlier involvement of Europol and Eurojust in the JIT establishment

- Can ensure **close contacts between the competent national law enforcement and judicial authorities,**
- Can contribute to **avoiding possible conflicts of jurisdictions**
- **Can provide the investigations with better results**

JITs can be considered as useful **tool for establishing a team work spirit and mutual trust**

*Let's work together and
be positive*

Thank you for your
attention

