

# Eurojust meeting on migrant smuggling

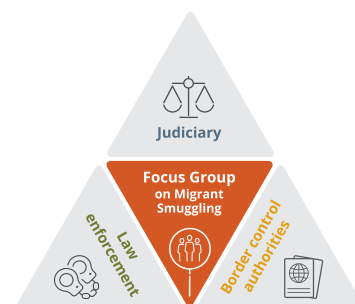
The Hague, 19-20 October 2022

## Outcome Report

*Criminal justice across borders*



**EUROJUST**





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# 1. Introduction

The Eurojust annual meeting on Migrant Smuggling was organised by Eurojust on 19 and 20 October 2022. It represented the largest meeting ever of prosecutors who specialise in tackling migrant smuggling.

In order to reach the widest audience possible, the meeting took place in a hybrid format, with some participants on site at Eurojust premises and others online via video-conference.

More than 80 practitioners - prosecutors and investigative judges - from 34 countries and international organisations attended the meeting, including from EU Member States, Albania, Norway, Serbia, Switzerland, the UK, Ukraine, Eurojust Liaison Prosecutors, representatives of the South Partner Countries (SPC<sup>1</sup>) within the EuroMed Justice framework, one representative from the West African network of Central Authorities and Prosecutors (WACAP) as well as representatives from the European Migrant Smuggling Centre (EMSC) at Europol, Frontex, UNODC and the European Commission.

The meeting was the sixth in a series that started in February 2016. The aim of such meetings is to bring practitioners together to exchange experience, operational challenges and best practices. At the same time, practitioners can explore opportunities on how to disrupt and dismantle organised crime groups (OCGs) involved in migrant smuggling. To this end, since 2020, the members of the Focus Group on investigative judges and prosecutors specialised in migrant smuggling participate to these meetings.

For 2022, the main objective was to bring together, for the first time in physical presence, the practitioners from both sides of the Mediterranean Basin, from EU Member States and South Partner Countries of the EuroMed Justice Project. This was enriched by the participation of prosecutors from the Western Balkans and Western Africa. The meeting intended to provide a platform to exchange views among practitioners using an interactive and practice-oriented approach through the analysis of Eurojust casework. The focus was given on how to enhance cooperation with third countries, and how to invigorate the investigation of the financial streams behind criminal networks.

The [press release can be found here](#).

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<sup>1</sup> The South Partner Countries of the EU are: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine\* and Tunisia.  
(\* ) This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

## 2. First session: Latest trends and current developments in Migrant Smuggling

At the beginning of the annual meeting, Eurojust and Europol (European migrant smuggling centre, EMSC) outlined the roles and support possibilities of both agencies in migrant smuggling cases. On the basis of a recent case jointly supported by both agencies, the participants learned how a cross-border operation can benefit from the complementary support of Eurojust and Europol.

More [information on the case can be found here](#).

Following this, the EMSC briefed the participants on the latest trends and current developments in the modus operandi of Organized Crime Groups (OCGs), smuggling routes and the impact of the war in Ukraine on illegal immigration to Europe. More precisely, currently the sea entry corridors are highly active, in particular the Central Mediterranean route (smuggling mainly from Libya and Tunisia). On the Western Mediterranean routes, OCGs connected with The Gambia, Mauritania, Morocco and Senegal would be facilitating illegal travels from these countries into one of the most dangerous smuggling routes. The smuggling corridor from Türkiye into Greece and especially Cyprus remains dynamic, with sea and overland smuggling combined with ID fraud and air travel. The sea route from Türkiye to Italy sea route is also increasingly in demand, hence the smuggling services are becoming more expensive (approx. 7000-9000 EURO). The OCGs operating in this route would have associates in Albania, Greece and Italy. Secondary movements of irregular migrants though Europe are equally recording high values and a visible increase in violence,, with Western Balkans and the English Channel smuggling amongst the most active. “

This intelligence picture was complemented by Frontex.

