



# The Ibero-American Network of International Legal Cooperation

# IBERRED



# IBERRED

- Connects 23 Ibero-American countries
- Affects over 500 million people
- Uses two languages: Spanish and Portuguese
- Optimises Legal Cooperation between member states
- [www.iberred.org](http://www.iberred.org) and our own secure communications system **Iber@**

# IBERRED

- A transnational network which needs:
  - A) **Political Support**: the feeling of belonging to a community of countries
  - B) **Compatibility** between legal systems
  - C) **Trust** between judicial bodies

# IBERRED

- **Completion of the process of integrating Ibero-America into international legal cooperation.**

COMJIB

JUDICIAL SUMMIT

AIAMP

The decision to create an “Ibero-American Network of Legal Assistance”: Constituent meeting: Cartagena de Indias, October 2004. Approval of the Bylaws.

# COMJIB

- **Conference of Ministers of Justice of Ibero-American Countries (COMJIB)**
  - Constituent Treaty granting legal personality: Madrid, 1992
  - 17th Plenary Meeting (2010, Mexico)
  - Permanent General Secretariat (Madrid) and Delegate Commission

# CJI

- **Ibero-American Judicial Summit**
  - Summits of “**Presidents of Supreme Courts of Justice**” from Ibero-America, including Spain and Portugal (1st Summit, Madrid 1990)
  - Meetings of the “**Councils of the Judicature**” (1st Meeting, Sucre –Bolivia- 1998)
  - Review of both meetings at the “**Judicial Summit**”: 2004

# AIAMP

- **Ibero-American Association of Public Prosecutors (AIAMP)**
  - Made up of Ibero-American, Spanish and Portuguese Public Prosecutors
  - General Assembly Meetings held (the latest -18th - in Lima, Peru)
  - Composed of the Permanent General Secretariat (Chile) and the Presidency (Spain)
  - Significant role of Public Prosecutors in criminal investigation and international judicial cooperation

# IBERO-AMERICAN SUMMIT OF HEADS OF STATE AND GOVERNMENTS

- **13th Summit of Heads of State and Governments** (Sta. Cruz de la Sierra, Nov. 2003)

Political stimulus

Special statement: “Strengthening of Ibero-American Judicial Cooperation”:

*•“We would emphasize the efforts made towards attaining an Ibero-American judicial space..... and welcome **the creation of the Ibero-American Legal Assistance Network (Iber Red), .....**”*

# IBERRRED

- **What is IberRed?**

- An informal cooperation tool, for both civil and criminal law, at the disposal of judicial operators from the Ibero-American countries

- **It is NOT:**

- An institution with jurisdiction over international legal assistance
- An authority which replaces those responsible for requesting and providing such assistance

# IBERRED

- **Structure** (Bylaw Provision 4)
  - **Secretariat General**
    - Support structure for IberRed
    - Run by the Permanent Secretariat General of COMJIB
  - **Members**
    - a) Contact Points
    - b) Central Authorities and Organisations
    - c) Any other judicial or administrative Authority with responsibility for legal cooperation

# IBERRED

- **Characteristics:**
  - Informality
  - Complementariness
  - Horizontality
  - Flexibility
  - Based on trust between members

# IBERRRED

- **Objectives:**

- a) **To optimise legal cooperation** in both civil and criminal matters to ensure the smooth progress of the proceedings with cross-border impact, and to speed up requests for legal cooperation.
- b) **Creation of an updated information system** on the different legal systems in the Ibero-American Community of Nations (to facilitate the effective, practical application of the legal cooperation Agreements in force).

# IBERRED

- **Contact Points:**

- **Aims**

- **Smooth progress of the proceedings** with cross-border impact
    - **Speeding up the requests** for cooperation.
    - **Effective, practical application** of the Legal Cooperation Agreements in force.

- **Appointments**

- By Ministries of Justice, Prosecutors' Offices or Courts
    - Minimum no. of 3 per country
    - Reporting to the SG
    - Unpaid

# IBERRED

- **Contact Points:**
  - **How they function:**
    - Plenary Meetings: biennial
    - Work Groups: Civil and Criminal
      - Each Work Group: one coordinator and a management team (10 Contact Points)
      - Meetings: at least once a year

# IBERRED

- **Central Authorities**

- Established in **International Legal Instruments** in which the countries of the Ibero-American Community of Nations take part, or in **internal legal regulations** concerning criminal and civil legal cooperation.

