

**Statement by Mr. Luc Frieden, Minister of Justice of the Grand - Duchy of
Luxembourg
on behalf of the European Union
at the Eleventh Congress on Crime Prevention and Criminal Justice,
18-25 April 2005**

[Check against delivery]

Madam President/Mr President,

I have the honour to speak on behalf of the European Union. The Candidate Countries Bulgaria, Romania, Turkey and Croatia, as well as the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro and the Efta countries Iceland and Norway, members of the European Economic Area, associate themselves with this statement.

Madam President/Mr President, allow me first of all to thank the Thai Government for its excellent and warm welcome. I would also particularly like to thank the United Nations bodies for their work in preparing this Congress.

I am told that the discussions in both plenary sessions and the various workshops have been interesting and constructive.

These last few days of the Congress, the "Ministerial segment", should enable us to confirm the results achieved in the course of the discussions, which are reflected in a statement to which I would like to give my full support. They also give us the opportunity to reaffirm, for the public at large, our determination to prevent and to combat many forms of crime.

Since the last Congress held in Vienna in 2000, the world has faced clear criminal threats

of a great gravity to which all of us must respond.

Article 29 of the Treaty on European Union refers to the prevention and combating of crime, such as terrorism and corruption, among the objectives leading to the creation and preservation of a European area of freedom, security and justice.

The European Union regards it as particularly appropriate that the topics for discussion at this Congress include international cooperation against transnational organised crime and corruption.

Allow me to refer to Resolution 1373 of 28 September 2001, in which the Security Council notes the close connection between international transnational organised crime, illicit drugs, money-laundering, arms-trafficking, and illegal movement of nuclear, chemical and biological materials and international terrorism.

While respecting the rule of law, democracy and human rights, we must combat these blights through increased international cooperation. Such cooperation must be built at bilateral, regional and international levels.

The European Union is promoting compliance with recognised international standards, notably in the fight against organised crime, cyber crime, corruption, money laundering and terrorist financing in third countries.

The EU recognises the importance of the UN fora in this regard and supports the development of multilateral approaches to combat organised crime, working to ensure comprehensive ratification and implementation of international instruments, such as the UN Conventions against Transnational Organised Crime and Corruption, and the development of international standards and provisions developed in other fora such as the Council of Europe, G8, FATF, OSCE and OECD.

Concerning the practical co-operation, the European Commission and UNODC have

signed a formal exchange of letters to strengthen their co-ordination, co-operation and partnership on 18 January 2005 which shows the determination to strengthen the common efforts of both parties to combat organised crime and illicit drugs.

At the European regional level, the gradual development of the European Union's powers in the field of justice and home affairs has increased the quality and the number of instruments at our disposal. The Union has understood that it must forge ahead in matters of cooperation. Thus, it has adopted the European arrest warrant, which, between the Member States of the Union, replaces the traditional extradition procedure by a surrender procedure. Today, the surrender of a person takes on average 45 days between the Member States, instead of 9 months under the old extradition system.

The arrest warrant puts into effect the conclusions of the European Council which sanctioned the principle of the mutual recognition of judgments, which must become the cornerstone of judicial cooperation in criminal matters between the Member States of the Union.

The Framework Decision relating to the European arrest warrant and to surrender procedures between Member States is emblematic in several respects. Firstly, it confirms the movement towards depoliticisation of cooperation in criminal matters begun with the Convention implementing the Schengen Agreement. From now on, European arrest warrants will be issued and executed exclusively by magistrates, without political interference.

The double criminality requirement has been done away with where the acts justifying the issue of a European arrest warrant relate, under the legislation of the issuing State, to one of 32 serious offences (including terrorism, illicit trafficking in narcotics, corruption, laundering of the proceeds of crime, racism and xenophobia) set out in the Framework Decision and punishable in the State issuing the European arrest warrant by a term of imprisonment greater than 3 years.

The compromises arrived at in negotiating the Framework Decision establishing the European arrest warrant have facilitated the implementation of the mutual recognition programme. The Council has adopted or is adopting Framework Decisions giving concrete expression to the principle of mutual recognition with regard to decisions on the freezing of assets, the imposition of financial penalties and confiscation, and is working towards the creation of an evidence warrant similar to the European arrest warrant.

The implementation of the arrest warrant, as with the mutual recognition programme as a whole, requires, as the Union's Court of Justice has stressed, that

"Member States have mutual trust in their criminal justice systems and that each of them recognises the criminal law in force in the other Member States even when the outcome would be different if its own national law were applied".

