



Dear reader,

I am pleased to present the third issue of Eurojust News. Following priorities set by the European Union, Eurojust's work focuses on the fight against terrorism, drug trafficking, trafficking in human beings, fraud, corruption, cybercrime, money laundering, and other activities related to the presence of organised crime groups in the economy.

This issue of the Eurojust News is concerned with the fight against drug trafficking. It illustrates some aspects of Eurojust's contribution to the struggle against a criminal activity that generates human suffering on a global scale. If you have any comments regarding this newsletter, please contact our Press & PR Service at info@eurojust.europa.eu.

Aled Williams, President of Eurojust

Drug trafficking

The movement of illegal drugs worldwide has increased in recent years, with the freedom of movement principle of the EU creating more opportunities for cross-border organised crime.



Worldwide, the UN Office for Drugs and Crime (UNODC) estimates that in 2009 between 172 million and 250 million people used illicit drugs. Of these it is estimated that between 18 million and 38 million people were dependent on drugs. For organised crime, the whole world is a single marketplace. As borders disappear or become unimportant, criminals are

taking advantage of globalisation. The four freedoms, which form part of the substantive law of the European Union, allow goods, capital, services and people to move freely. This freedom of movement has many positive elements, but criminal networks exploit that freedom to distribute their "merchandise" and to link up with other criminal organisations.

Drug trafficking is a common and unifying theme of much transnational organised crime. Both the smuggling of drugs into Europe and their production within the European Union continue to pose significant threats to its citizens.

To disrupt these criminal networks, a coordinated, integrated and transnational response is required. Eurojust is the forum where decisions to resolve possible conflicts of jurisdiction and to prosecute efficiently can be most effectively made.

Since 2003, in terms of number of cases, Eurojust has dealt with more drug trafficking than any other type of crime. The number of drug trafficking cases referred to Eurojust increased from, from 77 in 2004 to 230 in 2009, representing a three-fold increase.

In 2009, of the 230 cases registered at Eurojust concerning drug trafficking, Italy requested Eurojust's assistance most

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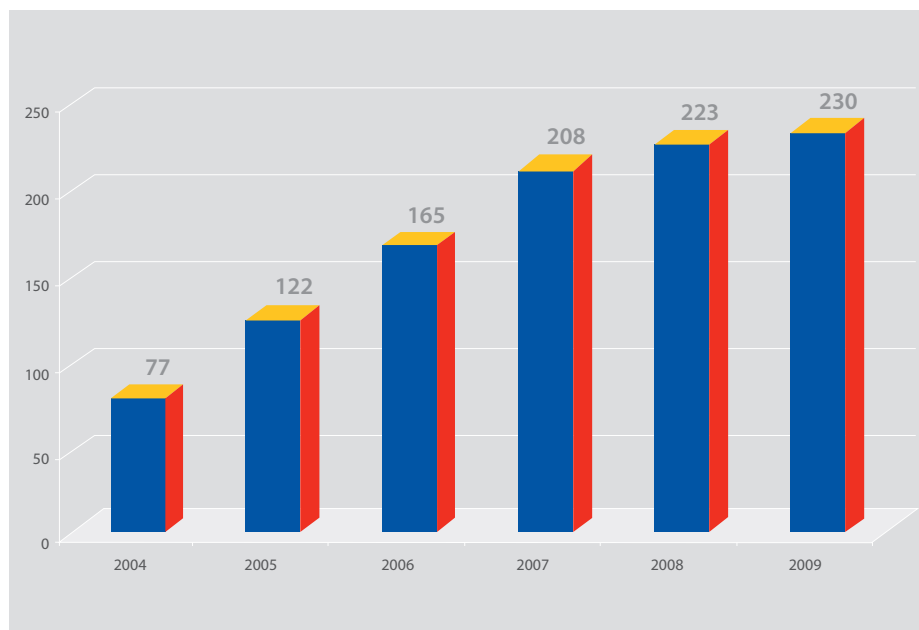
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frequently, with 30 cases; Spain was the country most frequently requested by other Member States, followed by the Netherlands and again Italy. Eurojust held 40 co-ordination meetings on drug trafficking cases in 2009, where decisions on cross-border investigations and prosecutions were made. Europol was invited to 6 of these meetings; and 13 meetings involved participants from third States (Colombia, Iceland, Norway, Switzerland, Turkey, the USA, Ukraine and Serbia).

