

**A closer look at Joint Investigation Teams:
The Dutch-Bulgarian JIT.
Bachelor Thesis**



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List of abbreviations

COMENSHA – Dutch Coordination Centre for Human Trafficking
COSPOL – Comprehensive Operational Strategic Planning for the Police
EAW – European Arrest Warrant
EU – European Union
EC – European Council
ECIM – European Criminal Intelligence Model
EPCTF – European Police Chief Task Force
Eurojust – European Union’s judicial cooperation unit
Europol – European Union’s law enforcement agency
HLAG – High Level Advisory Group
IGO – International Governmental Organisation
ILP – Intelligence Led Policing
Interpol – international police organisation
JIT – Joint Investigation Team
MLA – Mutual Legal Assistance
MLAC – Mutual Legal Assistance Convention
NGO – Non-Governmental Organisation
NCCTHB – Bulgarian National Commission for Combating THB
OSCE – Organisation for Security and Cooperation in Europe
PG – Dutch Attorney General (College van Procureurs Generaal)
THB – Trafficking in Human Beings
UN – United Nations

Abstract

The paper at hand discusses the possibilities of effective policing in the EU, with special focus on the Dutch-Bulgarian Joint Investigation Team (JIT). First it will identify why this type of international cooperation is needed and outlines the difficulties we face with policing against cross-border crimes in the EU. An example of a transnational crime is the trafficking of human beings (THB) which is often a huge problem for the country of destination (the Netherlands) and the country of origin (Bulgaria). In the second part of the thesis I will outline the most important elements of international cooperation of a Joint Investigation Team. This will be followed up by a analysis on the legal framework of a JIT. In the last part of the thesis the Dutch-Bulgarian JIT will be studied, with an introducing part about the main problems these two countries face. In the last part of the thesis I will give an conclusion in which I will determine how the usage of a Joint Team can contribute to international cooperation in the combating of transnational crime between the Netherlands and Bulgaria.

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Chapter 1: Introduction

§1.1 - Introducing the Paper at Hand: Borderless Crime

In 2011, Dutch and Bulgarian authorities agreed to create a Joint Investigation Team, in order to stimulate the international cooperation on criminal matters (Sollie & Kop, 2012). In short a Joint Investigation Team (JIT) is a team in which authorities of two or more member states of the European Union can organise a research-team with a certain goal for a certain period of time, in order to practice criminal law in the participating member states (Sollie & Kop, 2012). In this study we will take a closer look at the elements of international cooperation of the Joint Investigation Team, in order to assess how these features can contribute to the prevention of transnational crime between the Netherlands and Bulgaria. The main elements of international cooperation of the Joint Investigation Team will be outlined in chapter 2. The main reason the JIT was created between Bulgaria and the Netherlands was to combat human trafficking (Surtees, 2008). Accordingly, the majority of victims who are being trafficked from Bulgaria to the Netherlands is female (Comensha, 2013). This type of criminal offense can be seen as transnational, since it is committed in more than one state (Siegel, 2009). Therefore both states agreed on creating a JIT in order to establish a form of international cooperation on the field of policing that deals with cross-border crimes. As mentioned by Surtees (2008) women are nowadays being illegally trafficked from states in Southern and Eastern Europe to various destinations such as Western Europe, the United States and the Middle East. In poorer regions, such as Bulgaria, unregulated transition from state-controlled to a free market economy resulted in mass unemployment, a breakdown in social services and poverty. The result was an increase in criminal activity, such as illegal arms trade, drugs trade and human trafficking (Surtees, 2008, Appendix A & Appendix B). According to Surtees (2008) Bulgaria is one of the major source countries for human trafficking, which concerns mainly women who are being exploited in the sex industries. After the Schengen Treaty, the EU and its member states became an area without internal borders (European Commission, 2014). Although Bulgaria is a member state of the EU, it did not directly become a member of the Schengen Agreement. This is a long term goal of Bulgaria and it is estimated that in 2017 the state will entry in the agreement (Euroactiv, 2014). If this would be the case, there would be a possibility to traffic women to western EU countries without facing strict border control. However the EU chose not to tolerate this type of transnational crime and developed a new instrument: the Joint Investigation Team (European Commission, 2014). Thus this study tries to investigate what the main features of this policing instrument are, and how these features can contribute in the prevention of crime in case of the Netherlands and Bulgaria.

§1.2 - Research Question

This thesis will provide information about the Joint Investigation Team between the Netherlands and Bulgaria. I will investigate if this type of international cooperation can contribute to the prevention of crime between these two states. Therefore the main research question of my bachelor thesis will be:

How can a Joint Investigation Team contribute to international cooperation in the combating of transnational crime between the Netherlands and Bulgaria?

In order to answer this research question a case study design will be used, in order to analyse the Dutch-Bulgarian Joint Investigation Team (JIT). The case study design which is used in this research follows the instrumental case study design (Cousin, 2005). The specific case of the Dutch-Bulgarian JIT will be studied in order to say something about the JIT in terms of transnational policing. With this case study we try to generalize on how a JIT can contribute to international cooperation in the combating of transnational crime (Cousin, 2005). The instrumental case study design fits this study, since we will investigate a specific case in order to investigate how a JIT can contribute to the prevention of transnational crime. The JIT was implemented in 2011, therefore we will look at the period of 2009-2014 in this research. We will compare data of the periods before and after the implementation of the JIT in order to say something about the JIT and the effectiveness of this JIT. This will be done by comparing data and looking at how many women were trafficked in 2009-2011 compared to the period after the JIT was implemented (2012-2014).

The analysis will be based mainly on qualitative data. This data will be derived from scientific sources and databases. These sources will contain information about: the elements of international cooperation of the Joint Investigation Team in general; the Dutch-Bulgarian JIT, international policing in the EU and some additional info about the transnational crimes that occur between the two member states. This study is relevant since it will investigate the Dutch-Bulgarian JIT and its main elements of international cooperation and will assess how these elements can contribute in the prevention of transnational crimes between the Netherlands and Bulgaria. This case is a good example of how a JIT works in general and outlines what the main problems are when trying to effectively police against transnational crimes. My research question is a descriptive research question, it tries to outline the main elements of international cooperation of the JIT and examines how these elements can contribute to the prevention of transnational crime between the Netherlands and Bulgaria. Thus we will examine how these elements can help to reduce the amount of women who are being trafficked from Bulgaria to the Netherlands. In order to answer the research question, I have created the following sub-questions:

1. What are the main elements of international cooperation of policing in Europe?
2. What are the new elements that Joint Investigation Teams contribute to the area of international policing and cooperation?
3. What type of transnational crime can be found between the Netherlands and Bulgaria?
4. What are the advantages of a JIT compared to other methods of international policing?

The first sub-question tries to outline the most important elements of international cooperation of policing in Europe, it will summarize the current existing policies of the EU on combatting transnational crimes. The second sub-question investigates the use of Joint Teams and tries to describe how these JIT's can contribute to the current scope of international policing against crime. The third sub-question focusses on the case of the Netherlands and Bulgaria and illustrates which type of cross-border problems they face. Finally, the fourth sub-question evaluates whether the use of a Joint Team holds certain advantages in comparison to other methods of international policing.

