


## Multilateral Joint investigation teams


### CHECKLIST FOR PRACTITIONERS

SETTING-UP PHASE	
<b>Identification of parallel or linked investigations</b>	<ul style="list-style-type: none"> <li>✓ Obtain an overview of parallel or linked investigations at national and international levels.</li> <li>✓ Assess which countries need to cooperate most intensively (a key factor is investigations being at a similar stage).</li> </ul>
<b>Factors for assessing the suitability of a multilateral JIT</b>	<ul style="list-style-type: none"> <li>✓ Need for enhanced cooperation to tackle complex crimes, particularly involving transnational organised crime groups. Level of overlap between the investigations; need to prevent and solve conflicts of jurisdiction.</li> <li>✓ Estimated scope of information/material that needs to be exchanged.</li> <li>✓ Possible upcoming joint action days in multiple countries with attendance of seconded members.</li> <li>✓ Available resources in the countries involved.</li> <li>✓ Estimated time frame for finalising the JIT agreement, taking into account the organisational and administrative efforts.</li> <li>✓ Dedication and cooperative mindset.</li> <li>✓ Level of experience with the JIT tool, especially in JITs with four or more JIT parties.</li> </ul>
<b>Various approaches</b>	<ul style="list-style-type: none"> <li>✓ Keep the JIT manageable: from previous experience, up to four parties are in general manageable; more JIT parties to join only after careful assessment of advantages and disadvantages.</li> <li>✓ Option to set up a smaller JIT or bilateral JIT first between countries that have already established good and close cooperation.</li> <li>✓ Sometimes a strategic decision to join forces is needed to convince another country of the value of joining a JIT.</li> </ul>
<b>Legal framework</b>	<ul style="list-style-type: none"> <li>✓ Depends on whether or not a non-EU country is involved.</li> <li>✓ For more information, see the <a href="#">Guidelines on Joint Investigation Teams Involving Third Countries</a>.</li> </ul>
<b>Drafting the JIT agreement</b>	<ul style="list-style-type: none"> <li>✓ Consider using the <a href="#">JIT model agreement</a>.</li> <li>✓ It is best practice to negotiate in a common working language.</li> <li>✓ Purpose and aim of the JIT: define and outline the scope of the investigations (specific crimes, links between the investigations and the aim of the JIT).</li> <li>✓ Translation of the JIT agreement: check if required and, if so,</li> </ul>

		<p>whether only one language version could be signed and then a certified translation produced.</p> <ul style="list-style-type: none"> <li>✓ Agree on a common working language for the JIT, when possible.</li> <li>✓ Check if a scanned version is sufficient or if original documents are needed.</li> <li>✓ Consider confidentiality and the media strategy.</li> </ul>
<b>Eurojust support</b>		<ul style="list-style-type: none"> <li>✓ Involve Eurojust as early as possible.</li> <li>✓ Identification of suitable cases for a JIT, clarification of legal/formal requirements, drafting of the JIT agreement, enabling the signature process.</li> <li>✓ Organisation of coordination meetings at Eurojust.</li> </ul>

## OPERATIONAL PHASE

<b>Investigative approaches</b>		<ul style="list-style-type: none"> <li>✓ Either establish a common investigative approach or inform each other about the investigative approach and ensure co-existence without jeopardising each other's investigations.</li> <li>✓ Mutually understand the differences in judicial systems at critical moments of the investigation.</li> <li>✓ Who will be prosecuted where and for which offences?</li> </ul>
<b>Appointment of a driver/coordinator</b>		<ul style="list-style-type: none"> <li>✓ Added value if one JIT partner takes the lead and acts as a driver/coordinator in the interest of the JIT (also for JITs funding).</li> <li>✓ When investigations in one JIT country reach a dead end, it is crucial that the other JIT members remain active and continue to cooperate; the country could withdraw its participation in the JIT, leaving the other countries continuing the JIT.</li> </ul>
<b>Contact/communication between JIT members</b>		<ul style="list-style-type: none"> <li>✓ Appointment of a contact person (one JIT member per country) who is able to communicate in a common working language.</li> <li>✓ Organise regular meetings, with all or selected JIT members.</li> <li>✓ It is often easier to reach agreements on the way forward in face-to-face meetings.</li> <li>✓ Eurojust to act as a bridge between the national judicial authorities.</li> </ul>
<b>Exchange of information and/or evidence</b>		<ul style="list-style-type: none"> <li>✓ In a first JIT meeting, address the issue of disclosure/exchange of information between JIT partners.</li> <li>✓ No automatic sharing of documents with all JIT members, only those for which the information is of importance.</li> <li>✓ Conduct filtering and prioritisation so that only documents of relevance are exchanged.</li> <li>✓ Discuss how to exchange large files electronically in a secure environment (e.g. Europol's LFE solution).</li> <li>✓ Documents considered intelligence should not be shared without a clear marking that they cannot be used in judicial proceedings.</li> <li>✓ Possible added value of maintaining overview lists of exchanged material.</li> </ul>

<b>Common suspects</b>	<ul style="list-style-type: none"> <li>✓ Identification of common suspects.</li> <li>✓ Decide on a priority to prosecute, preferably before joint action days: who will be prosecuted where and for which offences?</li> </ul>
<b>(Joint) action days</b>	<ul style="list-style-type: none"> <li>✓ Preparation of an overview of measures: which measures have to be executed where, which measures fall under the remit of the JIT and for which measures national court orders, mutual legal assistance or mutual recognition requests are required.</li> <li>✓ Agree on date, starting time and secondment of JIT members.</li> <li>✓ Agree on a common media strategy.</li> <li>✓ If early intervention is needed in one country, the overall scope of the JIT investigations should not be disclosed.</li> </ul>
<b>Extension of the JIT</b>	<ul style="list-style-type: none"> <li>✓ Check if the stage of the investigations in the JIT countries and the JIT candidate country are aligned.</li> <li>✓ Ask 'what do we want to achieve with the extension of the JIT?'</li> <li>✓ Ensure proper expectation management regarding what could be done within the JIT.</li> </ul>
<b>Eurojust support</b>	 <ul style="list-style-type: none"> <li>✓ Maintain the overall overview of the progress of the JIT.</li> <li>✓ Anticipation and clarification of legal and operational issues (e.g. possible extension of the JIT, ne bis in idem issues, priority to prosecute, transfer of proceedings).</li> <li>✓ <b>JIT funding</b>, including loan of secure IT equipment and purchase of low-value equipment.</li> <li>✓ <b>Coordination meetings</b>: need for good preparation for meetings; coordination meetings possibly organised in combination with an operational meeting at Europol.</li> <li>✓ <b>Coordination centres</b>.</li> <li>✓ Assistance with amendments to the JIT agreement, for example on the JIT prolongation (could be for all or just for selected countries).</li> <li>✓ Assistance with the evaluation of a JIT.</li> </ul>