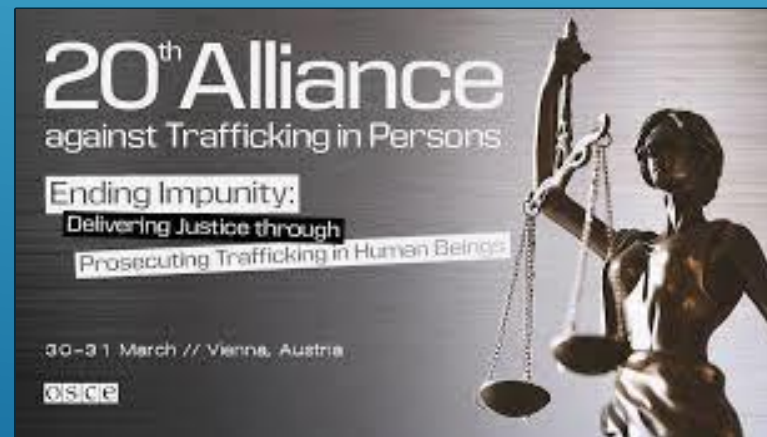


NIGERIAN LIAISON MAGISTRATE SPANISH EXPERIENCE



NIGERIAN LIAISON MAGISTRATES

“PROMIS PROJECT” – UNODC supports the deployment of two Nigerian liaison prosecutors to Italy and Spain respectively (in line with art. 18.13 of the UNTOC and art. 17 of the Protocol against the Smuggling of Migrants by Land, Sea and Air)

- ❖ The first deployment of Nigerian Liaison Magistrate to **Italy** started in February 2018
- ❖ In March 2019 supported the deployment of another Nigerian prosecutor to **Spain**

MAIN ASSIGNMENTS

- ❖ **Activation or a direct communication line between the national central authorities.**
- ❖ **Provision of relevant information on structure and modus operandi of criminal networks in the origin country to the national prosecution and investigative authorities in the countries of destination**
- ❖ **Transfer of files on organized crime cases from one country to another and ensuring the prompt execution of the requests transmitted by the receiving central authority**
- ❖ **Follow-up on formal requests for MLA and extradition submitted through the appropriate channels**
- ❖ **Legal assistance to the central authorities of the concerned countries on their respective legal and procedural requirements to properly draft and execute requests for MLA and extradition**

ON GOING CASES WITH LIAISON MAGISTRATE:

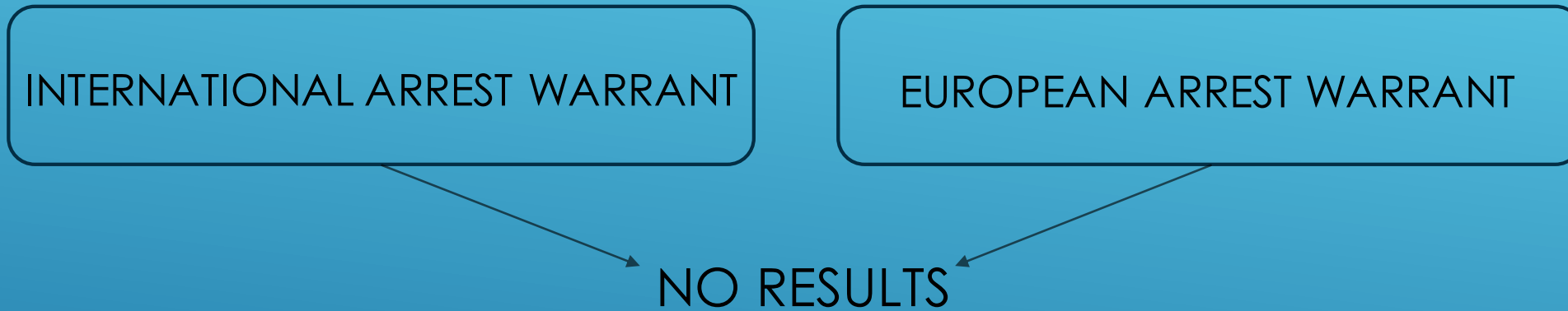
CASE 1: "CHEVAL".

Fuenlabrada Court num.1 (DP 377/2016).

- PEOPLE UNDER INVESTIGATION: 25
 - Heads of the OCG.....two nigerian women.
 - Members....the rest (all Nigerian).
 - 8 facilitators of the financial gain.
- VICTIMS: 10
 - 2 minors.
 - THB-Forced prostitution-documents forgery-injuries-COrg migrant smuggling.

CASE 1

- ✦ **NAPTIP** (NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICKING IN PERSONS)
- ✦ **UK LIAISON MAGISTRATE.**



Not extradition, but TRANSFER THE PROCEEDINGS TO BE TRIED IN NIGERIA (art. 21 UN.CaTOC)
Obligation to prosecute (in case of surrender-refusal of the nationals) (art. 16.10 UN.CaTOC)

CASE 2

Torrevieja Court num.2 (DP 1786/2016).

INTERNATIONAL ARREST WARRANT against a man main responsable)

- **15 May 2018 arrested** in Nigeria.....Released on bail
Passport withdrawn.
- **April 2019 willingness of waiving** extradition to be taken to Spain

LIAISON MAGISTRATE: May 2019 Nigerian authorities communicated his wish and the man was transported under police escort and put in provisional prison.

CASE 3: "REINA"

Málaga Court num.6 (DP 227/2018).

- National Police requested the Judge a **INTERNATIONAL ARREST WARRANT**.
(man main responsible of a OGC, recruiter in Nigeria).
- Judge rejected (3/4/2019 decision) (national limits of the investigation).

- Judge accepted the Prosecutor's request to issue an **OFICIAL COPY OF THE PROCEEDINGS** in order to be sent to Nigeria as a complaint, in order to get him to trial there.

LIAISON MAGISTRATE: it has been sent through the official channel and the LM has been provided with a copy of it **TO ACTIVE IT (JULY 2019)**.

ASSESSMENT:

POSITIVE

- Altogether National Police, Guardia Civil, Specialized Prosecutor O.
- Connection to the origin country (victims and perp.)
- More fluent exchange of information.

NEGATIVE

- UNTRUST: Trend to not to accomplish the IAWs and extradition requests.
- Delay of the proceedings.

NEEDS AND PROSPECTS:

- 1- Absolute need of International Judicial Cooperation (transborder crimes, against Human Rights):
 - 1.1- **Extend the prosecution** to people outside our own borders (Extradition, IAW...), to countrys of origin, transit or temporary residence.
 - 1.2- **Protecting** victims and their families.
 - 1.3- **Financial investigations** in search of assets of crime.

NEEDS AND PROSPECTS:

2- Need of knowledge on the main aspects of Nigerian Legal System, to assess the real chances we have on:

1.1- measures to protect victims and their families.

1.2- Financial investigations in search of proceeds of crime:
seizure and confiscation (information about bank and financial accounts, real state...).

1.3- Setting up of JITs.

TOOLS:

- Judges, Magistrates **training** on this matter (CGPJ: “Good practices in THB cases”).
- Periodically **assessment of the results**, in multi-lateral meetings like this.
- Bilateral meetings with **Nigerian Judicial authorities**.