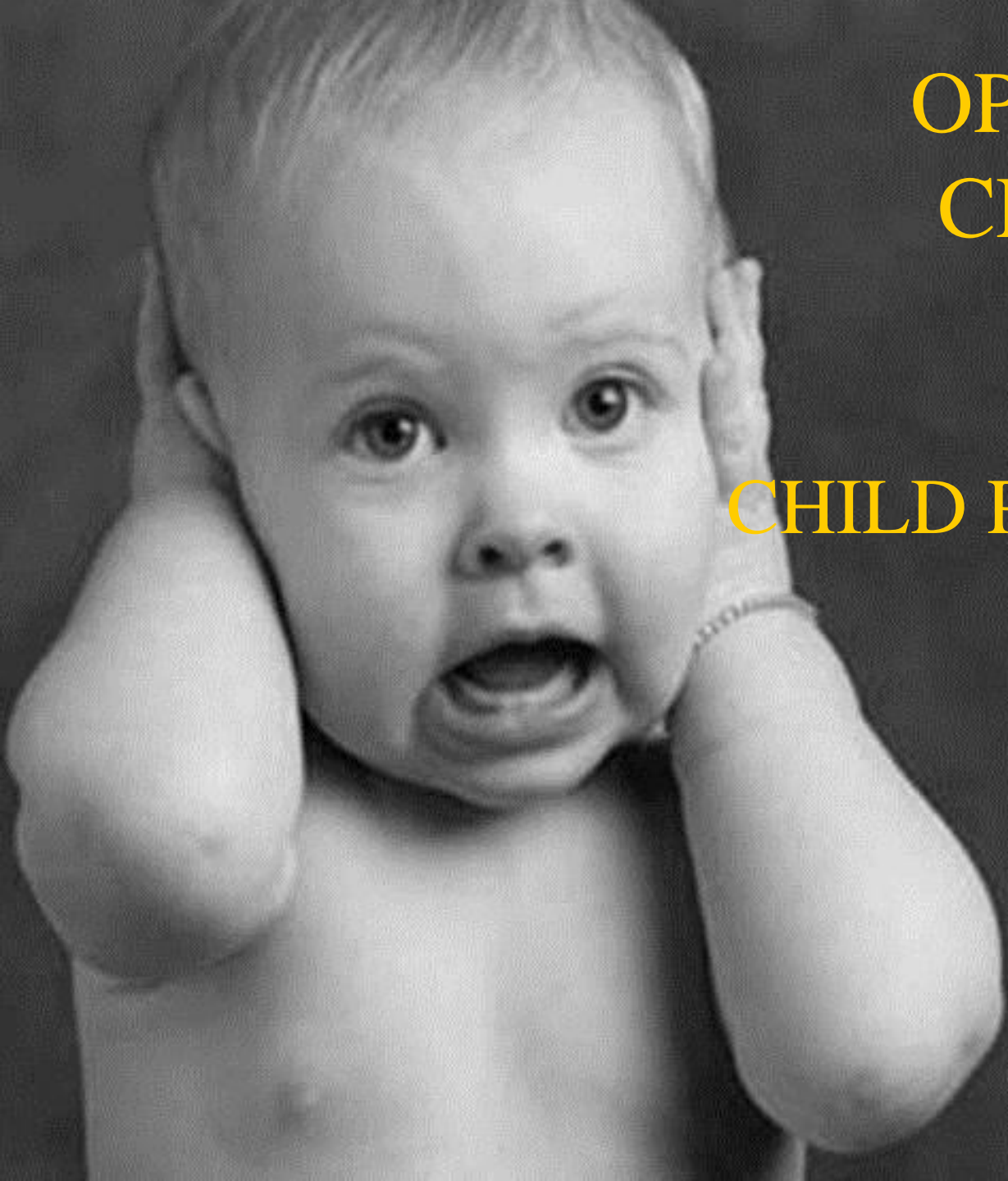
# IBERRED

- **Central Authorities: Subjects**

- Extradition and Mutual Assistance in Criminal matters
- International abduction of minors
- Transfer of sentenced persons
- UN Convention against transnational organised crime (C. Palermo)
- UN Convention against Corruption (C. Merida)

# IBERRED

- **Bylaw Provision 13:**
  - To fulfil its objectives, IberRed intends to stay in contact and share experiences with **other legal cooperation networks and international institutions** promoting international legal cooperation
- **Bylaw Provision 14:**
  - IberRed.....will promote operational relations with the legal cooperation unit for criminal matters of the European Union, **Eurojust.**
- **Signing of MoU:** with Eurojust (Lisbon, May 2009), with EJM (Madrid, June 2010)



OPERATION  
CERBERUS  
fighting

CHILD PORNOGRAPHY

# ORIGIN OF THE PROCEEDINGS



**Complaint filed  
by a citizen of  
Caldas de Reis  
(Pontevedra -  
Spain)  
(19 January 2005)**

# OBJECT OF THE COMPLAINT:

EXCHANGE OF CHILD  
PORNOGRAPHY THROUGH  
INTERNET CHAT ROOM

“Fotos P2filia menores yMayores de40”