Final figures for 2010 are not yet available, but preliminary figures show that drug trafficking remains the most frequent crime type at Eurojust (116 out of 681 cases registered in the first six months of 2010). In this same period, 15 of the 70 co-ordination meetings held were concerned with drug trafficking.



Number of drug trafficking cases addressed by Eurojust in the period 2004-2009 (source: Eurojust)

Legal obstacles

A purely national approach to combating organised crime is no longer sufficient; today we need to understand justice and the rule of law in ways that transcend borders. As with all crimes committed by criminal networks operating across borders, prosecution of drug trafficking cases frequently gives rise to jurisdictional

problems (with producers and distributors usually located in different countries and many significant seizures and arrests being made in the transit countries).

Controlled deliveries, joint investigation teams (JITs), and interceptions of communications are co-operation tools frequently used to fight drug trafficking. Problems can arise in us-

ing these tools because of differences in national law and practice. For example, controlled deliveries are subject in some Member States to judicial co-operation, in others to police co-operation, and yet in others to the co-operation of customs authorities.

In such cases, a requested Member State, whose system for controlled deliveries implies judicial co-operation, may not be able to comply with a police request. Eurojust provides solutions to difficulties of this type. It also draws on its daily casework experience to resolve difficulties caused by delay in implementing the 2000 EU Convention on Mutual Assistance in Criminal Matters.

Because drug cartels control such immense amounts of money, they have the power to influence politics and business at the highest levels, gaining control of entire regions. One of the most effective ways to weaken these criminal syndicates is to attack their finances. Eurojust works closely with its partners to strengthen existing crime control agreements and to promote stronger measures against money laundering.

Co-operation at European level

Eurojust works with the analyses provided by its law enforcement partner Europol to fight drug trafficking. Europol is empowered under Article 14 of its Decision to open

Drug trafficking is a common and unifying theme of much transnational organised crime.



Illegal drug lab: manufacturing of precursor chemicals (© Dutch National Public Prosecution Office)

analysis work files (AWFs). AWFs are repositories of data used for detailed analysis of specific crime areas, accessed under strict data protection guidelines. Europol has invited Eurojust to participate in three of its AWFs dealing with specific drug trafficking networks, as well as an AWF dealing with organised crime networks in relation to drug trafficking. Co-ordination between Eurojust and Europol has led to excellent strategic and operational successes in 2010: one operation concluded with the arrest and trial of more than 50 people; a second operation dismantled a criminal organisation of 100 people involved in cocaine trafficking. At a more strategic level, Eurojust is involved in the AWF which deals with the phenomenon of West African drug trafficking networks.

Joint Investigation Teams

Eurojust plays an important role in supporting Joint Investigation Teams (JITs), providing legal advice and ad-

ministering funding from the European Commission. Eurojust has run a pilot JIT Funding Project on "financial, logistical and administrative support to JITs with the establishment of a centre of expertise with a central contact point", which ends in 2010.

This support consists of two common types of expenses incurred in fighting cross-border crime: travel and accommodation costs for the JIT members, and translation and interpretation costs. Eurojust has also loaned equipment (laptops and BlackBerrys) to ensure communication and information exchange.

Eurojust considered 34 applications for financial and logistical support during the first JIT Funding Project. Applications included a request for support for a JIT to investigate drug trafficking from South America to Europe and laundering the proceeds by a criminal organisation. Eurojust approved the application and funding was made available. Another success-

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Police and experts investigating a drug lab (© Dutch National Public Prosecution Office)

Case example 1: Trafficking cocaine

When investigation showed a Colombian criminal organisation was trafficking cocaine, via Spain and France, to Italy, the *Direzione Antimafia* in Rome asked Eurojust to assist in the co-ordination of investigations in the three Member States, and two co-ordination meetings were held. One issue resolved was a potential conflict of jurisdiction.

After consideration of relevant factors, the participants agreed to transfer the case to the Italian authorities. The Italian investigations discovered that all persons arrested were linked to the same criminal organisation. It was discovered that the same route through France was used several times.

