

Budapest Process

4th Meeting of the Community of Law Enforcement Practitioners

Date: 5-6 October 2023

Location: Sofia, Bulgaria

Conclusions

Community of Law Enforcement Practitioners (COLEP) was conceived in 2021, with 2 virtual meetings and 1 in person meeting having taken place prior to this 4th in-person meeting.

Responding to the expressed needs of Budapest Process countries to facilitate more international law enforcement cooperation, the aim of COLEP is to promote exchange of good practices and learning via structured yet informal peer to peer interactions where law enforcement officials from origin, transit and destination countries can come together to discuss their most pressing challenges regarding their fight against smuggling of migrants (SoM) and trafficking in human beings (THB). Participants can also gain know-how from targeted capacity building activities tailored to their expressed needs. Participation in COLEP is limited to a few Budapest Process countries only and is non-binding and voluntary.

Building on discussions in the previous meetings, the objectives of this 4th meeting were to:

1. Allow country delegations to present good practices, shortcomings, challenges and lessons learned in national or international operations against SoM and THB;
2. Conduct a table-top exercise where participants would consider a hypothetical situation involving the detection of a land based migrant smuggling incident, following which they would document their national response to this situation, and types of international support that can be provided, and then work in groups to identify common methodology, barriers, challenges and gaps.

Officers from the following countries attended this meeting of COLEP:

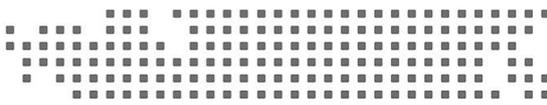
Bangladesh, Bulgaria, France, Germany, Hungary, Iraq, Netherlands, North Macedonia, Pakistan and Serbia

The meeting was opened by the co-chairs of COLEP, Iraq and Bulgaria and a short summary of the outcomes of the prior three meetings was presented by the Budapest Process Secretariat.

As a result of the **first session** of the meeting - case study presentations - the following key findings emerged (outlined in the form of good practices and lessons learned).

Good practices

- Establish public hotlines to enable information on SoM and THB to be received from any source.
- Local officers or officials have real-time access to an officer who has been trained in the identification and investigation of SoM and THB.



- Pre-departure training sessions are made available for migrant workers, including sessions on labour rights and laws and access to justice; as well as tailor-made training for investigators, judges, prosecutors, border control officers, etc.
- Bi-lateral agreements or protocols enable fast track exchange of information with other countries lead to more effective investigations and operations.
- Mobile phone data extraction remains a key tool for intelligence gathering.
- Seconded National Experts (SNE) improve the analysis of data in multi-national investigations and bring additional knowledge/skills to operations.
- Joint Investigation Teams (JITs) or 'Mirror Investigations' are the most effective tool to investigate organised cross-border crime.
- 'Common Action Days' provide large quantities of intelligence and information and disrupt organised crime activity.
- Open-source intelligence (OSINT) and surveillance (CCTV) images are valuable aids for investigations. If the legal framework allows, images and OSINT data can be presented in court as evidence.
- Overseas law enforcement liaison officers (especially when posted to key transit and destination countries) provide real-time information sharing and other types of coordination.

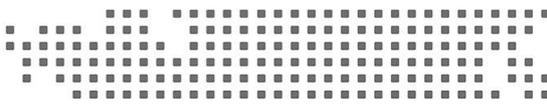
Lessons learned

- It is important to identify the methodology of migrant smuggling and human trafficking gangs, e.g., modes of transportation, routes used, safe houses and informal methods of payment.
- The lack of measures to counter or investigate Hawala banking payments is a barrier to financial investigations.
- The lack of approved interpreters can hamper an investigation, especially in the critical first few hours.
- Encrypted mobile phone applications made investigations much harder.
- The lack of joint cooperation agreements (especially for information sharing) between countries of origin and transit can make it harder to investigate transnational elements of Organised Criminal Groups (OCGs).
- Small boat phenomenon: smuggling gangs based in destination and transit countries have reacted to investigations and actions against their networks and have altered their modus operandi. Boats are now being transported and stored as component parts, to be assembled at the point of departure just before a crossing is made, in order to avoid detection.
- Encrypted social media channels are regularly identified as the means by which smugglers and traffickers communicate with migrants.
- Having a strong legal framework combined with policies and Standard Operating Procedures (SOPs) is considered fundamental for any country to effectively prevent and combat SoM and THB.