On the implementation of the EU renewed Action Plan against Migrant Smuggling, the European Commission reinforced the message of a multidisciplinary approach against migrant smuggling through **judicial and law-enforcement cooperation** within **EMPACT** and reinforced cooperation with partner countries and international organisations. One of the novelties in the EU Action Plan are the **Anti-Smuggling Operational Partnerships**, a political overall framework to gather the operational cooperation with third countries, including alternative economic activities in the countries of origin.

## 3. Second session: Panel on cooperation with third countries

This session was conducted through the analysis of Eurojust milestone cases where cooperation with third countries in different world regions was required. The importance of cooperating beyond the EU borders is inherent to this crime type and the cases presented by the Greek, Belgium and UK practitioners so confirmed<sup>2</sup>.

In this regard, the Greek Prosecutor presenting the case highlighted the excellent and essential cooperation with Europol and Albania. The Italian National Member at Eurojust contacted the relevant

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<sup>2</sup> More information on the cases can be found here: [\(1\)](#) and [\(2\)](#).



Italian judicial authorities, who confirmed the smuggling trend. In cooperation with the Greek National Member, the case was opened at Eurojust. The smooth excellent cooperation with Albania, as third country was catalysed by the crucial role of the Albanian Liaison Prosecutor who was recently posted at Eurojust.

The high level of cooperation in the Channel was emphasised by the joint presentation of the Belgium Federal judge who referred to Eurojust the case illustrated and the UK Liaison Prosecutor posted at Eurojust. Migrant smuggling by sea through the *modus operandi* of small boats that put the life of the migrants in great danger unfortunately continues to rise. Both practitioners agreed in concluding that concerning judicial cooperation, nothing has changed after BREXIT between the UK and the EU Member States.

Practitioners from the South Partner Countries, the West African Network of Central Authorities and Prosecutors (WACAP) and the Western Balkans IPA III project, complemented the operational picture. **The main challenges in international judicial cooperation in North African countries**, and especially in Morocco, were presented by the EMJNet representative. Next to the non-negligible **geographical difficulties** to cover a vast border, there are the scarce resources – both financially and human- and differences in legal frameworks (for instance, the weight of the financial or other gain as proceeds of the crime as element of the migrant smuggling offence). According to the EuroMed Justice representative, **cooperation between Eurojust, the Focus Group and the EMJNet specialised on migrant smuggling** will contribute to a more prosperous future and reduce the illegal immigration flows. The **direct exchange** of best practices and ideas will contribute to reaching appropriate solutions. The EuroMed Justice Secretariat informed that at the next CrimEx meeting, a discussion will take place on how to coordinate EMJNet and the Focus Group.

In his presentation, the representative of the **WACAP** pointed out that the network had to deal since inception with the difference in legal systems, lack of mutual understanding and information, of mutual communication channels and lack of institutionalised central authorities. With the support of UNODC, the WACAP network is conducting capacity building and legislative assistance. In this regard, more legislative coherence in the WACAP region is needed. An important cooperation element is that the WACAP Focal Points bear also the role of **Eurojust Contact Points**.

During this session the participants engaged in open discussions in break-out groups (both onsite and online) about challenges and best practices in migrant smuggling investigations. As one of the main conclusions during these discussions, **building up mutual trust and direct contact** were identified as the main challenges in international judicial cooperation. To overcome this, **Eurojust close cooperation at institutional level with projects such as EuroMed Justice and the Western Balkan** are paramount to pave the way. Since September 2022, Eurojust hosts the team of the Western Balkans IPA III project. EuroMed Justice has been hosted at Eurojust since 2020.

During the discussions, the participants exchanged views on main challenges in migrant smuggling investigations. The lack of a harmonized legal definition of “migrant smuggling” or the weighting of the element of gain was identified by many, especially among the SPC representatives.

## 4. Third session: New initiatives and challenges in financial investigations linked to migrant smuggling

The use of **cryptocurrencies** as regular payment in illegal activities as well as the **laundering of proceeds of crime through virtual assets** is rising.