The case resulted in the arrest of 32 suspects and the seizure of 100 kg of cocaine, and was a successful example of co-operation between the Italian, Spanish and French National Members at Eurojust, the Spanish *Guardia Civil* and French Customs agents, police, investigative judges and prosecutors.

This case confirmed the existence of one of the main drug trafficking routes, from Colombia as the source country, with Spain, Belgium, France and the Netherlands acting as very important gateways into the EU. The drugs were then sold in other EU countries, such as Italy. The international dimension of illicit drug trafficking, with the differing legal and procedural requirements of the involved countries, required a co-ordinated approach. Eurojust played a crucial role.

ful application related to a JIT investigating a drug-related killing.

Because of the success of the first JIT Funding Project, the European Commission has granted Eurojust further funds to support JITs. This second grant of over 2 million euros from the European Commission runs from October 2010 until September 2013. ■



Trafficking and Related Crimes Team at Eurojust

The mission of the Trafficking and Related Crimes Team is to provide expertise, ideas, best practice, etc, especially in the fight against Trafficking in Human Beings and Drug Trafficking linked to organised crime and to support the Contact Point for Child Protection.

The team has set objectives for 2010 and 2011 based on the priorities of Eurojust, the Council Conclusions on the eighth Eurojust Annual Report 2009, the Stockholm Programme, the Organised Crime Threat Assessment (OCTA) and the experiences of its members.

The first objective of the team is to improve the regular reporting tools on Eurojust cases related to Trafficking in Human Beings (THB), sexual exploitation of children and child pornography, drug trafficking and trafficking in firearms and other related crimes as foreseen in the new Council Decision on Eurojust. This objective will be achieved by implementing the strategic project "Eurojust's Contribution to the European Drug Policy Action Plan 2009-2012"; by developing a similar project in the field of THB; and by monitoring the number of trafficking and related crimes cases registered, the number of relevant co-ordination and other operational meetings held at Eurojust, and identifying underlying problems encountered in trafficking and related crimes cases.

The second objective is to support and

monitor the EU legislative and policy process in the relevant fields of interest to the team. In particular, the team analyses the obstacles to judicial co-operation in the areas of drug trafficking and THB and contributes to the identification of criminal trends and priorities needed to shape an effective policy to fight trafficking.

Following the adoption by the Council on 03 June 2010 of the *European pact to combat international drug trafficking-disrupting cocaine and heroin routes*, the Trafficking and Related Crimes Team will also participate at expert meetings convened by the EU institutions, in particular the European Commission, and contribute to the Eurojust report to the Presidency of the Council on the implementation of the EU priorities in the fight against organised crime in the areas of drug trafficking and THB, and to the OCTA 2010 and 2011.

The team's third objective is to develop a closer relationship with relevant EU institutions and international organisations, by organising at least one tactical and/or strategic meeting in 2011; by ensuring regular updates of existing legal information on na-

tional, European and international legal instruments related to trafficking and related crimes; by enhancing co-operation with the European Commission, the Council and the European Parliament; by strengthening co-operation with Europol in light of the European pact to combat international drug trafficking-disrupting cocaine and heroin routes to support the reinforcement of political co-ordination between Member States, European Union institutions and relevant European agencies in the area of drug trafficking; and by enhancing co-operation with the European Fundamental Rights Agency, Frontex, EMCDDA, UNODC and Interpol.

The Contact Point for Child Protection, whose creation was suggested at the informal Justice and Home Affairs meeting in Lisbon in October 2007, is part of the team; therefore, the fourth objective is to enhance the role as much as possible. Eurojust has undertaken important co-ordination work in this area in 2010. The "Lost Boy" case at Eurojust resulted in the dismantling of a global criminal network using the internet to disseminate child pornography and promote child abuse. ■

Interview with Mr Cees van Spierenburg, National Prosecutor, Dutch National Public Prosecution Office

Mr Cees van Spierenburg is a National Prosecutor in the Dutch National Public Prosecution Office, which is responsible for the fight against international organised crime. He holds a unique position as the National Public Prosecutor for Synthetic Drugs & Precursors.

Can you tell us something about the work of the National Public Prosecutor's Office?