As a result of the **second session** of the meeting – hypothetical table-top exercise - the following key steps emerged as helpful to properly deal with the incident:

1. Once an incident has been detected, managing the first hour of the crime scene, the ‘Golden Hour’ is critical. This will include scene preservation and the protection, and recovery of potential evidence that may otherwise be concealed, lost, damaged, altered or destroyed.
 - Dilemma: should the officer respond to the humanitarian needs of the victims or work on the crime scene /investigative element?

Answer: the law enforcement officer should work on the crime scene while the other services (medical, etc.) can work on the humanitarian needs of victims. Therefore, it is important to make sure to involve NGOs or aid services that can deal with vulnerable groups such as unaccompanied minors (UAM).
2. Identify the scene as a serious incident of people smuggling and then cordon off / isolate the scene of the crime.
3. First responder agencies may not be trained in the investigation of this type of incident. It is important that trained investigators arrive at the scene as soon as possible.
4. All information and data recovered should be disseminated to relevant agencies and other countries for further analysis and checks.
5. A Senior Investigating Officer (SIO) or lead investigator, such as a Judge, Magistrate or Prosecutor should be identified as soon as possible and then arrive at the scene.
6. Ensure levels of awareness and training required to ensure correct identification and responses to particular situations; translators/interpreters should be ready to arrive on the scene to support with the initial evidence gathering and investigation procedures.
7. The smuggled migrant is likely to be an investigator’s ‘best evidence’. Their cooperation may be determined by the involvement of trained personnel. It is possible that an investigation of their individual circumstance may be delayed by legislation or protocols in place concerning their immediate welfare. Parallel investigation of other evidence needs to be implemented if access to the individuals involved is delayed by legal processes.
8. Examination of any documents recovered is fundamental, but experience shows that it is unlikely that travel and identity documents will be recovered from the scene or the individuals.
9. It is important to retrieve any CCTV and other video surveillance images.
10. Mobile phones – images, GPS data, text messages, calls made/received can identify routes taken by the individuals, their engagement with smugglers and actual identification of the individuals involved. Universal Forensic Extraction Devices (UFED) should be used for mobile phone data extraction.
11. Check if treatment is required for individuals involved in the incident – these would ideally be based on standard operating protocols, policies, legislation, special measures for UAM.
12. Multi agency response is required, inter agency cooperation should be pursued – MOUs and protocols between law enforcement agencies (LEA) and other organisations is critical;



Dedicated points of contact, e.g., at Ministries of Foreign Affairs, Diplomatic Missions, and Ministries of Interior and bi-lateral networks such as liaison officers, are useful in such situations.

13. Where possible, use of supporting international agencies, such as Europol, Eurojust, Interpol, Frontex and SELEC (Southeast European Law Enforcement Centre) should be pursued.
14. Informal real-time information exchange should be 'backed up' by formal requests through approved channels to ensure an evidence chain, compliance with data protection laws and to demonstrate good practice and governance.
15. The use of Joint Investigation Teams (JITs) or similar, is considered essential, in the investigation of transnational organised crime.
16. Media strategy – only a dedicated press official should liaise with the public, all other officers should be prohibited from commenting on the case; legislation on publication of images is important, as privacy of persons involved should be maintained.

Conclusions and Next Steps

- Participants found this workshop to be a valuable exercise in mapping knowledge and awareness of investigative, prosecutive and other actions against SoM and THB, thereby fulfilling the purpose of the workshop.
- COLEP was seen as a community that should continue to be supported and would remain grounded in the idea that concrete activities would be organised in the future, such as: tailor-made training sessions, targeted research, study visits and other activities of interest to the community.
- There was a proposal to organise the next meeting / workshop on JITs: how to make them work. Perhaps consider taking participants to The Hague for trainings from Eurojust. Europol and Interpol can be invited to provide their expertise as well.