§1.3 - Research Design

The main unit of analysis is the Joint Investigation Team, whereas the main unit of observation in this thesis is the Dutch-Bulgarian JIT which was implemented in 2011. Our main unit of analysis the JIT, is an organised team which consists out of two (or more states) who cooperate internationally in order to prevent transnational crime. The JIT is a combination of several individual units such as: domestic police forces, state actors, transnational organisations, etc. More information about the composition of the JIT can be found in paragraph 2.2. To continue, by looking at the Dutch-Bulgarian case, we will try to state why the variable of international cooperation can contribute to prevent the variable of transnational crime. In the case of the Dutch-Bulgarian JIT we will thus investigate if the JIT contributes to cooperation between the Netherlands and Bulgaria in preventing human trafficking.. Again this will be done by looking at numbers of women who are being trafficked from Bulgaria in the period before and after the implementation of the Dutch-Bulgarian JIT. The research approach will be based on the research question and therefore a descriptive research will be conducted. Moreover, the research question indicates that elements of international cooperation of the JIT can contribute to the prevention of transnational crime between the Netherlands and Bulgaria. The first step is to summarize these elements of international cooperation and highlight how these can be helpful in order to contribute to the prevention of transnational crime. However the main focus of this research will be the Dutch-Bulgarian JIT, therefore a case study design will be used as the research design for this study. I will combine information about the JIT and its elements of international cooperation and analyse the Dutch-Bulgarian JIT in order to assess whether the elements of international cooperation of the JIT contribute to the prevention of crime between the two states. In order to investigate all the main elements of international cooperation of the JIT, I will begin by gathering information and literature on the legal conditions for setting up a Joint Investigation Team in the first place. When can a JIT be created? When do states agree to set up such a Joint Team? And via which regulations or laws can it be adopted? What does collaboration under a JIT means, what are the legal competences of this cooperation? The second step will be to outline all of the features of the JIT that deal with the actual prevention of transnational crimes and summarize what other forms of international policing are present in Europe. So for example, discussing the exchange of information, criminal investigation, prosecution of criminals, gathering evidence, taking people in custody and how this can reduce the victims of trafficking. Thus the JIT is the most important unit of my study, it will be analysed and studied in order to answer the research

question, if the elements of international cooperation of the JIT can contribute to the prevention of transnational crime between the two states. As mentioned before this thesis will use a case study design, we will investigate if the Dutch-Bulgarian JIT is an adequate instrument of international cooperation that may contribute to the prevention of transnational crime. A counter argument against this study can be: 'the JIT between the Netherlands and Bulgaria is already created and does its work so there is no reason to study on how these elements of international cooperation can contribute to the prevention of transnational crime.' Well my argument is that it is certainly important, to assess whether the JIT contributes to the prevention of crime. Furthermore the Dutch-Bulgarian JIT is quite new and it is interesting to study the elements of international cooperation of the JIT which contribute to the prevention of cross-border crime. The scientific contribution of the study is that it investigates whether the JIT is an effective instrument of transnational policing, by examining the period before and after the implementation of the instrument.

§1.4 - Case Selection

The Netherlands is currently operating in 21 Joint Teams (Sollie & Kop, 2012). The topics of these JIT's vary from car theft to homicide. However these crimes often remain hidden and cannot be spotted by the public's eye. However with human trafficking (THB), the signals are very visible. These women are exploited and trafficked to the Netherlands where they often are forced to work in the prostitution sector. Although the prostitution sector in the Netherlands is regulated, it still remains difficult to spot and identify illegal traffickers and victims of human trafficking (Polstra & Halbersma, 2010). It is therefore important to conduct research on how we can further prevent trafficking and protect victims of trafficking. In the Dutch-Bulgarian case the victims of THB are mostly women who are being sexually exploited (Comensha, 2013). Thus the main problem both countries face, is to tackle human traffickers smuggling innocent Bulgarian women (for the most part) to the Netherlands and sexually exploiting them. The case selection for this study will be mainly based on information about the Dutch-Bulgarian JIT, the JIT in general and international policing in EU. Furthermore the first part of the thesis focusses on outlining the main elements of international cooperation of the JIT, for this I will use existing cases and literature that outline the most important (legal) elements of a joint team and international cooperation in the EU on the area of police and justice. In the second part of the thesis I will apply these elements of international cooperation to the Dutch-Bulgarian JIT and assess whether this JIT also includes most of the elements of international cooperation. In the last part of the thesis I will conclude whether the Dutch-Bulgarian JIT is an adequate form of international cooperation in the prevention of transnational crime.

Furthermore it is also important to investigate on what (legal) basis these teams can be created. In addition, I will select some literature that deal with the Dutch and Bulgarian authorities, in order to assess whether the Dutch and Bulgarian authorities extremely differ from each other on the field of criminal investigation. This gives me the opportunity to look whether there are certain differences that can interfere with effective international cooperation via a JIT.

Chapter 2: Transnational Policing

§2.1 - Methods of Cooperation in International Policing

There are two main typologies of international policing, the first explores the distinctions between policing that aims to secure territory and that which aims to maintain surveillance over suspect populations and the second type aims to maintain surveillance over suspect populations (Appendix C). The ideal is to have a global police force with universal jurisdiction, global mobility and the formal powers to arrest and detain suspects anywhere in the world (Bowling & Sheptycki, 2012). Furthermore a clear distinction is made between “international” and “transnational” forms of policing. International in this context means the cooperation between states who hold sovereignty. With transnational types of policing, there are fully global relationships where actions, activities and organisational structures transcend and transgress national boundaries (Bowling & Sheptycki, 2012). On the field of international policing there are five main levels of interaction. The first level is local, in other words sub-national and inner state policing. The second level is national, where policing is bounded by the boundaries of the nation state. The third level is international, where relations between states determine the methods of policing. The fourth level is transnational where policing passes through national borders while being unaffected by them. The fifth and last level is global, which covers the world as a whole (Bowling & Sheptycki, 2012). The Joint Investigation Team can be seen as a method of policing operating in the fourth level since it has certain competences in the participating member states and jurisdiction without being hindered by the national borders (Sollie & Kop, 2012). As a result of globalisation the traditional nation state ‘morphed’ into a transnational-state system. In other words the national territory had become less important as an economic, political and cultural “power container” (Bowling & Sheptycki, 2012). In Europe this became clear when supranational governance developed first the European Economic Community and later the European Union. The European Arrest Warrant (EAW) implemented in 2004, set out the first new transnational policing system for Europe (Bowling & Sheptycki, 2012). But this system had a lot of negative implications, since EAW’s:

- move people across European Internal borders for minor offences;
- have been issued many years after the offence was committed, in one case even 20 years later;
- have been used to move people across borders to serve prison sentences on the basis of an unfair trial;
- have been used to bring persons to trial on the basis of evidence obtained from police brutality;
- meant that some people spend months, or even years, in detention before an appearance in court can establish innocence.

To continue cooperation does not only mean cooperation between states or organizations but can also imply cooperation between agencies, such as the military, the security and private sector. These are often operations of tactical police cooperation with other institutions, and is referred to as multi-agency transnational policing (Bowling & Sheptycki, 2012). This type of policing sets out certain 'nodes' which refers to specific international sites (police agencies, custom agencies, companies, NGOs, etc.) where governmental resources and knowledge relevant to security and social order maintenance are concentrated. These 'nodes' can be linked together in order to form a complex network of 'security governance' (Bowling & Sheptycki, 2012). In a Joint Investigation Team the security network is quite clear, there is the international cooperation between the national police institutions and the possibility exists to include Europol and Eurojust in the JIT agreement to give them legal assistance and aid them on the field of international criminal law (Sollie & Kop, 2012). As will be outlined in paragraph 2.2, there are a lot of (international) agencies that exist that focusses on transnational policing. The significant feature these agencies have is that they are constituted 'above' the nation state and are not beholden to any single national government. Although a lot of these institutions have a supranational character, they are still linked to police authorities at the local level (Bowling & Sheptycki, 2012).

§2.2 - Policing in the EU

There are a lot of international governmental organizations (IGOs) that try to deal with transnational crimes, such as trafficking in human beings (THB). Taking action against THB is high on the agenda for a lot of these IGOs such as the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE). Most of these IGOs deal with the three p's: prevention, protection and prosecution. These IGOs are responsible for a large number of treaties, regulations and other mutual binding agreements on international policing and combatting THB (Nationaal Rapporteur Mensenhandel, 2010). The UN for example sets out several laws on human rights that also affect the prosecution of human traffickers. As mentioned earlier, with the Treaty of Schengen the EU and its Member States became an area without internal borders. The Organisation for Security and Cooperation in Europe seeks to enhance border security, to facilitate legitimate travel and commerce, protecting human rights and promoting human contacts (OSCE, 2014). On the field of international cooperation in the area of policing the OSCE also manages police operations in order to prevent conflict or in cases of post-conflict rehabilitation. The OSCEs police related activities mainly focusses on transnational and organized crime, such as trafficking in drugs, arms and human beings, failure to uphold rule of law or with human rights violations (OSCE, 2014).