Cees van Spierenburg: The Dutch Public Prosecution Office's policy towards international drug crime focuses on the fight against production and trade in heroin, cocaine, synthetic drugs (e.g. ecstasy and amphetamine) and their precursors (basic substances), as well as the growth of cannabis. We also deal with the fight against smuggling and trafficking of human beings, terrorism, war crimes - including piracy at sea - cybercrime and money laundering.

Why is the fight against drugs so important?

CvS: First of all, there is the health risk caused by the use of drugs. Secondly, we see that international organised crime has taken over this trade and is making a great deal of money out of it. This money, when poured into 'regular' activities, affects the economy in an unfavourable way. For example, the illegal growth of cannabis and hemp in the Netherlands amounts to €2 - 5 billion. And this is only a small part of the huge economic power behind this trade. Moreover, this phenomenon also has other criminal sides to it. It is all about money, and money is power: there are real drug wars taking place on a global scale. At least 20 murder cases in the Netherlands have been linked to the growth of and trade in cannabis in just the last few years.

When I attended the International Drug Enforcement Conference hosted by the US Drug Enforcement Agency in Rio de Janeiro this year, I was not happy to see and hear about the limited progress we are making in fighting drugs on a global level. We have achieved partial results, but at an international level we are still running behind the criminals.

In what way do criminals have an advantage?

CvS: Drug crimes generate an enormous amount of money. For example, if a criminal invests €10 million in 1000 kilos of cocaine, at every new step in the trading process, the price of the goods increases by 100 per cent. The same happens with any drug, whether it is heroin, cannabis, ATS (amphetamine-type stimulants) or even their precursor chemicals;

every person involved makes a 100 per cent profit, from those who harvest coca leaves to the last dealer at the end of the chain.

What can you really do?

CvS: Drug trafficking is all about logistics. Coca leaves, for instance, are grown somewhere in Colombia, and



Mr Cees van Spierenburg, National Prosecutor, displaying a drug distilling device (© Eurojust)

these become cocaine for individual users in Europe. To achieve that end result, many processes are needed: criminals need equipment, laboratories, and transport. We must monitor this transport activity. If we look, for example, at Rotterdam Harbour, and other large harbours in the world, every year approximately 11 million containers are handled. We know that only a small part of these containers are linked to drug trafficking. You understand that we cannot stop normal economic activity to check every container for drugs. The same situation occurs in the harbours in countries known to be the origins of precursors: China, Colombia and India. Criminals also rely on other means of transportation, such as trains and trucks. Due to the threat of terrorism, freight is thoroughly checked at airports.

This is one of the negative aspects of the 'freedom of movement' in Europe. Our outside borders are now the borders of the EU Member States. My backyard is in Romania, or in Lithuania or Italy, so to speak.

It makes no sense to have strict checks in Rotterdam, as we have no idea how checks are made on the outside borders of Europe. I do not intend to blame others, but this freedom of movement makes the issue very difficult to deal with.

Taking all this into account, how do you start an investigation?

CvS: The approach should always be multi-disciplinary. In the synthetic drugs approach in the Netherlands, we co-ordinate and co-operate among customs, national police, and the financial investigation service. We know that the criminal and judicial systems of the various European countries are very different. In every country, responsibilities are allocated differently and even national power is organised differently. If I just look at our neighbours, Belgium and Germany, there are already significant differences between them and the Dutch system.

I am in contact with my counterparts in China, Russia, the USA, Austral-

Case example 2: Trafficking cannabis

Eurojust acted to help overcome a conflict of jurisdiction in a case concerning trafficking of cannabis from Spain through France into the UK. An initial decision had been taken to conduct simultaneous investigations in France and the UK on different aspects of the case. In 2009 a co-ordination meeting was held at Eurojust to decide which judicial authority would be in a better position to undertake investigations against the entire network to avoid overlapping investigations and a resulting conflict of jurisdiction. The French judicial authority agreed during the meeting to transfer the case to the UK. The French investigating magistrate was invited to present the French investigation results in the UK court. Five individuals were convicted in the UK and sentenced to a total of 37 years.

We have achieved partial results, but at an international level we are still running behind the criminals.



