

Practical challenges facing international cooperation in THB cases Romanian context

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I. Overview of the applicable legal framework on international judicial cooperation in cases of trafficking in human beings;

II. Case studies (3).

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (1):

1. Law no. 302/2004 on international judicial cooperation in criminal matters;
2. International Conventions and Treaties to which Romania is a party (e.g. Convention against Transnational Organised Crime, United Nations, 2000; The Protocol to Prevent, Suppress and Punish Trafficking in Person);
3. European legal framework (e.g. Council of Europe Convention on Measures against THB of 2005; Directive 2011/36/EU on preventing and combating THB).

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (2):

- Law no. 302/2004 on international judicial cooperation in criminal matters:
 - *the preeminence of international law (priority application);*
 - *when a matter is not regulated by international legislation, domestic law is applicable;*
 - *applies to all types of criminal offences;*
 - *applies only for serious criminal offences;*
- Law no. 302/2004 on international judicial cooperation in criminal matters:
 - *European investigation order;*
 - *Joint investigation teams;*
 - *European arrest warrant;*
 - *International rogatory commission;*
 - extradition;
 - transfer of proceedings;
 - recognition and enforcement of judgments;
 - transfer of convicted persons;
 - other forms of international judicial cooperation.

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (3):

The most used forms of international judicial cooperation in solving cases of THB are:

- *European investigation order (EIO);*
- *Joint investigation teams (JIT);*
- *European arrest warrant (EAW);*
- *International rogatory commission (rogatory letter);*

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (4):

European investigation order:

- a judicial decision issued or validated by a judicial authority of a Member State, for the purpose of carrying out one or more specific investigative measures in another Member State, in order to obtain evidence or to transmit evidence that is already in the possession of the competent authority of the executing state;
- includes any investigative measure, except for the establishment of a JIT and the gathering of evidence in a JIT;
- the 30-day execution period may be extended up to 90 days;
- does not apply in relation to Denmark and Ireland.

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (5):

International Rogatory Commission:

- represents a formal request submitted by a judicial authority of a state (called the Requesting State) to the judicial authority of another state (called the Requested State), for the latter to carry out certain judicial activities in its territory, but on behalf of the Requesting State, and which are necessary in the settlement of a criminal case before the judicial authorities of the Requesting State;

- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, adopted in 2000 and the European Convention on Mutual Assistance in Criminal Matters, adopted in 1959, Strasbourg;

- United Nations Convention against Transnational Organized Crime (Art. 18) and its First Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (6):

Joint investigation teams:

- represent a commitment/contract concluded between two or more competent judicial authorities to establish a JIT, with limited duration and targeted purpose, in order to perform certain acts of investigation/pursuit in one or more of the signatory states of the JIT.

- EU Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, adopted in 2000 (Art. 13); the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, adopted in 1959, Strasbourg (Art. 20); the Council Framework Decision 2002/465 on Joint Investigation Teams, and the Regulation 2018/1727 setting up Eurojust (Art. 4 pct.2 lit. f).

- United Nations Convention against Transnational Organized Crime and its First Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Articles 19, 20).

I. Overview of the applicable legal framework on international judicial cooperation in THB cases (7):

European arrest warrant:

- represents a judicial decision through which a competent judicial authority of an EU Member State requests the arrest and surrender of a person by another Member State, for the purpose of prosecution, trial or execution of a custodial sentence or a measure involving deprivation of liberty;

- Framework Decision 2002/584 of the Council of the European Union.

II. Case studies (1):

The criminal activity:

- an organised crime group consisting of Romanian and Moldovan citizens;
- Romanian women victims recruited with promises of well-paid housekeeping jobs in Germany;
- the victims were transported by personal cars through Ukraine and Poland;
- along their way to the final destination, respectively Dresden – Germany, the victims were sheltered in two locations, respectively in Lviv – Ukraine, and Krakow – Poland;
- once arrived at destination, the women were raped, and then forced into prostitution in various clubs in Dresden, Germany;
- the traffickers invested a significant amounts of money they obtained from the exploitation of the victims in the purchase of movable and immovable property in Romania and Germany.

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II. Case studies (1):

The international judicial cooperation forms used:

- joint investigation teams (Germany);
- European investigation order (Poland);
- rogatory letter (Ukraine);
- European arrest warrant (Germany).

II. Case studies (2):

The criminal activity:

- an organised crime group consisting of Romanian citizens;
- Romanian women victims (major and minor) recruited with false marriage promises (lover - boy method) and jobs promises in Italy (housekeepers or caregivers of the elderly);
- the money obtained from their exploitation was invested by the 8 defendants in movable property (jewellery and luxury cars) and real estate (houses) in Romania.

II. Case studies (2):

The international judicial cooperation forms used:

- Joint investigation teams (Italy);
- European arrest warrant (Italy, France);
- European investigation order (Italy).

II. Case studies (3):

The criminal activity:

- an organised crime group consisting of Romanian and Spanish citizens;
- Romanian women victims recruited with jobs promises in agriculture and housekeeping in Spain;
- the money obtained from their exploitation was invested by the 8 defendants in movable property (jewellery and luxury cars).

II. Case studies (3):

The international judicial cooperation forms used:

- European investigation order (Spain);
- Joint investigation teams (Spain);
- European arrest warrant (Spain).

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Thank you

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