Human Trafficking affects virtually all of the 57 OSCE states (including Bulgaria and the Netherlands), either as countries of origin or destination (Brady, 2007). Therefore the OSCE also tries to combat human trafficking via effective field operations in which the IGO can give assistance in the country's fight against trafficking in human beings (OSCE, 2014). Unfortunately there has been no field operation in Bulgaria, perhaps this can be explained by the existence of the Local Commissions for Combatting THB in Bulgaria which already hold knowledge on how to effectively identify and combat THB. Member states have the option of including Europol in the Joint Investigation Team, in order to give them legal assistance and aid them on the field of international criminal law. However Europol is also an IGO, and apart from the possibility of assisting with the JITs they also have their own program on international police cooperation (Europol, 2014). In this program Europol tries to achieve three main goals. The first goal of Europol is to function as the principal EU support centre for law enforcement operations, in order to establish more effective cooperation between agencies and law enforcement partners, including Eurojust and Interpol. The second goal of Europol is to become the criminal information hub of the European Union, promoting cooperation between member states in identifying common information gaps and investigation priorities. The third and last goal of Europol is to develop further as an EU centre for law enforcement expertise, introducing new techniques based on innovation and best practice as well as knowledge sharing and quality training in specialist areas (Europol, 2014). Outside of the EU sphere there is also the organisation of Interpol, which also focusses on international police cooperation. Similar to Europol, Interpol aims to secure a global police information and support system, as well as supporting international policing and law enforcement. Furthermore Interpol focusses on innovation, capacity building and research. Interpol also aims at assisting in the identification of crimes and criminals, by improving their global criminal information databases. Ensuring organizational health and sustainability and improving human resources strategy is also the goal of Interpol. Lastly, Interpol aims at consolidating the institutional framework and improve governance mechanisms also to establish strong networks of cooperation with other international organizations (Interpol, 2014). Police and magistrates in the EU cannot combat cross-border European crime by acting within only their own borders. As with transnational gangs carry out crimes in one country while their leadership and financial assets remain safely hidden abroad (Brady, 2007). Despite all the legal difficulties of international police cooperation, police forces from Schengen countries have extra powers to pursue crimes with a cross border dimension. Police in the parts of the Schengen area co-operate even more intensely thanks to a network of bilateral and multilateral agreements. Cooperation is most common when countries share borders, have similar legal systems and face threats from the same organised gangs or terrorists (Brady, 2007).

EU police chiefs work through the European Police Chiefs Task Force (EPCTF). This informal body meets four times a year at Europol's office in the Hague as well as in the capital of the EU: Brussels. The body plans and sets out joint European Organisations against organised crime networks with Europol and Interpol (Brady, 2007). In the beginning, these meetings were just annual talks between EU law enforcement officers. However, the ECPTF began with effective policing in May 2005 with the Swedish-led Operation Callidus, a successful EU-wide action against child pornographers involving hundreds of police officers from Britain, Denmark, France, Malta, the Netherlands, Norway, Poland and Sweden (Brady, 2007). Nowadays the EU police chiefs organise their work by appointing multi-country policing teams using a planning called COSPOL (comprehensive operational strategic planning for the police). COSPOL is being used by the police chiefs to divide responsibility for various investigations (Brady, 2007). Each COSPOL investigation is led by a 'driver' which is the country directly affected by particular criminal network and thus responsible for leading operations against it. These 'driver' countries share responsibility with other participating states or possibly Europol. The effects of the COSPOL operations are being discussed by the police chiefs during their meetings at Europol (Brady, 2007). In 2005 interior ministers agreed on a 'European criminal intelligence model' (ECIM), which was mainly a policing plan for the coordination of investigations against organised crimes throughout the EU according to the method of intelligence-led policing (ILP) (Brady, 2007). The method of ILP indicates that intelligence gathering and targeting of police resources should lie on the worst criminals or criminal networks (Siegel, 2009). Thus in the context of cross-border crime, this method can be described as the effective planning of investigations together, using the best intelligence available. Furthermore the ECIM sets out how the EU can achieve this by ensuring that national police forces, Europol's criminal intelligence analysts and the police chiefs of the COSPOL operations effectively work together against the same transnational criminal threats (Brady, 2007). Police officers also have the option to organise multi-country COSPOL investigations using existing EU legislation to set up Joint Investigation Teams (JITs). Under the legislation of such a Joint Team, police forces from several countries have powers to work on the same investigation as a team, almost as if they were all working in a single jurisdiction (Brady, 2007). These JITs have can be helpful in combatting transnational organised crime. However the usage of these JITs is still limited, although it has serious potential in tackling cross-border crimes in the EU. Furthermore there is also the possibility to set up and run multi-lateral JITs which involve more than two countries (Brady, 2007). Where necessary these JIT procedure should be made simpler and more flexible, based on feedback from police who work regularly on multi-lateral investigations (Brady, 2007).

§2.3 - Joint Investigation Team

The most important concept of my thesis is the Joint Investigation Team. In this research we will investigate whether the presence of such as an instrument of transnational policing can reduce crime. As mentioned before a Joint Investigation Team (JIT) is a team in which authorities of two or more member states of the European Union can organise a research team with a certain goal for a certain period of time, in order to practice criminal law in the participating member states (Sollie & Kop, 2012). According to Sollie & Kop (2012) the most important features of international cooperation that have to be comprised in a JIT are:

- the exchange of information
- applying criminal investigation
- taking people in custody
- confiscation of illegal goods
- interrogation
- gathering evidence in a criminal investigation
- the criminal prosecution

Accordingly these JIT's can be created when:

- The member state has to conduct research in a criminal matter that also affects other member states.
- Several member states conduct research in a criminal matter which needs a coordinated and collective approach of the member states in order to solve it.

Thus the JIT is created when the help of such a team is needed in international criminal matters. According to Sollie & Kop (2012) the possibility of creating a JIT has to be discussed within the domestic judiciary. Once the domestic judiciary has an agreement on constructing a JIT they contact the foreign judiciary about their collaboration. The two authorities then make an agreement on the JIT and set terms on how they are going to organise the team (Sollie & Kop, 2012). Furthermore the authorities have the option to include Europol and Eurojust in the JIT agreement, to give them legal assistance and aid them on the field of international criminal law. After both authorities agree with each other on all aforementioned elements, the JIT-agreement is signed. After the agreement is reached they have to register their JIT with Eurojust. It is also possible for Europol representatives to become a part of this team when their support of Europol is needed. To conclude these JITs can be a first step in combatting illegal drugs trade, human trafficking and terrorism. Thus we can say that Joint Investigation Teams can be used as an instrument of policing against transnational crime. With crime we mean a violation of societal rules of behaviour as interpreted and expressed by a criminal legal code created by people who hold social and political power (Siegel, 2009). Individuals who violate these rules are subject to sanctions by state authority, social stigma and loss of status (Siegel, 2009). As mentioned before crimes which are committed in more than one state, are considered to be transnational crimes. In this thesis we will focus on the crime flow between Bulgaria and the Netherlands that mainly consist out of human trafficking (Surtees, 2008).

§2.4 - Elements of International Cooperation of the JIT

The general benefits of a JIT compared to traditional forms of international law enforcement and judicial cooperation will be listed below, however there will also be many specific advantages to working in a JIT depending on the particular circumstances of the individual case (European Council, 2011). According to the European Council (2011) these are the most important advantages of international cooperation using a JIT:

- ability to share information directly between JIT members without the need for formal requests
- ability to request investigative and coercive measures between the team members directly
- ability for members to be present at house searches, interviews, etc. in all jurisdictions covered, helping to overcome language barriers in interviews, etc.
- ability to coordinate efforts on the spot, and for informal exchange of specialized knowledge
- ability to build and promote mutual trust between practitioners from different jurisdictions and work environments.
- a joint team provides the best platform to determine the optimal investigation and prosecution strategies
- ability for Europol and Eurojust to be involved with direct support and assistance
- ability to apply for EU, Eurojust and Europol funding
- participation in a JIT raises awareness of the management and improves the delivery of international investigations

All these elements can contribute in the prevention of crime, but only if both members of the team make use of these instruments. The JIT can be successful when the members are willing to accept each other's differences and are able to solve possible conflicts that are caused by these differences (Sollie & Kop, 2012). Furthermore the JIT can prevent 'mirror' or 'parallel' investigations that often occur with traditional forms of international law enforcement (European Council, 2011).

