



Council of the  
European Union

Brussels, 2 October 2018  
(OR. en)

12740/18

JAI 958  
COSI 210  
ENFOPOL 487  
FRONT 308  
MIGR 137  
ASIM 116  
FAUXDOC 89  
COPEN 333

**COVER NOTE**

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From:	EUROJUST
To:	Delegations
Subject:	Eurojust meeting on migrant smuggling - 30-31 May 2018 - Outcome report

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Delegations will find attached an outcome report of the tactical meeting on migrant smuggling on 30-31 May 2018.

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# Eurojust meeting on migrant smuggling

Eurojust, The Hague, 30-31 May 2018

## Outcome Report

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## Introduction

The Eurojust meeting on migrant smuggling (hereinafter ‘the meeting’) was organised by Eurojust in The Hague on 30-31 May 2018, with the support of the Bulgarian EU Presidency.

The meeting was attended by practitioners from the EU Member States, Serbia and Turkey, as well as representatives from the European Commission, Europol, Frontex, European Union Naval Force Mediterranean (EUNAVFOR MED), the European External Action Service (EEAS) and the North Sea Task Force (NSTF).

The meeting was the third in a series, the first two being in February 2016 and in June 2017. The objective of such meetings is to, , exchange experience and best practice amongst practitioners and explore avenues to disrupt and dismantle organised crime groups (OCGs) involved in migrant smuggling and encourage referrals to Eurojust.

This meeting focused particularly on outlining emerging *modi operandi*, exploring opportunities stemming from cooperation with third States and indicating solutions found to respond to the specific features of this crime type, principally using a case-based approach.

## 1. National experiences and lessons learned

### 1.1. The experience of EU transit States

As one of the main EU transit States, **Greece** presented a series of topical cases that exemplify its extensive experience in investigating large-scale OCGs and particularly their flexible structure, comprised either of independent cells or of distinct organisations cooperating with each other.

During Operation *Acropolis*, two connected criminal networks, using land and sea routes to smuggle migrants between Greece and Italy in inhuman and degrading conditions, were successfully investigated. The members of the OCG were Iraqi, Iranian, Polish and Greek nationals, some of whom continued to run the operations even while in detention. At least 100 migrants were smuggled in a short period of time, generating illegal profits of approximately EUR 400000.

In the context of Operation *Hecates*, a large network was dismantled, which was composed of two criminal subgroups, one for southeast Greece and one for northern Greece. The members of the network, which included corrupt airport officials, were smuggling migrants to Austria, Germany and the Netherlands, using land and air routes. The network was active in all phases of the crime: identification of the migrants, fixing of the price, provision of transportation and accommodation, crossing of borders and provision of forged passports. As a means of payment, they used *Hawala*<sup>1</sup>.

Operation *Taurus* involved the dismantling of a multi-layered criminal organisation, with extremely specialised members performing specific tasks to smuggle migrants by air to the UK. This OCG was one of the biggest and most sophisticated migrant smuggling OCGs in Greece, which used falsified documents. Indeed, the OCG produced high-quality counterfeit documents in its four fully equipped document forgery labs. The OCG even accepted requests from other OCGs to forge passports, travel documents, birth certificates, etc.

Another OCG supplying stolen and falsified identity and travel documents to many countries was disrupted during Operation *Maveric*: 939 travel documents were confiscated, 620 of which were

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<sup>1</sup> The *hawala* system is characterised by the absence of movement of cash or computer network wire transfers. The money transfer is based on trust among the members of a large network of money brokers (*‘hawaladars’*).

recorded as lost or stolen in European databases. None of the operations would have been successful without close and timely cooperation between the national authorities involved, with the support of Eurojust.