Eurojust showed **opportunities and challenges concerning virtual assets in criminal activities**. In a presentation conducted by the [European Judicial Cybercrime Network \(EJC�\)](#), the participants were informed about what constitutes virtual assets –e.g.: cryptocurrencies- its use in different crime types other than cybercrime and challenges in unraveling the anonymity of virtual assets.

Eurojust's casework shows that **cryptocurrencies are increasingly misused** by criminals to launder their criminal profits<sup>3</sup>. Two complex cases were presented, showing how OCGs make use of cryptocurrencies in order to hide the proceeds of crime but also illustrating possible reactions / best practices by law enforcement and judicial authorities to overcome the difficulties faced in this context.

The practical experience in **migrant smuggling cases involving the hawala money transfer system** was shared by a member of the Focus Group. Next to defining the legal concept of *hawala*, several cases outlined of how Spanish courts dealt with *hawala* financial investigations and the distinction from other money transfer models. Advantages, types of schemes and potential sources of evidence were explained to the participants.

Europol's EU Internet Referral Unit (IRU) informed about their experience in **the use of Public-Private Partnerships in digital migrant smuggling**. With the Recast of the Europol Regulation -in force in June 2022-, Europol is able to receive personal data directly from private parties, which will nourish the judicial investigations. The SIRIUS project, supported by Eurojust, was praised as a good example of how to access electronic evidence via third parties.

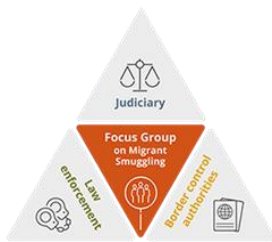
The United Nations Office on Drugs and Crime (UNODC) **GLO.ACT Programme** presented the preliminary outcome of its recent study on **illicit financial flows derived from the smuggling of migrants to Europe**. The study is based on interviews conducted with migrants and refugees to learn more about smuggling actors and networks, the forms of payments and the value transfer system. The final report will contain full policy-based recommendations. The presentation was complemented by the introduction of the **Observatory on smuggling of migrants**, set up in 2021. Cooperation avenues between the Observatory and Eurojust will need to be explored.

The recently set up **Council of Europe working group on fostering international co-operation and investigative strategies in fighting the smuggling of migrants** was presented by an Italian member of the Focus Group. The genesis of this WG comes back to the Lampedusa tragedy that led to the [Glauco cases](#) in Eurojust. This project aims *inter alia* at helping Council of Europe State Parties overcoming the investigative, prosecutorial and judicial challenges in migrant smuggling-related cases as well as suggesting drafting legislation to harmonise legal frameworks. This network came together for the first time only in May 2022 counting currently 25 members.

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<sup>3</sup> See the recent [Eurojust report on money laundering](#)

## 5. Fourth session: Focus Group on migrant smuggling



Eurojust presented the 2022 activities and outcome of the Focus Group. This year, for the first time, the Focus Group performed its first external representation supported by Eurojust, at a conference in Belgrade, within the framework of the Western Balkan IPA III project.

Further, two informal virtual workshop were held, an introductory leaflet was created, quarterly newsletters sent out and new members welcomed.

Looking ahead, a plenary discussion on future working methods within the Focus Group and potential topics for 2023 took place. The participants exchanged views on the future of the Focus Group and proposed topics of relevance to practitioners working on migrant smuggling cases. In particular, members from South Partner Countries contributed to this fruitful discussion.

Suggestions included, *inter alia*:

- Mapping of legislation on migrant smuggling (definition of the offence), criminal procedure regulations on intervention measures and rules of evidence with input from the Focus Group members, EuroMed Justice, Western Balkan project, WACAP and other actors. This may nourish a database as a sort of resource bank for practitioners.
- Intensify information exchange with Europol (EMSC) with regard to ongoing operational task forces.
- Produce an overview of the use of special investigative methods.
- In relation to the small boats phenomenon: fostering understanding of respective Civil and Common Law systems with regard to deviating intelligence and judicial secrecy/disclosure.
- Continuing with offering recurrent workshops on relevant topics to foster discussion and exchange of views amongst practitioners.
- To help bridge difficulties in judicial cooperation, specifically with the SPCs.