The JIT is a relatively new instrument of international cooperation in cross-border criminal investigation. Traditionally, police and judicial cooperation revolves around written requests for mutual legal assistance or letters regulatory (Spapens, 2011). From the early 1950s the European Council and the EU have many multilateral treaties such as the European Convention on Mutual Assistance in Criminal Matters (1959) and the European Convention on Mutual Assistance between the Member States of the European Union (2000). Furthermore member states may also conclude treaties with one or more countries that lay down specific arrangements or expand the current provisions of conventions signed in the context of the European Council or the EU, for instance (Spapens, 2011). Thirdly, the states may also enter into specific arrangements in individual cases. These are agreements on a case-by-case basis and are therefore still common practice (Spapens, 2011). These individual requests have to be weighed against national interests and general conventions such as the European Convention on Human Rights.

§2.5 - Legal Framework of a Joint Investigation Team

As Fletcher et al. (2008) states, one of the most practical and useful ways in which the EU can facilitate the fight against transnational crime is by providing the legal framework for cross-border cooperation and joint operations between national police forces. Article 33 of the Treaty on the European Union provides the legal basis for authorising the law enforcement authorities of one Member State to carry out operations on the territory of another Member State if they have an agreement with the authorities of that particular state (Fletcher et al., 2008). As mentioned before JIT's can represent an important benefit factor in cross-border criminal investigation. In 2000 a legal foundation was created for setting up JIT's in article 13 of the EU convention on Mutual Legal Assistance (MLA). Despite these efforts and the practical advantages of using a Joint Team, investigate authorities still only use them occasionally (Spapens, 2011). In the period of 2004-2009, JITS were created in only 40 cross-border criminal investigation throughout the EU. However, the Council of the EU (EC) still promotes the usage of Joint Teams. In a report of the High Level Advisory Group (HLAG) it is stated that setting up a JIT would probably not be necessary in straightforward cases. The HLAG recommended allowing police officers to perform non-coercive acts on the territory of another Member State. However experiences in the Netherlands show that even with complex investigations of transnational organised crime a JIT does not always offer advantages over other forms of police cooperation (Spapens, 2011). The problems with the other forms of police cooperation is that these investigations often turn into two categories: 'parallel' or mirror investigations, and joint teams based on framework agreements (Spapens, 2011). In Article 13(1) of the Convention, it is stated that a JIT must be established by mutual agreement between two or more Member States of the EU. As mentioned before the aim of such a team shall be the execution of criminal investigations in one or more of the Member States setting up the team. Furthermore the agreement is an important document, which will include the specific purpose of the team as well as the expected period during which it will operate and also the composition of the Joint Team (Rijken, 2006). Also with the Schengen Agreement, there is the possibility of one Member States' police force to operate on the other Member States' territory when they are in 'hot pursuit' of a suspect where there is no time to inform the foreign authorities and in order to carry out surveillance (Fletcher et al., 2008). The EU's 2000 convention on mutual legal assistance laid down the first legal possibility of setting up a Joint Investigation Team by mutual agreement of the two concerning authorities of the Member States. In this convention it was stated a JIT could be created for a specific purpose and a limited extendable period of time, in order to carry out criminal investigations in one or more Member States. The Convention also laid down rules governing the operation of JIT's (Fletcher et al., 2008). It stated that teams will be subject to the laws of the Member State in which the team operates and that bodies such as Europol and Eurojust can be involved. In the absence of the entry into force of the convention and in recognition of the potential value of the Joint Investigation Team a framework decision on joint investigation teams was adopted in June 2002. This decision, which essentially repeated much of the text of the Convention, would allow Member States to set up JITS in advance of the ratification of the Convention (Fletcher et al., 2008). However, there are not a lot of JIT's established to this date (Fletcher et al., 2008). This is perhaps due to the range of

practical, political and cultural differences that are likely to exist between Member States (Fletcher et al., 2008). Therefore this thesis will look at the main elements of international cooperation of the JIT and will look if they can contribute in the prevention of transnational crimes despite political and cultural differences between the member states. So to summarize, there are lot of important elements which I have to include in this study. Not only legal competences, but also information gathering techniques, criminal investigation techniques and international prosecution methods are important elements that shouldn't be left out.

Chapter 3: Dutch-Bulgarian Joint Investigation Team

§3.1 - Research Method

This chapter is about the Dutch-Bulgarian Joint Investigation Team. We will first take a look at the crime that occurs between the two states, by asking the questions why is it transnational and why it cannot be solved by traditional policing techniques. So an in-depth analysis on human trafficking will be given, followed up by how both states implement and cooperate in the JIT itself. Furthermore at the end of this chapter we will analyse the victims of human trafficking and investigate how many women are being trafficked from Bulgaria to the Netherlands. Who are the victims and in what numbers are they being trafficked is essential in this analysis. We make a clear distinction between the period before and after implementation of the JIT in order assess if it contributed to decreasing human trafficking between the two states.

§3.2 - Transnational Crime: Human Trafficking

A crime is considered to be transnational if it occurs in more than one state, it can also occur in one state but other elements of the crimes are situated in another state (Siegel, 2009). For example the trafficking of human beings from Bulgaria to the Netherlands, women are being forced to work in the sex industry in Dutch cities (crime) but are being transported here by Bulgarian traffickers. That makes the trafficking of human beings a transnational crime. As long as there have been borders between national jurisdictions, criminals have put these to good use to avoid conviction and avoid apprehension (Spapens, 2011). However, escaping prosecution by crossing the border is far less easy, Criminals may still face the risk to being subjected to some type of criminal investigation, but this may still be lower for a group that commits its crimes across national borders in the EU (Spapens, 2011). According to Spapens (2011) there are two main types of cross-border (transnational) crimes. The first category crime can be described as predatory crime, these are mainly small crimes who are being committed outside the national borders, examples as robberies, theft and holding up money transports. The second category deals with serious and organised crime, the illegal provision of goods and services across borders. Trafficking may originate from differences in legislation but it also can be economically driven (Spapens, 2011). The crime flow between Bulgaria and the Netherlands consists mainly of trafficking human

beings, this type of cross-border crime can be identified under category two since it is a type of organised crime. Trafficking in human beings is a large multi-billion-dollar form of transnational organized crime, constituting modern-day slavery (Interpol, 2014). Victims are being trafficked between countries and regions using deception or coercion. Victims are stripped of their autonomy, freedom of movement and choice and face various forms of physical and mental abuse (Interpol, 2014). According to Interpol there are three main types of human trafficking:

- trafficking for forced labour;
- trafficking for sexual exploitation;
- trafficking for organs.

Closely intertwined is the issue of smuggling people, in which smuggles procure, for financial gain, the illegal entry of an individual into a country of which he is neither a citizen nor a permanent resident (Interpol, 2014). Generally speaking, when the payment is completed, the relationship between the illegal immigrant and the smuggler is terminated. Trafficking in human beings is a crime under international law and many national and regional systems. However due to the complexities of the issue, a multitude of strategies are necessary at a range of levels in order to reduce the problem (Interpol, 2014). As mentioned before a crime is transnational if it occurs in more than one state (Siegel, 2009). In the Netherlands the effects of trafficking human beings (THB) are mainly visible in the cities of Groningen and Leeuwarden (Regiopolitie Groningen & Friesland, 2010). Many Bulgarian women are being exploited in the sex industry by Bulgarian men, especially in the aforementioned Dutch regions. Not only the sex industry but also practices as forced labour are common among these human traffickers. The Bulgarian women are often being threatened, pushed and forced to work in the sex industry under very unsafe and hostile environments. Most of the women who are being exploited come from the Bulgarian regions Sliven and Shumen (Regiopolitie Groningen & Friesland, 2010). After the treaty of Schengen the EU became a region without internal borders and together with the financial crisis it is most likely that the trafficking of human beings will further increase, possibly also from other Eastern European states (Regiopolitie Groningen & Friesland, 2010). These Dutch regions try to prosecute the Bulgarian traffickers not only via criminal law, but also by having a broad policing approach to prevent further incidents of human trafficking. Both regions aim to cooperate on the international level in order to further diminish the amount of women who are being trafficked to the Netherlands (Regiopolitie Groningen & Friesland, 2010). The main solution to combat THB is to conduct criminological research, in order to investigate what the push and pull factors are for victims and traffickers. However this thesis will mainly be focus on the aspects of international cooperation, in the form a Joint Team, to investigate whether such a team can be useful in order to prevent human trafficking. Furthermore prevention is also important, so therefore it is also important to prosecute traffickers in the risk regions in Bulgaria. Financial management is also important and with a Joint Team there is the ability to apply for EU, Eurojust and Europol funding in order to effectively combat crime (European Council, 2011). Apart from the JIT, people should be also informed on local scale both in the Netherlands and Bulgaria in order to spot signs of human trafficking in order to effectively combat this type of transnational crime (Regiopolitie Groningen

& Friesland, 2010). The investigations on the area of THB mainly focusses on the traffickers in the Netherlands, the procurer. A lot of attention is given to the trajectory of the victim, however most of the criminal investigation does not focusses on the Bulgarian facilitators of trafficking and the perpetrators of THB (Regiopolitie Groningen & Friesland, 2010). A JIT can help with increasing international police cooperation and it also focusses on the traffickers in the risk regions of THB in Bulgaria. If the JIT is successful THB can be prevented so that less Bulgarian women are being exploited in the Netherlands.