**Italy** is another transit State that has been severely affected by migrant smuggling, especially in 2016 and 2017. One major investigation, code-named *hawala.net*, was conducted by the Public Prosecutor's Office (PPO) of Bari and involved a large migrant smuggling OCG that used forged and fraudulently obtained documents as well as illegal bank transfers. The leaders of the OCG were Somali nationals operating between Italy, Somalia, Malta, Dubai and other States. The case involved money laundering and corruption of public officials, and the migrants that remained on Italian territory were at risk of human trafficking. The OCG utilised what appeared to be a 'legal' service company, which in fact provided illegal services to migrants: transport to other States, accommodation, mobile telephones, SIM cards, false or forged documents, and money transmission services. The money transfer took place in three different ways: (i) using the *hawala* system and online channels; (ii) wiring cash to accounts abroad (in particular, from Malta to Italy); and (iii) loading Italian prepaid cards not linked to bank accounts. Difficulties were encountered in the financial investigation, particularly due to the use of the *hawala* system<sup>2</sup> by the Somali community after the dissolution of Somalia's former banking system. Nevertheless, the Italian authorities were able to exploit the weaknesses of the *hawala* system to detect the entire illegal operation. The relatives of migrants in Somalia made payments to an Italian agency, using its name and telephone number. The relatives paid cash in Somalia, which arrived in Italy as virtual money. When receiving the order to pay for the illegal services to migrants, the Italian agency telephoned the migrants, as required by the *hawala* remittance system, and actually paid for those services. The Italian authorities conducted house searches and telephone intercepts to record the calls to the migrants, and, in particular, telematic interception and telematic inspection to unravel the entire operation, including cash transfers from Malta to Italy. The telematic inspection and subsequent seizure of the data allowed the authorities to reconstruct the entire telematic platform and gain knowledge of the entire ramifications of the system on an international scale. Several platforms were used by the OCG to transfer money: the transactions appeared *prima facie* to be authorised by EU payment institutions, such as JUBA.EXPRESS, but were actually fake. The used names were similar to the authorised ones, and the transfers were controlled by one person using a *Hotmail* address. Some arrests took place in 2017 but the investigations continue as the email address is connected to several companies, and, in particular, to one in the Middle East, which may reveal another network of money transfers.

## 1.2. The experience of EU destination States

**Sweden** is a destination State for migrant smuggling and has initiated several investigations in the past years; 360 suspects have been arrested for migrant smuggling. Swedish prosecutors face specific challenges in the investigations, including: (i) the need to find and prosecute the organisers, whose base is usually in Sweden and who have extensive knowledge of the Swedish society; however, prosecuting the 'brains' rather than the small facilitators, such as truck drivers, is much more difficult; (ii) obtaining legal assistance from other EU Member States; this is crucial as the crimes are committed while passing through several States and legal systems; issuing European Investigation Orders (EIOs) and forming joint investigation teams (JITs) are valuable activities, but they are also time-consuming and require that prosecutors in all States involved are interested in cooperating internationally; (iii) the fact that migrant smuggling is often not a solitary crime; it may involve money laundering or tax

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<sup>2</sup> The *hawala* system is characterised by the absence of movement of cash or computer network wire transfers. The money transfer is based on trust among the members of a large network of money brokers ('*hawaladars*').

crime and necessitate complex investigations undertaken by several branches of the police; (iv) finding the migrants and convincing them to cooperate and testify as the Swedish criminal procedural law relies on oral statements from migrants; and (v) the humanitarian exception constitutes another challenge, as explained later in this report<sup>3</sup>.

From a Swedish perspective, the following legal and operational issues were described: (i) the complexity of the cases requires close cross-border cooperation, including with Eurojust and Europol; contact points in each State would also be beneficial; (ii) the immigration authorities, tax authorities and other relevant domestic authorities and stakeholders should be involved to provide better opportunities to detect and investigate migrant smuggling; (iii) the need to quickly secure testimonies by video, if possible; (iv) the need to work on alternative legal classifications, as trafficking in human beings (THB), money laundering and fraud are involved; and (v) no State alone can fight migrant smuggling, thus it is vital that the States involved work together, including through JITs.

