

# JOINT INVESTIGATION TEAM

## DRUG TRAFFICKING

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### **The case :**

In March 2005, the French police department in charge of drug trafficking (office central de repression du trafic illicite de stupéfiants – OCRTIS) received information about a criminal organization involving in cocaine trafficking between Colombia, France and Spain.

A preliminary inquiry is opened by and under the direction of the prosecution office of Paris in charge of organized crime (JIRS).

At the beginning of their investigations, the French policemen discovered :

- The criminal organization was directed in Colombia.
- Some of identified main members of the organization were based in Spain and in France and they organized the transfer of the drug. They seemed to have a very efficient logistics.
- Cocaine was imported from Colombia to France and Spain by using suitcases travelling by plane on commercial airline.

To collect information and evidences about this criminal organization, French policemen used interceptions of telecommunications, covert investigations and surveillances.

They discovered that identified members of the criminal organization travelled a lot between France and Spain.

In consequence, at the beginning of 2005, it rapidly appeared as a necessity to organize concerted action of surveillances and interceptions of telecommunication between French and Spanish police.

That's why French policemen contacted the Spanish police department in charge of drug trafficking (UDYCO Central of Madrid) to propose them to work together to break up this criminal organization.

At the very beginning, discussions hold on between French and Spanish police departments. Then, faced to the complexity of the inquiries, the French prosecutor and the Spanish competent judicial authority (chief of Fiscalia nationale anti-drogue in Madrid) decided to create a joint investigation team.

The agreement was signed in May 2005 in France. Period : 1 year.

For France, the director of the JIT was the prosecutor of Paris (the chief of the JIRS) and the chief of the JIT was the chief of OCRTIS. French and Spanish policemen were members of the JIT. They worked in France and in Spain together.

They continued surveillances and interceptions of telecommunications, they identified more precisely members of the organization, they discovered there plans and they localized there houses.

They exchange information from those researches. The French policemen wrote immediately the result of each research. The Spanish policemen wrote a report at the end of the researchs. Exchange of information took place only between policemen.

In June 2005, 9 main members of the criminal organization were arrested in France because policemen of the JIT knew there plans. 160 kilos of cocaine were seized.

In Spain, members of the JIT carried out searches of members of the criminal organization houses. They found cocaine and weapons.

In France, the case had been submitted to an examining judge who signed a new agreement with a judge of the Audiencia Nacional in Madrid. The arrested members of the criminal organization were accused of drug trafficking and conspiracy. They were incarcerated.

At the end, the case was closed in Spain and the members of the criminal organization arrested in France were convicted in France.

Even the case was closed in Spain, the JIT continued between the two judges (French

and Spanish). The French judge issued an arrest warrant against 2 members of the criminal organization identified by the JIT. They were arrested after the decision of the court of Paris and judged again, one of them in 2010 and the other in 2011.

Before being definitely arrested, one of the both was heard by Spanish police about another in which he was involved and released without executing the arrest warrant issued by the French examining judge.

The sentences were :

- For the 7 main members of the criminal organization : from 8 years to 3 years of prison.
- For the others, the sentences were lighter.

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### **Study of the case : points of discussion about the JIT**

1 – Why was it necessary to create a JIT in this case ?

2 - What other instruments of cooperation could be used ? Why would they be insufficient ?

3 – What do you think about the moment chosen to create the JIT ? too late, too soon or at the right moment ?

4 – What kind of evidences did the policemen try to collect and which investigation tools did they use ?

3 – Which difficulties can you identify in the execution of the JIT ?

4 - Can you imagine solutions to avoid these difficulties ?

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**Conclusion of the agreement creating the JIT :**

- **find the main points which must be discussed and for which a decision is absolutely necessary at the very beginning of the JIT.**
- **find help for those negotiations.**