§3.3 - Dutch Implementation of the JIT

In the Netherlands the main legal basis for setting up a JIT is compromised in articles 552qe – 552qa of the Law of Criminal Procedure (Kop et al., 2011). In 2004 both articles came into force and formed the legal basis for Dutch police authorities to be able to cooperate in a JIT. In the same year the ‘College van Procereurs-Generaal’ (PG) set out rules for appointing international common investigation teams. The rules set out by the PG are with regard to: organization, scope, assembly and competences of the Joint Team (Kop et al., 2011). The Dutch authorities see the JIT as a ‘contract’ between at least two states or more, with a certain goal, for a certain period of time, created in order to conduct joint criminal investigation (Kop et al., 2011). The Dutch public prosecutor is the person who in the end signs the ‘contract’ for the JIT agreement. In this agreement specific arrangements will be made about:

- the length and goal of the JIT
- the leadership of the JIT
- the location of the JIT
- the organisation and logistics of the JIT

In the Netherlands the Public Prosecutor has the leadership over the Joint Team, however the prosecutor and the team should respect foreign laws and rights. The main criteria for setting up a Joint Team is that the crime must be transnational in order to be able to set up a JIT. Furthermore the prevention of the specific crime must be complex, in a way that collaboration can have benefits for both states. Also the severity of the crime is important, it must be a serious violation of the criminal legal code (Kop et al., 2011). The Netherlands also cooperates with Bulgaria in a project together with the Bulgarian National Commission for Combating Trafficking in Human beings (NCCTHB). This project was launched in 2012 and aims to develop a strategy for collecting and analysing data on the area of THB in Bulgaria. The project leans on the experience and expertise of the Dutch National Rapporteur, on the collection of data and the analysis of important statistics (Nationaal Rapporteur Mensenhandel, 2014). In 2011 the Netherlands was able to sign a JIT agreement with Bulgaria, the team consisted of judges, prosecutors and law enforcement authorities, established for a fixed period and was aimed at combatting the trafficking of human beings. The JIT was need in order to be able to carry out criminal investigations in the Netherlands and Bulgaria on human traffickers (Sollie & Kop, 2012) (Eurojust, 2014). The possibility of setting up this JIT was provided in Article 13 of the 2000 Mutual Legal Assistance

Convention (MLAC). Due to the slow progress towards its ratification, the European Council adopted on 13 June 2002 a Framework Decision on JITS which the Member States were to implement by 1 January 2003 (Eurojust, 2014).

§3.4 - Bulgarian Implementation of the JIT

The JIT between the Netherlands grew out of an initiative to combat trafficking in human beings (THB) from and through Bulgaria from the Dutch representative at the European Police Chief Task Force (EPCTF) in cooperation with a UK Chief Constable (Rijken, 2006). In this stage of setting up the JIT a steering group was established in which representatives on police level took part and also a representative from Bulgaria at a later stage. This steering group was again chaired by the Dutch representative in the EPCTF who was assisted in his task by a project board (Rijken, 2006).

Europol and Eurojust participated as observers in the steering group. Both persons from strategic as well as the operational level were participating in the steering group meetings under guidance of Europol and Eurojust. The group faced three major challenges. First off, it had to investigate if setting up a JIT according to Article 13 of the EU Convention on Mutual Assistance was possible between the Netherlands and Bulgaria. Secondly, a criminal case on THB ongoing in the respective countries had to be identified. And thirdly, a JIT had to be established and managed (Rijken, 2006).

The National Program for Combating Trafficking of Human Beings for 2011 of the EU places a strong emphasis on local policies to combat human trafficking (European Commission, 2014). In accordance with this program 5 Local Commissions for Combating THB were established. These commissions were established in the following regions of Bulgaria: Varna, Burgas, Sliven, Pazardjik and Montana.



Figure 1: Map of regions of Bulgaria, Local Commissions for Combating THB, marked with red points on the map (Verasec, 2014).

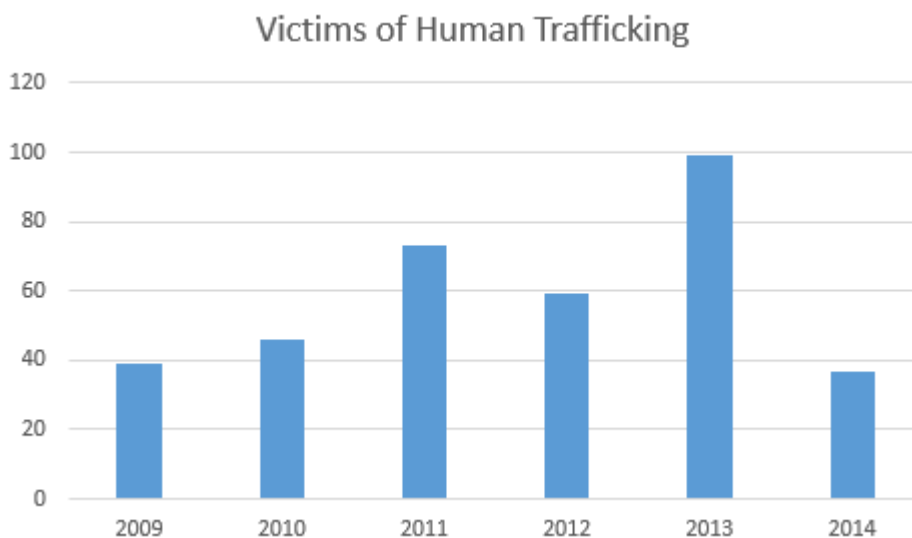
From these regions the local commissions promoted the expansion of the prevention activities among adolescents, their parents and teachers, ethnic minorities and at border check points in order to prevent THB. Recently 2 new Local Commissions were established in the risk regions of Plovdiv and Rousse (European Commission, 2014). In total Bulgaria is executing 7 different JIT's, three of them are with the Netherlands, two with the UK and one with Germany and Slovenia. They are currently discussing a fourth JIT with the Netherlands on the field of labour exploitation (European Commission, 2014). However, in this thesis we focus on the national implemented JIT of 2011 between the Dutch National Criminal Investigation Department (KLPD) and national authorities of Bulgaria (Sollie & Kop, 2012). With the help of the European Council the republic of Bulgaria created the Combating Trafficking Human Beings Act in 2004. Under Article 1 of this legal act, rules and procedures are set out in order to further combat THB (Republic of Bulgaria & European Council, 2004). The law provided for powers and objectives of state authorities involved in combating trafficking in human beings, as well as the relations between them. It also set out the status and objectives of shelters, centres and commissions established under this act for protection and support of the victims of human trafficking. It provided the measures to be able to prevent and defy trafficking in human beings and these measures aimed at protecting and supporting the victims of human trafficking with in particular women and children. Furthermore it placed trafficking victims who collaborate with the investigation under special protection (Republic of Bulgaria & European Council, 2004). The act was intended to ensure co-operation and co-ordination between the bodies of the state and the municipalities, as well as between them and the non-governmental organisations (NGO's). Article 2 of this legal act also mentions that the following units shall be set up to accomplish the activities and objectives mentioned in Article 1 (Republic of Bulgaria & European Council, 2004):

1. National and local commissions for combating THB
2. Shelters for temporary housing of victims of trafficking
3. Centres for protection and support of victims of trafficking

These national commissions are established by Bulgaria with help from the European Council, and try to organise and coordinate cooperation between the individual agencies and organisations that deal with THB. It also determines the implementation of national policy and strategy on the area of combating THB (Republic of Bulgaria and European Council, 2008). In Bulgaria the institutes under police forces, ministries and justice are combined in the Ministry of Interior. The Ministry has an administration and police department that is in charge of police functions (Ministry of Interior, 2014).