In response to the issues identified, the **UK** and France proposed to appoint a second liaison magistrate. The liaison magistrate, who is posted by the UK in France since 2016, focuses exclusively on organised immigration crime and modern slavery towards improving the cooperation between the two Member States, considering that many migrants try to reach the UK through northern France. The main challenges from a UK perspective are the following: (i) police-led investigations that require accumulating sufficient case evidence for the prosecutor; (ii) UK's restraint in using telephone intercepts; (iii) the need to carefully construct the case when there are movements of migrants and links between suspects in many States; (iv) the fact that long investigations have to be reconciled with short periods of detention; (v) different legal systems and institutional procedures; (vi) lack of understanding of different investigative and prosecutorial processes, which can lead to reluctance to collaborate; (vii) custody time limits; (viii) the requirements of international cooperation; (ix) knowing what evidence is admissible in other States; (x) sharing intelligence; (xi) competence and judicial secrecy; and (xii) language barriers.

One recent UK-based operation showed not only the importance of collaboration between the UK and other European partners but also the specificity of the OCG's *modus operandi*. The criminal network in this case was run by Iraqi Kurds, who were based predominantly in northern England and smuggled people into the UK from northern France. Eastern Europeans and other nationals were also smuggled into the UK to work in car washes under duress and unsafe conditions, with no awareness of the legal status to work in the UK. The outcome of the case was successful due to a multidisciplinary approach, involving several UK-based agencies (e.g. Police, National Crime Agency (NCA), Immigration Enforcement (IE), Health and Safety Executive, Gangmasters and Labour Abuse Authority (GLAA)) and the prompt mutual legal assistance provided by the French, Belgian and Dutch authorities. The investigations culminated in a 'joint action day', during which 44 car washes were searched, many of which were subsequently closed, 21 suspects were arrested, and 7 migrants were safeguarded. Further investigations are ongoing.

Finally, **the Netherlands** highlighted the benefit of appointing a single national contact point at operational level to stimulate international cooperation. Such structures (e.g. the Dutch National Prosecutor for Human Trafficking and Human Smuggling) facilitate the allocation of resources and ensure the necessary expertise is available, enhance monitoring and coordination, and provide specific training and education. Special focus should also be placed on the international fight against the OCGs by investing in information exchange at international level and by exploring alternative methods of investigation to dismantle the OCGs. The Netherlands further stressed that it is necessary to ensure the

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<sup>3</sup> See *infra*, page 7.

collection of information and evidence directly from the migrants as they relay information depending on their own situation and are reluctant to disclose information on the OCGs that may bring them or their relatives to their final destination. In this respect, a set of solutions was proposed to encourage smuggled individuals to cooperate with the law enforcement authorities, which the Netherlands are currently implementing under the Migrants' Debriefing Project.

### 1.3. The experience of third States

The Italian authorities highlighted the importance of cooperating with **Libya**, and identified two main issues in relation to the large migratory flows coming to the European Union from Libya: (i) certain OCGs have recently adapted their *modus operandi* by abusing the humanitarian clause, resulting in non-profit organisations (NGOs) being held liable for facilitating unauthorised entries into the European Union; and (ii) the inherent need for international cooperation during investigations in different States is recognised, reflecting on the example of Libya (Libyan General Attorney Office Agreement, wiretapping activities). A balance needs to be struck when NGOs and EU Member States provide assistance to migrants, according to the principle of solidarity. Law enforcement shall be enhanced through legislative and operational measures, resulting in more effective cooperation. One obstacle detected was the legal impossibility for Libyan authorities to extradite their nationals when suspected of being involved in a criminal activity. To remedy this situation, the domestic Libyan judiciary should try to accommodate the transfer of proceedings from EU Member States.

In terms of judicial cooperation, the **Republic of Serbia** provides informal and formal legal assistance, exchanges information, and participates in parallel investigations and JITs. To increase cooperation between the competent domestic authorities, a Memorandum on Cooperation was signed between the Republic's Prosecutor's Office and the Ministry of Interior to establish a dedicated task force (TF) for the suppression of smuggling, as a new mechanism for investigating and prosecuting migrant smuggling. So far, the work of the TF resulted in 96 arrests, 9 OCGs prosecuted, 77 plea agreements (80.6 % of the suspects were finally convicted), and EUR 121 650 and other valuables confiscated. Members of the TF have also participated in coordination meetings at Eurojust. The TF is working in close cooperation with regional counterparts, and is directly communicating and collaborating with foreign judicial and law enforcement authorities, thus ensuring smooth judicial information exchange.