## 6. Conclusions and way forward

Migrant smuggling is one of the fastest-growing cross-border criminal activities, which requires a global, multidisciplinary and transnational response. Efficiently fighting the organised crime groups operating worldwide by conducting successful investigations and prosecutions is crucial and needs proper support and assistance as well as specialised knowledge and expertise.

Through the years, Eurojust has been active in assisting the national authorities dealing with migrant smuggling cases to ensure effective judicial cooperation and coordination in the field. With the establishment of the Focus Group in 2020, a step forward was taken by creating a hub for prosecutors and investigative judges dealing with migrant smuggling cases to exchange best practices, discuss challenges and connect with relevant judicial actors at the international level. As widely acknowledged



by the practitioners, this Eurojust annual is both beneficial for practitioners and their cases as well as a testimony of the continuous commitment of Eurojust to contribute to the fight against migrant smuggling.

- ✓ The meeting once again showed that cooperation requires **mutual trust** that can be best established and fostered by meeting in person with peer practitioners.
- ✓ The latest trends and current developments depicted during the meeting confirm that migrant smuggling is a global phenomenon, where **OCGs are extremely flexible** and actions or changes in one smuggling route (Western Balkans due to Ukrainian war) have repercussions in another (higher migratory pressure in Greece and Cyprus).
- ✓ This meeting showed how practitioners could overcome these issues to have **a global response to a global problem**.
- ✓ In this regard, the increasing network of **Liaison Prosecutors posted at Eurojust** play a crucial instrumental role in the day-to-day reinforcement of operational judicial cooperation. The possibility of posting Liaison Prosecutors at Eurojust stems from the cooperation agreements signed between a third country and Eurojust. Currently Eurojust has signed cooperation agreements with thirteen countries<sup>4</sup> and there are ten Liaison Prosecutors seconded to Eurojust<sup>5</sup>.
- ✓ Fighting migrant smuggling requires a **multidisciplinary and coordinated approach**.
- ✓ The need for **international and worldwide cooperation** in the fight against migrant smuggling is now more paramount than ever. With the ongoing war in Ukraine and the increased flow of illegal migrants across the smuggling routes, the call for more intense judicial cooperation between all relevant actors is evident. This meeting is a stepping stone for successful judicial cooperation in the field and provides support to judicial authorities in their fight against these phenomena.
- ✓ The renewed EU Action Plan on migrant points that this coordination is all the more important with the countries of origin and transit of the migratory routes. Hence, the European Union efforts in the setting up **robust Anti-Smuggling Operational Partnerships**.
- ✓ **Eurojust close cooperation with projects such as EuroMed Justice and the Western Balkan** are paramount to pave the way in building trust and enhancing direct contact.
- ✓ Eurojust's casework shows that **cryptocurrencies are increasingly misused** by criminals both as means of payment and to launder their criminal profits.
- ✓ Next to this cyber-enablers, the traditional parallel banking system known as **hawala remains high** in the migrant smuggling practice.
- ✓ All participants agreed that whilst being cumbersome at times, financial investigations in migrant smuggling investigations are paramount and need to be conducted more frequently.
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<sup>4</sup> Montenegro, North Macedonia, Norway, Serbia, Switzerland, Ukraine, the United Kingdom, and the United States.

<sup>5</sup> Liaison Prosecutors seconded to Eurojust from: Albania, Georgia, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Ukraine, the United Kingdom and the United States.

by UNODC, fighting the **illicit financial flows** falls under the UN global efforts to promote peace, justice and strong institutions. Cooperation avenues between the **Observatory on smuggling of migrants** set up in 2021 and Eurojust would be explored.

- ✓ The **Focus Group** was perceived as a **very helpful initiative amongst practitioners**. Eurojust will continue its comprehensive support to this informal network.
  - ✓ The members of the Focus Group and other participants to the meeting brought forward **suggestions for topics and actions to foster mutual understanding and cooperation** among practitioners working against migrant smuggling. Eurojust will support them within the feasibilities of its limited resources.
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