Illegal drug distilling lab (© Dutch National Public Prosecution Office)

ia, and many EU Member States. In addition, with a grant from the European Commission, we have been able to assemble a network for prosecutors dealing with ATS and precursors: the European Network for Prosecutors in Synthetic Drugs & Precursors (ENPSDP). This network, started in September 2009, will continue this year and we are currently preparing for the 2011 conference. In 2009, prosecutors from 19 different countries attended the meeting, including non-EU countries such as Switzerland, Norway and the Russian Federation.

There are no clearly identifiable victims in this kind of organised crime, and therefore no official complaints are introduced against it. Of course, we are aware of the crimes, but there is no information from the victims or witnesses. So, we have to look for information ourselves – this is of paramount importance. We need informants, criminals who talk about criminals, intercepts, observations, etc. Investigating is gathering information. In most countries, this information-based type of investigation is still at beginners' level.

Sometimes, in our country, we even know too much. For example, we have information on five criminal organisations, but we cannot attack them all at the same time because we do not have the capacity to do so. This is the dark side of information-led investigating. We need to make a choice, set priorities. In the Netherlands, we have much information on organised crime, but our resources allow us to handle only 20 per cent of it effectively. In other countries, the situation may be completely different. A while ago, we participated in a JIT with Belgium and noticed that our Belgian colleagues worked three years to infiltrate a criminal organisation. I can only dream of having that much time to devote to a single case.

How is the transportation of drugs organised?

CvS: As we are more and more following in the tracks of the criminal activities, criminals are always on the lookout for other paths. At the moment, the majority of amphetamine trafficking is directed to the UK and Scandinavia. Spain, Portugal and the Netherlands are nowadays the

main transit countries for cocaine. Heroin comes via Eastern European countries, such as Turkey. Criminals are looking for other pathways; West Africa is now becoming an important stop for cocaine, which is then shipped via the Mediterranean and Black Sea to Romania.

Another example: precursors, coming from India and transported to Mexico, the main producer of methamphetamine for the USA, are transported via DR Congo and other West African countries. Ecstasy produced in the Netherlands is transported to Australia through Italy. On one occasion, 15 million tablets were seized, giving the Netherlands the dubious honour of being placed on the list of major drug-producing countries. All this has led to a political decision on judicial priorities for the Dutch Public Prosecution Service.

From a transportation point of view, all countries in the world are involved in the world drug problem.

What is the most effective approach?

CvS: We must attack the production and export of precursors. China was the main producer of PMK and BMK, the major chemical substances needed to produce ecstasy and amphetamine. Bowing to international pressure, China changed its laws, making production illegal. The main component of PMK is safrol, a natural product extracted from trees. Criminals are quick to adapt to changes in market demand and are now looking for ways to transport safrol from other Southeast Asian countries to the producing countries. On a global level, the fight against precursors is important, as chemicals are necessary to produce all sorts of drugs,

including heroin and cocaine. The relevant legal basis is the UN Treaty of Vienna of 1988 (Final Act of the United Nations conference for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances), which is the most global tool in the fight against chemical drugs, with an important role for the UNODC.

As to the European Union system, European Union legislation on classification is limited to precursors, via Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors, which regulates intra-Community trade, and by the Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors. These rulings oblige nations to implement laws against the misuse of chemicals.

Most of the chemicals used to produce illicit drugs are legal and easily available. They are in fact normal chemical substances used to produce medicines, perfumes, plastics or other legal products. The chemical industry plays a huge role in the world economy. And there is the economic aspect again: the production, export and transportation of substances must be regulated and controlled, entrepreneurs must be warned against the misuse of chemicals and suppliers must be warned against individual orders placed over the telephone, and by anonymous cash transactions.

The International Narcotics Control Board of the United Nations provides instructions in its 'Guidelines for Governments on Preventing the Ille-

Case example 3: THB and drug trafficking

Following co-ordination meetings at Eurojust, the Italian, Dutch and Colombian authorities, led by the Antimafia Public Prosecutor in Naples, made simultaneous arrests in a case of THB to finance drug trafficking. The criminals trafficked human beings from Nigeria to the Netherlands, to finance their drug operations. With the money earned from prostitution, the criminals were able to buy large amounts of cocaine in Colombia, to be shipped to Europe. The co-ordination meetings at Eurojust identified all the legal and factual difficulties for extradition and surrender of the suspects after arrest, and uncovered the links between the THB, the exploitation of women and the financing of drug activities by criminals.

gal Sale of Internationally Controlled Substances through the Internet’.

