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NOTE

from: Belgian delegation

to : Multidisciplinary Working Party on Organized Crime

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Subject: Usefulness of a telecommunications network for the future European Judicial
Network

Delegations will find attached a note from the Belgian delegation on the usefulness of a
telecommunications network for the future European Judicial Network.

Usefulness of a telecommunications network for the future European Judicial Network

The aim of this note is to present briefly the possible constituents of a telecommunications network, to show the advantages of such a network over more traditional methods of communication and to explain the use which could be made of it in carrying out the functions stipulated in Article 4 of the Proposal for a Joint Action.

1. Constituents of a telecommunications network

A telecommunications network could have two constituent parts:

- 1 - an e-mail system made secure by a closed (intranet) network which would connect the contact points with one another;
- 2 - a secure (intranet) central site, which would contain a number of types of relevant basic information (specified by Article 9 of the Proposal for a Joint Action), accessible to all national contact points and managed by a central body (the Council General Secretariat, pursuant to Article 8(3) of the Proposal for a Joint Action).

At the technical level, simple and relatively cheap solutions exist and similar experiments are now being carried out – within the European Union as well – which could provide a useful guide.

2. Possible content of a central information site

Article 9 of the Proposal for a Joint Action sets out in general terms the content of the information disseminated within the European Judicial Network, i.e.:

- 1 - details of the contact points with an explanation of their responsibilities at national level

Name of contact point	
Full address	
Means of telecommunication (telephone, fax, GSM, e-mail)	
Authority or service the contact point reports to	
Responsibilities at national level	

2 - the simplified list of the judicial authorities and a directory of local authorities

Local judicial authorities	Full details	Territorial jurisdiction (local authorities covered)	Higher judicial authority

3 - concise legal and practical information concerning the judicial and procedural systems

These might cover the following measures:

- interception and recording of telecommunications
- logging of telecommunications
- interception and recording of other forms of communication
- interception of mail
- other forms of observation
- infiltration
- body searches, intimate body searches, testing of physical samples
- psychiatric medical examination
- identity checks, judicial identity measures
- expert reports
- seizure
- house search
- inspection of the site of the crime
- calling and hearing of witnesses
- calling and questioning of the suspect
- confrontation (between suspect and witness)
- arrest
- remand in custody
- cross-border observation
- hot pursuit
- monitored delivery

It could contain the following information (interception of telecommunications is taken as an example):

Scope of the concept of interception of telecommunications	
authority responsible for authorizing the measure	
authority or service responsible for executing the measure	

essential requirements for implementation of the measure	
offences for which the measure may be used	
persons and places to which the measure may be applied	
formalities for the validity of the measure	
duration of the measure	
practical arrangements for execution of the measure	
exceptions to application of the measure	
possible investigation of the person who is or was the subject of the measure	
appeal by the person concerned against the measure	

3. Advantages of such a telecommunications network

3.1. E-mail

An e-mail system of the type recommended above presents advantages over traditional means of communication such as the telephone, fax or mail. These advantages are as follows:

- 1 - **maximum security of transmission** – an intranet network provides optimum security against any interception of telecommunications;
- 2 - **maximum security as regards identification of the correspondent and reception by the addressee** – in view of the possibilities of encoding and codes for sending and receiving messages, there is optimum security that the message is from the sender mentioned and that it will be received only by the addressee (no unauthorized access);
- 3 - **immediate transmission and immediate notification of transmission** – transmission is in real time, in a fraction of a second, without any intermediary, in written form; in addition, an audible warning enables the recipient to be alerted immediately when a message arrives;
- 4 - **possibility of immediate reaction** – same comments as for 3;
- 5 - **constantly available** – a message can be sent at any time and will be available for the addressee as soon as he is present at his work station.

3.2. *Central information site*

The existence of a database on a central site has the same advantages over more traditional ways of collecting information as e-mail: security, immediacy, constant availability. There is also a specific advantage:

- the *possibility of constant updating in real time* – the information consulted can be regarded by the user as the most reliable and up-to-date information.

4. **Usefulness of the telecommunications network for carrying out the functions of the contact points**

The flow chart overleaf shows how possible movements of information can be visualized between the various participants identified in Article 4 of the Proposal for a Joint Action. In this flow chart, 1, 2, 3 and 4 show a chronological relation, and a and b show alternatives. In summary form it works as follows:

- 1 - function of active intermediary: having been contacted by a local judicial authority which wishes to identify its correspondent or have a specific investigation measure carried out in another country of the European Union (1), the contact point could initially consult the central information site (2); then, depending on the degree of complexity of the request, the contact point could either inform the local judicial authority (3a) so that it can act itself (4a, 4b), on the basis of the information received, or, always depending on the nature of the request, send a message (for information and a request for a reply or more details) to the contact point of the Member State concerned (3b), or even make contact directly with the local authority of the latter State, to inform it of the request made by its own State's judicial authority. The telecommunications network would enable the number of contacts to be made with the foreign authority to be kept to the necessary minimum, insofar as all the preliminary information would be available on the central information site; moreover, it would enable all the useful interlocutors to be identified and contacted in the shortest possible time and in a structured manner.
- 2 - information function: the central information site would enable contact points to become immediately aware of the relevant information, in accordance with the requests made by the local judicial authorities, without any delay due to the need to contact foreign services, and without transmission delay.
- 3 - coordination of judicial cooperation: the telecommunications network has the same advantages with regard to this function, i.e. rapidity of identification of the authorities responsible, thanks mainly to the central site, and rapidity and security of messages sent by e-mail.