

Slovenia-Brdo near Kranj, 15th April 2011, Ministerial Conference
Opening of discussion on topic of the initiative for the Regional Arrest Warrant
Third Panel, First Part – “Regional and international co-operation”

Ladies and Gentlemen Ministers:

In preparation of this Conference you have received the document that contains an initiative of the Republic of Serbia related to joint work on text of the Convention on Regional Arrest Warrant.

I remind you that this initiative represents realization of conclusions contained in the Memorandum adopted at the Regional Ministerial Conference of Ministers of Justice, held in Belgrade on 3rd and 4th October 2010, especially those related to the need for stimulation of regional co-operation in struggle against organized crime and fostering of direct co-operation between police and judicial authorities.

The mentioned initiative also makes strong connection with the topic of this Conference related to seizure, keeping of evidences, freezing of assets gained by organized crime, since its joint implementation in the region would lead to necessary synergy in joint actions against organized crime, acting in the same time as prevention – by averting of potential perpetrators through their facing with possible consequences.

The future Regional Arrest Warrant would accomplish two important objectives.

The first is related to adoption and implementation of this instrument in imitation of the European Arrest Warrant, with all advantages and benefits it would bring, and which reflect in the following:

- The Regional Arrest Warrant would be a court decision issued by one country of the region with intention of arrest and surrender of person requested by another country of the region for prosecution or serving of imprisonment,
- territorial boundaries, where hiding of perpetrators of criminal offences would be denied would be extended to all countries in the region,
- principle of mutual recognition of judgments in criminal matters would be established in countries of the region as central principle and it would foster direct co-operation between judicial authorities in the region,
- Regional Arrest Warrant would replace instruments contained in Conventions with Additional Protocols, since it has been proved in practice that they lead to delay, complications and uncertainty – inefficient bringing to justice, especially due to possibility of excessive political interference (predominant role of power of executive authorities), which suits to crime and criminals who are using those circumstances to escape from justice,
- Regional Arrest Warrant would make relative the condition of dual punishability (by listing of criminal offences on which it will be applied), it would be related to criminal offences for which imprisonment of 3 or more years could be sentenced or on judgments with sentences of at least 4 months of imprisonment, it would reduce possibility of calling on political offences, it could be related to domestic citizens (under condition to be accepted by future member state of the Convention), it would define strict deadlines in each stage

of extradition and stipulate clear procedures, improving in that way the efficiency (objective- up to 45 days), but, all of these with accent on the need for the highest level of human rights respect (principle ne bis in idem” and legal assistance of lawyer, for example), as a balance to increased power given to police and judicial authorities.

The second objective that is practically following the first one is related to establishing of better confidence between countries of the region, and than between member states of EU and countries of the region.

In this way the law and improvement of judicial co-operation would become important factor to the countries of the region for faster process of European integrations.

The actual contested issues and problems in relations between certain countries in the region, as well as normative and administrative obstructions or limitations, should not impose a threat for acceptance of this initiative. I am convinced that all kinds of obstructions and existing tensions in the region could be eliminated and that satisfactory level of mutual confidence in judicial systems in the region will be achieved soon.

The Republic of Serbia shall do its best to contribute to it by its active role, especially in struggle against organized crime, as well with its strong will for stability and achievement of rights and freedoms of the highest level.

For all countries in the region which are not members of EU, adoption and implementation of the Regional Arrest Warrant would show strong determination for European integrations in area of criminal law and criminal procedure, as one segment, but very important one for all countries that have European integrations as strategic political objective.

The working team composed from experts of the Ministry of Justice and Police from the Republic of Serbia shall finish soon the work on the rough draft of the convention of the Regional Arrest Warrant and we shall be ready to offer it for your consideration, with the aim to continue the work in joint working team of experts at the regional level. Therefore, dear Ladies and Gentlemen Ministers, we expect and hope for your political support for the submitted initiative.

Belgrade, 13.04.2011.

VS

END OF TRANSLATION

Belgrade, 04.05.2011.

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I CERTIFY HEREWITH, that the above document is a true translation of the original which was submitted to me in Serbian language.

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