**Turkey** established a special Department for Combating Migrant Smuggling and Human Trafficking within the Ministry of Interior in 2016 to increase international cooperation in dealing with these crimes. The operational and support divisions of the Department conduct investigations and facilitate national and international coordination. During the meeting, the legal framework governing cooperation with Turkey was discussed and, in particular, the new legislative framework on international judicial cooperation, adopted in 2016. This new piece of legislation was presented as a follow-up to the meeting. JITs can be signed with Turkey using the United Nations Convention against Transnational Organized Crime (UNTOC) legal basis. Operation *Kabatas* exemplifies successful cooperation with other States, including Austria, Italy and the Western Balkans. The nexus between migrant smuggling and terrorist activities as well as the use of forged documents were also outlined.

## 2. EU response in support of judicial authorities

### 2.1. Judicial cooperation experience

**Eurojust** presented the main findings stemming from the analysis of its casework. The number of migrant smuggling cases at Eurojust has increased since 2015, but still remains low<sup>4</sup> given the magnitude of the assumed number of unauthorised facilitations of entry into the European Union. A positive trend is that most cases are multilateral. This trend indicates the will of practitioners to detect, investigate and prosecute all members of the OCGs and their criminal activities in all affected States. The poly-criminality of the OCGs is confirmed by analysis of the casework, which clearly shows that migrant smuggling OCGs are also involved in document fraud, THB, money laundering, drug trafficking and other serious crimes.

The main challenges identified by Eurojust include: (i) limitations regarding the scope of available tools that may be used in investigating migrant smuggling cases such as those related to controlled delivery; (ii) difficulties in engaging in financial investigations mainly due to the common use of the *hawala* system; (iii) limited capacity or will of the EU Member States' national authorities to deal with third States; (iv) higher risk of conflict of jurisdiction; and (v) asserting jurisdiction and securing admissibility of evidence, particularly on the high seas.

To overcome the obstacles, Eurojust has identified and developed specific tools and best practice. They include, but are not limited to, early information exchange at Eurojust as well as ensuring coordinated actions, particularly to determine which jurisdiction is best placed to prosecute. In this context, JITs were recognised as the ideal forum through which the global picture of a given OCG can be identified, revealing the structure and locations of the OCG as well as the *modus operandi* of the suspects. JITs allow participants to better understand the interactions between the different segments of the OCG. They also help identify common objectives and agree on practical arrangements in complex cases. After information has been exchanged, JITs are the instrument par excellence through which prosecutorial strategies can be designed and implemented. From an evidentiary perspective, JITs facilitate, accelerate and make more efficient the exchange of evidence while securing admissibility. In addition, JITs benefit from the financial support provided by Eurojust.

Eurojust casework shows that Eurojust tools, such as coordination meetings, coordination centres and JITs, are extensively used by EU Member States in migrant smuggling cases, as opposed to other crime types, and that especially JITs are a key tool for agreeing on common prosecutorial strategies. To further increase the support provided to practitioners, a working document supplementing the JIT model agreement, with specific features associated with migrant smuggling, has been prepared by Eurojust to assist the national authorities in dealing with this complex type of criminality. The document facilitates the speedy drafting of JIT agreements, thus responding to the needs of practitioners in this particular crime area.

The *Halifax* case (see also the related [infographic](#)) illustrates the successful activities of the **North Sea Task Force** (NSTF), which is supported by Eurojust. The case concerned an OCG suspected of facilitating unlawful immigration from various States, including Afghanistan, Pakistan and Vietnam, into the European Union in breach of immigration law. The OCG was also suspected of money laundering. Further, the OCG was believed to have transported migrants in specially adapted vehicles, passing through Bulgaria, France, Belgium and the Netherlands, with the UK being the final destination. Investigations into the OCG began in 2016 in the UK and the Netherlands, and links were detected to the other three EU Member States. One aspect of the case is that it brought together a

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<sup>4</sup> Migrant smuggling cases in the period 2015-2017 represent fewer than 3% of the cases registered at Eurojust.



number of States located along the smuggling route: the destination State (UK), transit States (Belgium, Bulgaria, Germany, France and the Netherlands), and States in which the OCG found logistical support (notably France, where vehicles were adapted).