From a precursor point of view, all countries that trade in chemicals are co-responsible for the drug problem in the world.

How do you see the future?

CvS: Our strategy is the following: without precursors, the basic substances, there can be no drugs. But we cannot make precursor chemicals illegal if there are legal uses for them. When the Chinese government took measures against the production of PMK, there was a ‘dip’ in drug production and trade. Unfortunately, criminals started to look for other substances to produce drugs, and turned to dangerous products like mephedron.

There is a “need for speed”. Our reaction time on new drug substances should be much shorter. At the EU level, we now have the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), located in Portugal, but, in my view, this organisation represents just another bureaucratic approach.

We can get results through close co-operation between the police and judiciary on a European and global scale. Every country should have a

prosecutor, like me, specialised in drugs and precursors. Also, the role of Europol is quite crucial; there is an Analysis Work File (AWF) called ‘Synergy’, a huge database of information about all synthetic drug investigations in Europe. For other drugs, there are other databases like this, but national investigators must provide the information; this does not always happen. There are international conferences and global networks of drug fighters, but I know that this fight is bound to continue forever.

In your opinion, what can be the role of Eurojust?

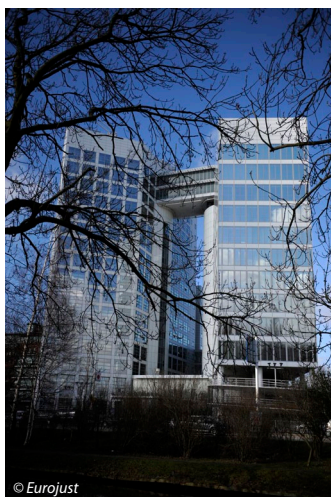
CvS: Eurojust can play a vital role in building bridges between the different legal systems in the EU, the investigations and the prosecutions, the responsibilities and the power. My team has already co-operated with Eurojust in drug-related cases with Spain, Lithuania and Poland.

For example, in Belgium I sometimes need to deal with a local prosecutor, in another case with the national prosecutor, in another case with an investigative judge. This process works because Belgium is our close neighbour, they (mainly) speak the same language and we made a co-operation agreement between our office and the Federal Prosecution Office (Fedland). The same could

Case example 4: Europe-wide cocaine trafficking

After more than a year of investigations in Belgium, France, Germany, Italy and the Netherlands, a cocaine-trafficking network of nearly 100 people was dismantled in five operations involving extensive co-operation between international judicial and police authorities. Eurojust served as the platform for judicial co-operation, facilitating the activities of the prosecuting authorities, including the execution of the European Arrest Warrants. Heroin, cannabis, cutting substances, firearms and cash were seized in addition to significant quantities of cocaine.

happen when I would need to work with French colleagues, but would be far more difficult. In Spain, prosecutors have completely different responsibilities and powers compared to mine. Between the three Baltic States, we see a great difference in the way they fight organised crime. There I see an important task for Eurojust, i.e. to create links between the Member States to solve these system problems. We also need names and contact details, or we end up lost in bureaucracy. ■



Eurojust is a European Union body established in 2002 to stimulate and improve the co-ordination of investigations and prosecutions among the competent judicial authorities of EU Member States when they deal with serious cross-border crime. Each Member State seconds a judge, prosecutor or police officer to Eurojust, which is supported by its administration. In certain circumstances, Eurojust can also assist investigations and prosecutions involving an EU Member State and a State outside the European Union, or involving a Member State and the Community.

Eurojust supports Member States by:

- *co-ordinating cross-border investigations and prosecutions in partnership with judges, prosecutors and investigators from Member States, and helping resolve conflicts of jurisdiction;*
- *facilitating the execution of EU legal instruments designed to improve cross-border criminal justice, such as the European Arrest Warrant;*
- *requesting Member States to take certain actions, such as setting up joint investigation teams, or accepting that one is better placed than another to investigate or prosecute; and*
- *exercising certain powers through the national representatives at Eurojust, such as the authorisation of controlled deliveries.*

Colophon

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Design and layout: Michèle Wilks-Speer
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Catalogue no: QP-AB-10-002-EN-C
ISSN: 1831-5623