






Joint investigation teams involving third countries

CHECKLIST FOR PRACTITIONERS




SET-UP PHASE		
	<p>Legal basis</p>	<ul style="list-style-type: none"> ✓ International agreements (<i>check for ratification status</i>): <ul style="list-style-type: none"> 2000 EU MLA Convention Second Additional Protocol COE 1959 UNTOC UN Convention against drugs UNCAC ✓ Bilateral agreements ✓ National legislation ✓ Principle of reciprocity ✓ Second Additional Protocol to the Budapest Convention <p>NB: This is a non-exhaustive list</p>
	<p>Assessment of suitability for setting up a JIT</p>	<ul style="list-style-type: none"> ✓ Existence and stage of investigations in the countries involved ✓ Number of potential JIT partners ✓ Urgency of action ✓ Estimated timeframe for finalising the JIT agreement ✓ Available resources in the countries involved
	<p>Identification of key partners</p>	<ul style="list-style-type: none"> ✓ Involvement of Eurojust to facilitate the process (through Liaison Prosecutors posted at Eurojust or Eurojust contact points in third countries) ✓ Involvement of Liaison Magistrates posted in third countries
	<p>Drafting of JIT agreement</p>	<ul style="list-style-type: none"> ✓ Consider using the JIT model agreement ✓ Best practice to negotiate in a common working language ✓ Consider specific clauses on: <ul style="list-style-type: none"> – Exchanges of information/evidence – Confidentiality – Data protection – Liability – Human rights issues

	Eurojust support	<ul style="list-style-type: none"> ✓ Presence of Liaison Prosecutors at Eurojust ✓ Get in touch with Eurojust contact points ✓ Organisation of coordination meetings at Eurojust: <ul style="list-style-type: none"> – the general rule is that travel and accommodation of two participants per country are reimbursed – Ensure adequate preparation time for face-to-face meetings – Take into account possible visa requirements ✓ Identification of suitable cases for a JIT, clarification of legal/formal requirements, drafting of the JIT agreement
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OPERATIONAL PHASE

	Contact between JIT members	<ul style="list-style-type: none"> ✓ Appointment of contact person (one JIT member per country) who is able to communicate in a common working language
	Exchanges of information and/or evidence	<ul style="list-style-type: none"> ✓ Handover of sensitive documents during operational/ coordination meetings at Eurojust and/or via the countries' embassies ✓ Possible added-value of maintaining overview lists of exchanged material
	Clarification of practical and legal issues	<ul style="list-style-type: none"> ✓ Dual criminality ✓ Transfer of proceedings ✓ Conflict of jurisdiction ✓ Extradition regime ✓ Guarantees needed from third countries that human rights will be respected ✓ Challenges posed by evidence based on plea-bargaining ✓ Data protection or specific confidentiality requirements
	Eurojust support	<ul style="list-style-type: none"> ✓ <u>JIT funding</u>, including loan of secure IT equipment and purchase of low-value equipment ✓ <u>Coordination meetings</u> ✓ <u>Coordination centres</u>

EXPIRY OF THE JIT and JIT EVALUATION

	Extension of the JIT	<ul style="list-style-type: none"> ✓ Ensure timely initiation of the extension procedure
	Evaluation of the JIT	<ul style="list-style-type: none"> ✓ JIT evaluation form ✓ JIT evaluation meeting (JIT funding available)
	Settlement of jurisdiction	<ul style="list-style-type: none"> ✓ Review of the scope of the various proceedings ✓ Extradition ✓ Transfer of proceedings
	Eurojust support	<ul style="list-style-type: none"> ✓ Assistance with the extension and evaluation of a JIT