# INVESTIGATION BY THE *GUARDIA CIVIL* (JUDICIAL POLICE)



Observation and recording of all activity occurring in the chat room for 15 days

# UNIVERSALITY OF THE CRIME INVESTIGATED

## Europe:

- Spain
- France
- Italy
- Sweden
- Holland

## South America:

- Argentina
- Chile
- Panama
- Dominican Republic
- Costa Rica
- Mexico
- Uruguay

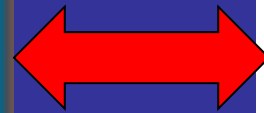




**Council  
Act  
28/11/2002**

**OBJECTIVES  
(Article 3)**

**Coordination of investigations  
International judicial cooperation**

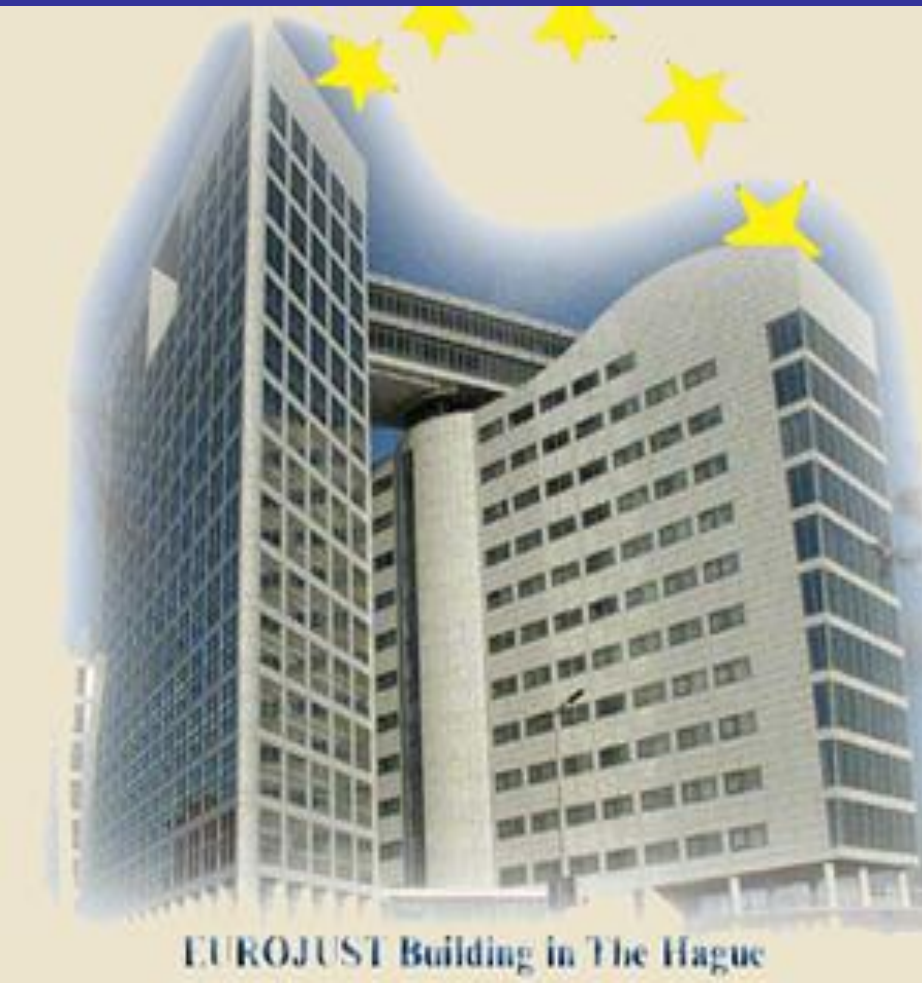


# IBERRRED

(Cartagena de Indias 27-29/10/ 2004)

- To optimize judicial cooperation (article 3)
- To provide information and facilitate coordination (article 6)

# EUROJUST COORDINATION MEETING (23/2/2005)



EUROJUST Building in The Hague

- Exchange of information
- Analysis of the criminal category of the behaviours investigated
- Coordination of the operation

# INVESTIGATION OF CRIMES COMMITTED THROUGH THE INTERNET

Seizure of evidence



Analysis of the chat room

Analysis of the log files

# DETERMINING THE PERPETRATORS OF THE CRIME

Determination of the connection data

Determination of the offenders' tel. no.

Identification of the offenders



# DETENCIONES



Se realizaron más de 100  
detenciones y la clausura de  
la página web

España  
Francia  
Argentina  
Rep. Dominicana  
Panamá  
Uruguay  
Chile