The NSTF is a successful regional mechanism for judicial cooperation, fostering prosecutorial collaboration among Belgium, the UK, France and the Netherlands, located along the smuggling routes<sup>5</sup>. The objectives of the NSTF is to continue to increase information exchange within its members, share and analyse operational data and judicial decisions, as well as seek complementarity with the existing institutions. It managed to increase the efficiency of the judicial response by mainly, but not exclusively, improving and speeding up information exchange: it clearly identified relevant counterparts by appointing specialised contact points in the four EU Member States. The NSTF considers also the possibility of providing analysis of the situation in the North Sea area as part of the smuggling route to other States.

## 2.2. Support provided by EU actors

The **European Commission** (Commission) gave a presentation on the issue of the 'humanitarian exemption', as provided for in Article 1(2) of [Council Directive 2002/90/EC](#), as well as on the latest policy developments around it. The clause offers the possibility to EU Member States not to criminalise facilitation of irregular entry or transit of migrants if the intention is to provide humanitarian assistance<sup>6</sup>. The matter was part of the [Evaluation](#) of the Facilitators' Package<sup>7</sup>, which highlights that eight EU Member States have incorporated some form of exemption in their domestic legislation<sup>8</sup> with different interpretations of the clause.

Some participants also raised the issue of humanitarian assistance and provided instances of judicial proceedings, such as the conviction for facilitation of irregular entry to Sweden of a journalist who helped a 15-year-old boy staying in Greece to move to Sweden. The sanctions were minor, but the court did not consider the assistance as falling within the ambit of the humanitarian exception.

The Commission voiced concern over the perceived risk of criminalising NGOs and citizens who provide assistance to irregular migrants, as forewarned the participants of confusion regarding the applicable legal framework. Humanitarian assistance is not defined under EU law, nor is the notion of distress at sea under international law. The case law is negligible or not gathered systematically. The Commission considers that a possible revision of the EU legal framework would not bring any benefits at the moment. The Commission expressed interest in receiving feedback from practitioners, judges and prosecutors on this issue, and is also reaching out to interested civil society organisations. The Commission proposed as additional measures awareness raising, training and research on case law; it further suggested that Eurojust gathers information on national experiences regarding the interpretation and implementation of the humanitarian exception in the EU Member States.

The **European Migrant Smuggling Centre** (EMSC) at Europol provides operational, technical/forensic and financial support, as well as analyses. This multidisciplinary approach is particularly beneficial as it allows an enhanced exchange of information. The EMSC specialists and

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<sup>5</sup> The NSTF was created with the support of Eurojust in 2016. It gathers judicial and law enforcement professionals from France, the UK, Belgium and the Netherlands, as well as liaison magistrates and specialists from Eurojust and Europol. The NSTF meets regularly in Lille, France.

<sup>6</sup> This exception clause applies only to facilitation of illegal entry and illegal transit and not to the facilitation of residence.

<sup>7</sup> The 'Facilitator's Package' consists of Council Directive 2002/90/EC, which defines the facilitation of unauthorised entry, transit and residence, and Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

<sup>8</sup> The legislation of BE, EL, ES, FI, HR, IE, IT, MT and UK provides for exemption from criminalisation.

analysts support investigations on the spot, while actively engaging with third States, e.g. Niger. The operational activities of the EMSC include: (i) implementing the political tasking deriving from the Malta Declaration; (ii) ongoing active presence in the European Union Regional Task Forces (EURTFs)<sup>9</sup>; and (iii) other outreach initiatives: the intensified cooperation with the Immigration Liaison Officers (ILOs), the European Migration Liaison Officer (EMLO) networks, the EU cooperation platforms on Member States and Trafficking in Human Beings, and Europol's visiting experts (e.g. European Union Border Assistance Mission in Libya (EUBAM Libya)). The work of the EMSC in 2017 resulted in 19 215 contributions related to migrant smuggling.