This high degree of trust, which is the bedrock of the system of mutual recognition, explains why the EU Member States have been able to go further in co-operation amongst each other than with non-EU countries and have developed a number of co-operation instruments, like the aforementioned Framework Decision on the European arrest warrant, which are not open to third countries.

With regard to the other advances within the European Union, I would like to draw attention here to the setting up of Eurojust in 2002. This Unit, with a budget this year of EUR 13 million, is made up of prosecutors, magistrates or police officers of equivalent competence and seconded from each Member State in accordance with its legal system. It has the task of contributing to proper coordination between the national authorities responsible for prosecutions and assisting in investigations relating to organised crime cases. It has its headquarters in The Hague and coordinated over 380 serious cases last year.

The European Union is also trying to endeavour instruments that enhance the rights of victims and defendants as well as instruments that favour the prevention of crime. Thus,

the European Union has created the European Crime Prevention Network, which brings together practitioners active in the field of crime prevention of all Member States. The Union has adopted a Framework Decision on the standing of victims of crime and is currently elaborating a Framework Decision on procedural rights.

The Union has stepped up the fight against terrorism following the attacks in New York and Madrid. Currently, the Union is proceeding in particular on the basis of an Action Plan to combat terrorism which was adopted by the European Council in June 2004. This Action Plan contains around 200 measures to step up the fight against the terrorism which is a blight on us all; among these measures, the European Union fully supports those decided on under the aegis of the United Nations.

The European Union reaffirms once again its willingness to intensify its cooperation with all countries in the fight against terrorism. It has recently signed mutual assistance and extradition agreements with certain countries. In addition, it will take account in its relations with third countries of the efforts they are making in this area, and will continue to support them so as not only to combat terrorism, but also to remedy situations which may fuel it as well as to prevent them.

However, the internationalisation of terrorism shows that cooperation on a global level is also necessary. We attach great importance to the work of the United Nations in this area. The European Union welcomes the fact that the Final Declaration of this Congress calls on States which have not yet done so to sign and ratify the international instruments against terrorism.

The Union supports the work of the Counter-Terrorism Committee and will continue to encourage the conclusion of negotiations on the draft General Convention against Terrorism and welcomes the adoption of the draft Convention on the Suppression of Acts of Nuclear Terrorism.

Madam President/Mr President,

The fight against corruption has been another of the major topics dealt with at this Congress. Corruption constitutes a threat to economic development, democracy and international cooperation. In its Resolution 54/128 of 17 December 1999, the United Nations General Assembly took the view that corruption is a primary tool of organised crime in its efforts to subvert Governments and legitimate commerce.

The European Union has played a very active part in the negotiations for the United Nations Convention against Corruption. The Union has been very receptive to the demands of many countries and has contributed to the consensus which has emerged in the negotiation on the question of the recovery of assets.

I can inform you, Madam President/Mr President, that a large majority of the member countries of the European Union have already signed the Convention and are in the process of ratifying it. I would also like to emphasise that the European Union is already committed to taking an active part in the Conference of the States Parties, when it is convened, and to working with the United Nations in the implementation of the Convention.

Madam President/Mr President,

One of the seminars at the Congress has been very appropriately devoted to measures to combat computer-related crime. At the European level, the Union has adopted a number of decisions on Internet-related crime and supported the negotiations leading to the Convention on Cybercrime, adopted by the Council of Europe in 2001. However, the new communication technologies have created new challenges for criminal justice systems. Borders have become increasingly insignificant and national measures are correspondingly less and less effective. The European Union considers that the Council of Europe Convention is an adequate instrument which it would be beneficial for other States to accede to.

The UN Crime Prevention and Criminal Justice programme should make optimum use of the limited sources that it has. It should not, in our view, perform tasks that are successfully dealt with elsewhere in the UN-system. One could refer here to CITES and UNESCO.

The Member States of the Union recognise that their effective and fruitful cooperation in the fields of Criminal Justice could not have been realised or have developed to the present level if this process took place without giving priority to the quality of justice in the EU system. While ensuring that the legal systems of its members are of a high standard, the EU has adopted principles and conditions which seek to ensure that there is quality of justice in the legal systems also of candidate countries.

Allow me, Madam President/Mr President, in conclusion, to remind you of the importance the European Union attaches to combating economic and financial crime and money laundering. Fighting these forms of crime will also enable us to make progress in combating the financing of terrorism. We must continue to promote the ratification and implementation of the international instruments on this subject, along with the 40 Recommendations and 9 Special Recommendations against the financing of terrorism of the Financial Action Task Force on Money Laundering, as revised in October 2003.

Thank you.