§3.5 - Victims of Human Trafficking

However we can only assess the effectiveness of the JIT if we look at the data for women which are being trafficked from Bulgaria to the Netherlands. This data is available at the Dutch Coordination Centre for Human Trafficking or in short Comensha. We look at the data before and after implementation of the JIT. So the periods of 2009-2011 and 2012-2014 will be compared. We will look at how many victims of human trafficking are registered each year and we will investigate if there is a difference in the amount of victims for the period before and after implementation of the JIT. In this case we will look at how many women are being trafficked, since the majority of the victims who are being trafficked is female (Comensha, 2009, 2010, 2011, 2012, 2013, 2014). We can observe that in the period of 2009-2011 there is an increase in the amount of victims (women) who are being trafficked from Bulgaria to the Netherlands. In 2009 there are 39 registered victims, compared to 46 victims in 2010 and 73 victims in 2011 (Appendix D). According to Comensha (2011) there is an increasing amount of victims who are being trafficked from Bulgaria, Hungary and Poland. So perhaps after the implementation of the JIT this amount can be reduced to a more acceptable number, although there is never an acceptable number of victims of human trafficking. So what we can conclude is that the period before implementation of the JIT is characterised by an increase of women who are being trafficked from Bulgaria to the Netherlands. In the year of 2012, after the JIT was implemented we can clearly see that there is a decrease of victims, since in that year 59 women were trafficked from Bulgaria to the Netherlands. However, in the year of 2013 there is an increase of victims, there is a total of 99 women who are being illegally trafficked from Bulgaria to the Netherlands. This is in contrast with the year of 2014, where in the period of January until June only 37 women were trafficked from Bulgaria to the Netherlands. The next graph summarizes the amount of women who are being trafficked from Bulgaria to the Netherlands in the period of 2009-2014:



When examining the period before and after the implementation of the JIT, we can see that in the period before the implementation there is a clear increase in the amount of women which is being trafficked from Bulgaria to the Netherlands. Shortly after the implementation of the JIT, we see that there is a direct decrease of women who are being trafficked, perhaps this is due to the instalment of the JIT between the two states. However, in 2013 there is an increase in women who are being trafficked which undermines this statement. Therefore we should be careful when making conclusions about this dataset, since it is limited and there can be third variables that affect the amount of women who are being trafficked. What we do know is that in 2014 the amount of women again decreases to a low number, perhaps this can be explained by the JIT instrument, however as already mentioned we cannot conclude a lot from this data.

Chapter 4: Conclusion

§4.1 - Conclusion

This conclusion summarizes the main results of the thesis by providing an answer on the research question and the four sub-questions asked in the introduction. The following research question was composed: *How can a Joint Investigation Team contribute to international cooperation in the combating of transnational crime between the Netherlands and Bulgaria?* Next to our research question, the following sub-questions were asked:

1. What are the main elements of international cooperation of policing in Europe?
2. What are the new elements that Joint Investigation Teams contribute to the area of international policing and cooperation?
3. What type of transnational crime can be found between the Netherlands and Bulgaria?
4. Can a Joint Investigation Team contribute to international cooperation of policing?

First I will try to answer the sub-questions, before I give an answer to the main research question. The first sub-question is as follows: *What are the main elements of international cooperation of policing in Europe?* As discussed in this paper, after the treaty of Schengen the EU became a borderless area with new opportunities for transnational gangs and criminals (European Commission, 2014). A first element of international cooperation of policing can be found in the treaty of Schengen. Police forces from Schengen countries have extra powers to pursue crimes with a cross border dimension. These powers imply the ability to arrest criminals in a foreign country if there is a “hot pursuit” or in other words if there is a clear trail to the suspect who fled to a non-domestic country. Police in the parts of the Schengen area also cooperate even more intensely thanks to a network of bilateral and multilateral agreements (Brady, 2007). This also might be important for Bulgaria if they are able to enter into the Schengen agreement in the nearby future. The second element of international

cooperation can be found by looking at the work of the European Police Chiefs Task Force (EPCTF). The EPCTF successfully appoints multi-country policing teams using the COSPOL (comprehensive operational strategic planning for the police) plan. Furthermore there is the European Criminal Intelligence Model (ECIM), which makes use of a different strategy: intelligence-led policing (ILP). This method can be summarised as the effective planning of investigations together using the best intelligence resources available (Siegel, 2009). The EU can achieve this by ensuring that national police forces, Europol's criminal intelligence analysts and police chiefs of the COSPOL effectively work together to combat cross-border crimes (Brady, 2007). At the EU level police officers also have the option to organise multi-country COSPOL investigations using existing EU legislation to set up Joint Investigation Teams. Under the legislation of such a Joint Team police forces from several countries have powers to work on the same investigation as a team, almost as if they were all working in a single jurisdiction (Brady, 2007). Unfortunately the usage of these JIT's is still limited, due to complicated procedures and rigid regulations. The basic principles of policing are summarized by Bockhorst, et al. (2004). To continue, it is important to investigate if the JIT can cover these basic principles of policing. Investigation on and around the crime scene is the first principle mentioned by Bockhorst, et al. (2004).

The second sub-question is as follows: *What are the new elements that Joint Investigation Teams contribute to the area of international policing and cooperation?* As mentioned before EU member states can set up bilateral and multilateral agreements on the area of international policing. A JIT adds to this the possibility of a more intensive cooperation, giving states more competences in the other state(s) who signed the JIT agreement (Brady, 2007). These competences include: the exchange of information, applying criminal investigation, taking people in custody, confiscation of illegal goods, interrogation, gathering of evidence and the prosecution of criminals in the participating member states (Sollie & Kop, 2012). This was also possible before the JIT was installed however according the European Council (2011) with a JIT comes:

- ability to share information directly between JIT members without the need for formal requests
- ability to request investigative and coercive measures between the team members directly
- ability for members to be present at house searches, interviews, etc. in all jurisdictions covered, helping to overcome language barriers in interviews, etc.
- ability to coordinate efforts on the spot, and for informal exchange of specialized knowledge
- ability to build and promote mutual trust between practitioners from different jurisdictions and work environments.
- a joint team provides the best platform to determine the optimal investigation and prosecution strategies
- ability for Europol and Eurojust to be involved with direct support and assistance
- ability to apply for EU, Eurojust and Europol funding
- participation in a JIT raises awareness of the management and improves the delivery of international investigations

The JIT adds several new elements that contribute to the area of international policing and policing. The first new element is that the member state has the ability to conduct research in a criminal matter that also covers other member states. Thus they can continue criminal investigation on foreign territory. Meaning that several member states can conduct research in a criminal matter with a coordinated and collective approach of the participating member states. Furthermore the states who enter in a JIT agreement have the option to include Europol and Eurojust in it, to give them legal assistance and aid them on the field international criminal law enforcement (Sollie & Kop, 2012). The main new legal element of a JIT can be found in the Mutual Legal Assistance (MLA) convention of 2000. Under article 13(1) of this convention states can set up a JIT. The article states that a JIT must be established by mutual agreement between two or more Member States of the EU. The aim of such a team shall be the execution of criminal investigations in one or more states which are setting up the team (Rijken, 2006). The Convention also laid down rules governing the operation of JIT's (Fletcher et al., 2008). It stated that teams will be subject to the laws of the Member State in which the team operates and that bodies such as Europol and Eurojust can be involved.

Furthermore under the jurisdiction of a JIT it is possible to apply criminal investigation, such as the gathering of DNA samples, fingerprints and other traces on and around the crime scene (Sollie, 2012). The second principle of having a neighbourhood investigation, is not fully covered in a JIT, since it is possible to interrogate people, but only those who are believed to be a suspect of the crime. Thus this principle is mainly covered by the domestic police authority, however under a JIT police authorities of the participating states can gather and share the information they obtain in a criminal investigation (Sollie, 2012). The JIT also gives participating states the possibility to observe and gather evidence in the participating countries. However the JIT does not specifically give the states the power of tapping off people's phones and digital conversations, since there is different domestic legislature about tapping off phones and conversations (Bockhorst, et al., 2004). However it is possible to share information of the phone records of suspects between participating states, in order to identify for example a criminal network (Sollie, 2012). According to Bockhorst et al. (2004) house searches and the interrogation of suspects are also basic principles of effective policing. Under a JIT members have the ability to be present at house searches (European Council, 2011), furthermore members of a JIT also can also take people in custody and interrogate them within the borders of the participating states (Sollie, 2012).