The **European External Action Service** (EEAS) is currently in the process of strengthening the civilian Common Security and Defence Policy (CSDP). Civilian missions and military operations<sup>10</sup> are ongoing in critical geographical areas related to migrant smuggling, such as the Mediterranean (EUNAVFOR MED (Operation SOPHIA)), Libya (EUBAM Libya) and the Sahel region (European Union Capacity Building Mission (EUCAP) Sahel Niger). Cooperation agreements were signed between the EEAS and Europol, Eurojust, Frontex, the [European Gendarmerie Force](#) (EUROGENDFOR), the European Union Agency for Law Enforcement Training or European Police College (CEPOL) and Interpol. Specific avenues are being explored to allow the EEAS to assist Eurojust, including by enhancing Eurojust's cooperation with key third States of origin or transit of migrants.

The added value of the European Observatory on Migrant Smuggling and Human Trafficking was presented by **EUNAVFOR MED**. The Observatory was launched in July 2017 with the support of the Italian Public Prosecutor's Office against Mafia and Terrorism. Membership in the Observatory is open to Justice and Home Affairs (JHA) agencies and other interested stakeholders. Its goal is to share data and information between key players combating human traffickers and migrant smugglers mainly by disrupting their business model. An intelligence cell embedded in the EUNAVFOR MED exchange network was recently agreed upon. This Crime Information Cell (CIC) is expected to enhance information sharing and increase the capacity to tackle illicit activities in particular but not exclusively in the area of migrant smuggling, thus reinforcing the nexus between 'external dimension and internal security'.

The information collected by **Frontex** relates to data stemming from migrants interviewed at sea, land and air borders, and concerns the organisation of their travel from their State of origin. This information is provided anonymously and voluntarily, and cannot be therefore used in court. A new methodology has been recently introduced, by which personal data of a migrant can be legally gathered, with the consent of the migrant. The migrant can then testify before a court of law, providing names, addresses, photos and relevant information about the *modus operandi* of the migrant smuggling OCG, thus creating a reliable intelligence picture. This information improves Frontex's capability to fight organised crime and terrorism. Discussions are currently ongoing between Frontex and Eurojust on the opportunities for operational cooperation under the new legal framework of Frontex, including the possibility to transfer personal data to Eurojust.

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<sup>9</sup> The EURTF is a shared office where representatives of Frontex, Europol, the European Asylum Support Office (EASO) and EUNAVFOR MED work together to coordinate EU assistance to national authorities in the identification, registration and return of migrants. The EURTF office also hosts a Eurojust correspondent to ensure adequate judicial follow-up.

<sup>10</sup> Currently, 6 military missions/operations and 10 civilian missions are in progress, with the objectives of keeping the peace, preventing conflicts, strengthening international security, supporting the rule of law, as well as preventing human trafficking and piracy.

### 3. Operational outcome of the discussions

During the discussions, participants recognised that effective judicial cooperation in migrant smuggling cases is particularly challenging, as exemplified by the investigation and prosecution in the *Halifax* case<sup>11</sup>. Parallel investigations at different stages pose an additional challenge and can be a hindrance to active judicial cooperation.

- The complex nature of migrant smuggling cases, and the agility of an OCG involved in poly-criminal activities in several States, including third States, call for timely and comprehensive information exchange as well as the design of prosecutorial strategies between EU Member States during coordination meetings at Eurojust and when deciding to establish and run a JIT.
- Participants acknowledged the analytical role of Europol in gathering and processing relevant information, thus facilitating the decision-making process at judicial level.
- Establishing effective cooperation between law enforcement and judicial authorities is instrumental, particularly when evidence is gathered at an early stage of a case. Good resource management and the establishment of clear common objectives are also essential when working in a judicial cooperation environment.
- In many EU Member States, a JIT can be established only when an investigation is opened. This may be an aspect to be taken into account when exploring ways to accelerate investigations in an international context.
- To resolve the issue, coordination meetings were seen as a forum where information can be easily exchanged to trigger investigations. To maximise the efficiency of such meetings, practitioners considered the possibility to make full use of Eurojust's preparatory meetings involving the National Desks only (level II meetings), exchanging information and relevant documents to facilitate and ensure an efficient decision-making process at the subsequent coordination meetings, including on the establishment of JITs or decisions on the best-placed jurisdiction to prosecute.
- Participants agreed that the determination of the realistic duration of a JIT is a success factor, and outlined that when a JIT agreement is signed for a period of six months only, the complexity of the case often requires that extensions be sought. For this particular crime area at least, participants suggested considering an anticipated duration of 12 to 18 months as standard.
- Finally, participants discussed how to maximise the opportunities stemming from the new legal framework governing Frontex and exchanged views on other operational developments, e.g. the creation of the CIC within EUNAVFOR MED.
- Such opportunities could allow enhanced cooperation with key third States, principally those of origin and transit of migrants, the provision and exchange of relevant operational information to trigger new investigations and prosecutions, or the detection of links between existing investigations.
- Participants highlighted the necessity to ensure synergies between the existing structures and organisations to provide practitioners with relevant information to tackle the problem taking a holistic approach, thus dismantling the OCG in its entirety, whenever possible.

