The Ibero-American Network of International Legal Cooperation
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• 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 and our own secure communications system Iber@
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• 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
• Completion of the process of integrating Ibero-America into international legal cooperation.

The decision to create an “Ibero-American Network of Legal Assistance”: Constituent meeting: Cartagena de Indias, October 2004. Approval of the Bylaws.
• 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
• **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), …..*”
• **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
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• **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
• **Characteristics:**
  – Informality
  – Complementariness
  – Horizontality
  – Flexibility
  – Based on trust between members
• 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).
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• 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
• **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
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• 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.
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• 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)
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 EJN (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 y Mayores de 40”
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
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(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)

- 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
ENTRY TO AND SEARCH OF DOMICILES:

16 MARCH 2005 at 7 a.m.
DETENCIONES

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

España
Francia
Argentina
Rep. Dominicana
Panamá
Uruguay
Chile