The third sub-question is: *What type of transnational crime can be found between the Netherlands and Bulgaria?* There are two main types of cross-border crimes that can occur between two countries. The first type can be described as predatory crime, in other words small crimes who are being committed outside the national borders such as robberies or holding up money transports. The second type is organised crime, the illegal provision of goods, services and persons across borders (Spapens, 2011). The crime between Bulgaria and the Netherlands is also a type of organised crime, the trafficking of human beings. The Netherlands is the country of destination and Bulgaria

the country of the origin of the traffickers (Surtees, 2008). People are being trafficked for three reasons, mainly trafficking for forced labour, sexual exploitation and trafficking for organs (Interpol, 2014). According to the regional police of Groningen & Friesland women are often victims of trafficking, a lot of these women are being exploited and forced to work or are sexually exploited. These women operate in very unsafe and hostile environments. Most of the women come from the Bulgarian regions of Sliven and Shumen. The main solution to combat THB is to conduct criminological research, in order to investigate what the push and pull factors are for victims and traffickers (Regiopolitie Groningen & Friesland, 2010). The JIT can aid both countries by setting up criminal investigations both in the Netherlands as in Bulgaria in the risk regions. Apart from the JIT, people should be also informed on local scale both in the Netherlands and Bulgaria in order to spot signs of human trafficking in order to effectively combat this type of transnational crime. The current investigations on the area of human trafficking focusses mainly on the traffickers who are situated in the Netherlands, the procurers. So although a lot of attention is given to the trajectory of the victim, most of the criminal investigation does not focus on the Bulgarian facilitators and perpetrators of human trafficking. The JIT can aid both countries by providing a more adequate criminal investigation network, in which both the Dutch and Bulgarian criminal networks can be effectively identified.

The fourth and last sub-question is as follows: *What are the advantages of a JIT compared to other methods of international policing?* As mentioned earlier, the aim of the JIT is to set up cross-border criminal investigations and set out competences for the participating states as if they are working under a single jurisdiction (Brady, 2007). The general benefits of a JIT compared to traditional forms of law enforcement and judicial cooperation are: sharing information directly between JIT members, requesting investigative and coercive measures between the JIT members, conducting criminal investigation under a single jurisdiction, coordinate efforts and informal exchange of information, build and promote mutual trust between the authorities that deal with the JIT, creating network of optimal investigation and prosecution strategies, apply for Europol and Eurojust to be Involved with direct support and assistance apply for EU, Eurojust and Europol funding, raise awareness of management and improving criminal investigation techniques (European Council, 2011). These benefits can also apply in the Dutch-Bulgarian case, where human trafficking is the main problem. As mentioned earlier human trafficking is a form of organised crime. Thus traffickers will probably operate in networks where they distribute their goods, money and services. Sharing information directly between the Netherlands and Bulgaria can help Dutch and Bulgarian authorities to identify the networks of traffickers and victims of human trafficking in the Netherlands. Furthermore the JIT between the two states builds up a certain level of mutual trust. Regarding the legal aspect, the JIT can be effective since it provides the ability of conducting criminal investigation under a single jurisdiction. Especially in the Dutch-Bulgarian case since their police forces are not very similar in how they conduct criminal investigation (Nationaal Rapporteur, 2012). Thus improving and sharing investigation and prosecution strategies can also be helpful in the Dutch-Bulgarian case.

As mentioned earlier, the first transnational policing system of the EU was based on the European Arrest Warrant (EAW) which was implemented in 2004. The advantage of a JIT in comparison to the EAW system is that it respects domestic law enforcement and policing methods. Agreements can be made on interrogation, taking people into custody and on other parts of the criminal investigation, however it has to follow up with domestic laws and its primary intent is to conduct criminal investigation instead of bringing people to an unfair trial (Sollie, 2012). According to Bowling & Sheptycki (2012) the EAW's biggest flaw was that it covered the hallmarks of an authoritarian state in which power resides in the hands of officials with no democratic or legal mechanisms to call them to account. This type of state acts in an arbitrary and authoritarian manner, since there is no longer democratic pressure, public debate and legal restraints (Bowling & Sheptycki, 2012).

This leaves us with answering our research question: *How can a Joint Investigation Team contribute to international cooperation in the combating of transnational crime between the Netherlands and Bulgaria?*

In 2011 the Netherlands was able to sign a JIT agreement with Bulgaria. However can a JIT contribute to the international cooperation in the combating of human trafficking between the Netherlands and Bulgaria? As stated earlier the JIT can allow multiple investigations in both states, so that both sides of the crime, the country of destination and the country of origin, can be dealt with. However, this can only be done if both states make a clear agreement about: the length and goal, the leadership, the location and the organisations and logistics of the JIT. As mentioned before the main destination of the human traffickers are the northern provinces of the Netherlands, Groningen and Friesland. A lot of Bulgarian women are being forced to work or exploited in the sex industry, therefore there should be criminal investigation on these sectors in the Netherlands in order to identify the victims and perpetrators of human trafficking. As the Dutch regional police states: *"The first step is to have a watchful eye out on the streets and make reports about new girls and women who are involved in the prostitution sector (Regiopolitie Groningen & Friesland, 2010)."* However, there should also be attention for risk regions in Bulgaria from where women are being trafficked. The Dutch police force should cooperate with the Bulgarian National Commission for Combating Trafficking in Human Beings (NCCTHB), since the project aims to collect and analyse data on the area trafficking human beings (THB) in Bulgaria. Cooperation with this commission already exists, the Dutch National Rapporteur helps the commission on the collection of data and the analysis of important statistics about THB (Nationaal Rapporteur Mensenhandel, 2014). As stated before, Bulgaria also has local commissions installed for the combating of THB. These commissions are established in the regions of: Varna, Burgas, Sliven, Pazardjik and Montana. There is also the option to include these commissions in the JIT, since they act upon the local level and can help identify victims and perpetrators of THB. However we must be aware of the differences between the authorities of Bulgaria and the Netherlands, since both states have a different approach on policing against THB. If both states are willing to accept each other's differences and are able to solve possible conflicts caused by these differences the use of a JIT can contribute to international cooperation in the combating of transnational crime between the Netherlands and

Bulgaria. The usage of a JIT can certainly help Dutch and Bulgarian police forces in cooperating effectively on the area of international policing. First off, the ability of sharing information directly between the two states, can help improve identifying victims and perpetrators which is often difficult with THB. Perhaps Bulgaria can implement measures on stricter border control, especially in the risk regions, in order to prevent traffickers from traveling to the Netherlands. And as mentioned before the Dutch Rapporteur and other Dutch police forces can assist Bulgarian authorities with providing information and exchanging specialized knowledge. This type of cooperation also builds up mutual trust between the Dutch police forces, Bulgarian police forces and hopefully the local commissions combating THB. Apart from mutual cooperation, we could also apply for Eurojust, Europol or EU funding for setting up for example training programs in Bulgaria that raises awareness in risk regions, so that citizens of Bulgaria can help identifying the problem. If trafficking is controlled by a large criminal organisation, we could ask Europol for assistance on law enforcement and providing information about the large criminal organisations. Furthermore, with traditional forms of law enforcement it often occurs with cross-border crimes that both states conduct investigation on the same matter. This can result in the so called 'mirror' or 'parallel' investigations, police forces are better off sharing information directly since it saves them a lot of time and effort which comes with criminal investigations (European Council, 2011). Furthermore the JIT can prevent 'mirror' or 'parallel' investigations that often occur with traditional forms of international law enforcement (European Council, 2011). Traditionally, police and judicial cooperation revolves around a lot of written requests for mutual legal assistance or letters rogatory. With the JIT a single document on the JIT agreement is needed, in which the purpose of the team is stated and a fixed period in which the team operates. So to conclude we can state that the JIT certainly can contribute to international cooperation in the combating of human trafficking (transnational crime) between the Netherlands and Bulgaria. As stated before, there are a lot of options and possibilities that come with international cooperation in the form of a JIT. In the proper form, a JIT can be the adequate answer to the problem of THB between the Netherlands and Bulgaria.