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<sup>11</sup> See *supra*, page 6.

## 4. Conclusions

- Participants recognised the complexity of the investigations related to migrant smuggling.
- Such investigations require significantly more efforts and resources as they are transnational by definition, deal with highly sophisticated criminal schemes operated by agile and flexible OCGs involved in poly-criminal activities, and always necessitate parallel financial investigations to ensure the confiscation of illegally acquired assets.
- Enhancing the cooperation with third States is of paramount importance to obtain evidence and maximise the effect of joint actions within the European Union and beyond.
- Dismantling the entire OCG (as opposed to limiting the investigation at national level) is essential and requires the full use of all investigative tools to trace and investigate the movements and criminal activities of the OCG in several States, hidden cells and the communication and links between them, as well as complex money flows, often using the *hawala* system.
- Taking advantage of the weaknesses of the OCGs could be useful when conducting investigations, e.g. the use of social media to recruit migrants and facilitate their smuggling, the interception of communication between leaders and their subordinates, and making use of the moment when cash is being physically transferred in financial schemes involving *hawala*.

In light of the above, the following actions were proposed:

**National authorities** are encouraged to:

1. refer more migrant smuggling cases to Eurojust to allow an early exchange of information at judicial level and agree on common objectives and prosecution strategies;
2. fully utilise judicial cooperation tools, particularly JITs, Eurojust coordination meetings and coordination centres;
3. maximise the use of financial investigations, with the support of Eurojust and Europol, when appropriate;
4. fully investigate links between migrant smuggling and other types of serious organised crime, e.g. the production, distribution and use of false and falsified documents, THB, corruption and terrorism; and
5. further consider the conclusions of the 2016 [Tactical meeting on judicial challenges in illegal immigrant smuggling](#) at Eurojust, particularly the creation of an informal network of practitioners, possibly involving other relevant EU actors.

**Eurojust** is invited to:

6. enhance cooperation with third States by increasing the number of new Contact Points and strengthening the relations with existing Contact Points at both strategic and operational levels;
7. make full use of the recently signed Letter of Understanding (LoU) with the EEAS and ensure follow-up actions with other relevant actors to maximise synergies to detect links between investigations and trigger new investigations and prosecutions;

8. stimulate the creation of new JITs by enhancing cooperation with Europol at operational level and by proactively supporting practitioners through the systematic dissemination of the working document produced by Eurojust for practitioners, which is tailor-made for migrant smuggling cases and complements the JIT model agreement;
  9. gather issues related to the implementation of the humanitarian exception at judicial level in the EU Member States and assist the Commission in this endeavour;
  10. collect and assess any differences in national legislation which may have an impact on judicial cooperation, e.g. the way *hawala* or sham marriages are regulated in the EU Member States;
  11. reflect on possibilities to improve the preparation of level II and level III meetings by encouraging practitioners to exchange information in advance and be in a position to take a decision on the way forward when attending meetings at Eurojust; specifically, Eurojust was invited to consider sending to the participants well before the coordination meetings specific supporting documents, e.g. the Eurojust [Guidelines for deciding 'Which jurisdiction should prosecute?'](#) or the JIT model agreement;
  12. organise in the near future a follow-up meeting at Eurojust to facilitate the further exchange of best practice and help identify challenges in investigating and prosecuting migrant smuggling; and
  13. continue the dialogue with Frontex in view of the possible conclusion of a cooperation agreement.
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