§4.2 - Recommendations & Future Research

As discussed in the “research question” part in paragraph 1.2 this research identifies the current existing methods of international cooperation on policing in the EU. In this thesis a clear distinction is made between ‘traditional’ forms of policing and policing under a JIT. Although there is a lot of (negative) research available on Joint Teams, these teams do have a certain potential. Perhaps the instrument has to be further developed in order to reach the maximal potential. This study only deals with the Dutch-Bulgarian case, but there are a lot more states who face the problems that come with cross-border crimes. These need to be dealt with more adequately, since the current standard measures under the Schengen Agreement are not enough to tackle these transnational crimes. Perhaps legislation and regulations around JITs can be simplified and more flexible, so that more states and police forces are encouraged to make use of these teams. More research should be done on international policing, since the EU continuously strives for more EU integration. The process of integration comes with a lot of benefits, however we should also face the problems that come with a more unified Europe, especially with the absence of internal border control and the continuous enlargement of the EU. These developments can result in new forms of transnational crimes and these crimes cannot be combated with traditional law enforcement, we should therefore develop new effective strategies on the level of international policing.

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§4.4 - Appendix

Appendix A: number of identified victims of Human Trafficking (Eurostat, 2013).

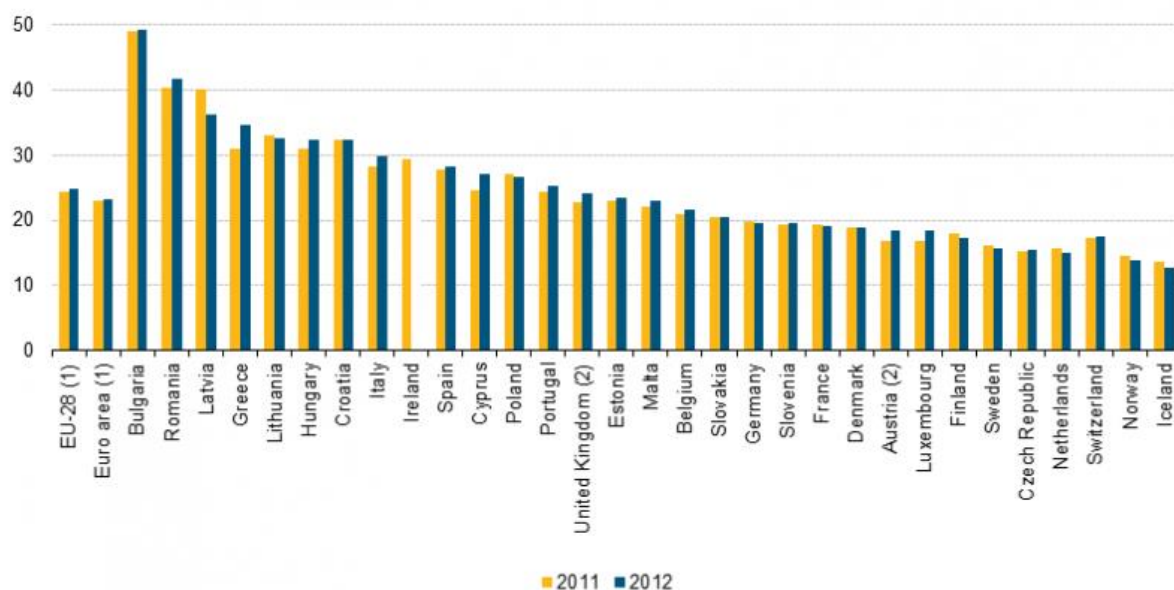
	2008			2009			2010		
	Total (Id + Pr)	Population	Victims per 100 000 inhabitants	Total (Id + Pr)	Population	Victims per 100 000 inhabitants	Total (Id + Pr)	Population	Victims per 100 000 inhabitants
EU Total ⁽¹⁾	6309	495 813 805	1.3	7 795	497 802 058	1.6	9 528	488 376 768	2.0
Belgium	196	10 666 866	1.8	158	10 753 080	1.5	130	10 839 905	1.2
Bulgaria	250	7 640 238	3.3	346	7 606 551	4.5	432	7 563 710	5.7
Czech Republic	143	10 381 130	1.4	55	10 467 542	0.5	83	10 506 813	0.8
Denmark	28	5 475 791	0.5	47	5 511 451	0.9	53	5 534 738	1.0
Germany	692	82 217 837	0.8	733	82 002 356	0.9	651	81 802 257	0.8
Estonia	55	1 340 935	4.1	78	1 340 415	5.8	57	1 340 127	4.3
Ireland	:	4 401 335	:	66	4 450 030	1.5	78	4 467 854	1.7
Greece	76	11 213 785	0.7	121	11 260 402	1.1	92	11 305 118	0.8
Spain	:	45 283 259	:	443	45 828 172	1.0	1 605	45 989 016	3.5
France	822	62 134 866	1.3	779	62 465 709	1.2	726	62 791 013	1.2
Italy	1 624	59 619 290	2.7	2 421	60 045 068	4.0	2 381	60 340 328	3.9
Cyprus	58	789 269	7.3	113	796 875	14.2	52	819 140	6.3
Latvia	22	2 270 894	1.0	16	2 261 294	0.7	19	2 248 374	0.8
Lithuania	25	3 366 357	0.7	14	3 349 872	0.4	3	3 329 039	0.1
Luxembourg	7	483 799	1.4	3	493 500	0.6	8	502 066	1.6
Hungary	10	10 045 401	0.1	9	10 030 975	0.1	10	10 014 324	0.1
Malta	1	410 290	0.2	0	413 609	0.0	4	414 372	1.0
Netherlands	826	16 405 399	5.0	909	16 485 787	5.5	993	16 574 989	6.0
Austria	36	8 318 592	0.4	109	8 355 260	1.3	62	8 375 290	0.7
Poland	66	38 115 641	0.2	66	38 135 876	0.2	278	38 167 329	0.7
Portugal	25	10 617 575	0.2	24	10 627 250	0.2	8	10 637 713	0.1
Romania	1 240	21 528 627	5.8	780	21 498 616	3.6	1 154	21 462 186	5.4
Slovenia	29	2 010 269	1.4	30	2 032 362	1.5	31	2 046 976	1.5
Slovakia	28	5 400 998	0.5	36	5 412 254	0.7	38	5 424 925	0.7
Finland	29	5 300 484	0.5	64	5 326 314	1.2	79	5 351 427	1.5
Sweden	21	9 182 927	0.2	44	9 256 347	0.5	74	9 340 682	0.8
United Kingdom	:	61 191 951	:	331	61 595 091	0.5	427	62 026 962	0.7

⁽¹⁾ The EU Total reflects the total for a given year based on the countries which provided data for that year. Not all EU Member States provided data for all of the three reference years and direct comparisons of EU totals between years may therefore be misleading.

: Data not available

Source: Eurostat

Appendix B: At-risk-of poverty or social exclusion rate, 2011 and 2012. (Eurostat, 2014).



Appendix C: Conceptual field of transnational policing. (Bowling & Sheptycki, 2012)

	Police work aimed at securing territory		Police work aimed at securing populations	
	Private forms	Public forms	Private forms	Public forms
High policing	Corporate security guards	Guardians of the state apparatus	Corporate security specialists	State security and the public service
Low policing	Private security guards	Uniformed patrol officers	Private eyes and private spies	Police detectives and undercover cops

Appendix D: Herkomst Landen top tien van slachtoffers van mensenhandel (Comensha, 2011).

Landen top tien

2011		2010		2009	
Nederland	337	Nederland	315	Nederland	240
Nigeria	134	Nigeria	130	Nigeria	101
Hongarije	120	Hongarije	56	Roemenië	89
Polen	104	Roemenië	49	Hongarije	47
Bulgarije	73	Bulgarije	46	Bulgarije	39
Sierra Leone	62	Slowakije	39	China	37
Guinee	58	Sierra Leone	36	Guinee	35
				Sierra Leone	35
China	40	Guinee	26	Ghana	23
Roemenië	40				
Angola	19	China	23	Polen	19
Uganda	14	Ghana	21	Indonesië	17