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MALTA: Report on Police Cooperation (October 2006)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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REPORT

from : Police Cooperation Evaluation Committee
to: Schengen Evaluation Working Party
Subject : Schengen evaluation of the new Member States
MALTA: Report on Police Cooperation (October 2006)

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REPORT ON POLICE COOPERATION

This report was made by the Evaluation Committee and is brought to the attention of the Sch-Eval Working Party, which will make a report and present the follow-up thereto to the Council.

(All topics are indicative and non-exhaustive.)

1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718 and 7638/2/05 SCH-EVAL 20 COMIX 200), the Evaluation Committee visited the Police General Headquarters in the capital.

Participants:

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The Evaluation Committee wishes to express its appreciation to the Maltese authorities for their outstanding hospitality. Special thanks are extended to the team that accompanied the Evaluation Committee throughout the evaluation and provided all the assistance needed.

The Evaluation Committee visited the following site:

⇒ Police General Headquarters

2. MANAGEMENT SUMMARY

The evaluation report is based mainly on replies to the questionnaire; it includes information on the presentation made to the Sch-Eval Working Party and also contains the outcome of the targeted discussions of the on-site visits. Experts from the Maltese police were present during the whole visit and were able to provide any additional information requested.

The answers to the questionnaire and the outcome of the visit provided the Evaluation Committee with a satisfactory overview of the operation of the Maltese police services and first-hand experience of their daily routine.

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A number of detailed recommendations are made throughout the text in order to properly implement the Schengen requirements. Each recommendation concerns better use of the Schengen instruments with a view to prioritising resources in a more effective manner.

3. LAW ENFORCEMENT AND POLICE ORGANISATION

3.1. National law enforcement structures

The Malta Police Force and the Malta Customs are the regular law enforcement bodies in Malta.

⇒ **Maltese Police Force**

Organizational chart of the Maltese Police: See annex, table 1.

The Malta Police Force, which is the only national Police Force in Malta, falls within the remit of the Ministry for Justice and Home Affairs and is regulated by the Police Act (Cap. 164). The Commissioner of Police, who is appointed by the Prime Minister, heads the national Police Force. He has the command, direction, management and superintendence of the Force. The Commissioner of Police is assisted by a Deputy Commissioner and nine Assistant Commissioners.

The Police Force currently consists of a total of 1 790 police officers. The total complement consists of 118 officers and 1 672 other ranks. Recent amendments to the Criminal Code (Cap. 9) provide that the investigative function is shared with the judicial authorities at the early stages of most cases. However, the main investigative responsibilities still lie with the police, who also act as prosecutors in proceedings before the Magistrates' Court.

In order to achieve these objectives, the Police Force is organised into nine main areas. These are Strategy and Planning, Finance, District Policing, Criminal Investigations, Drugs, Vice and Economic Crimes, Forensic Science, Protective Services and the Special Branch.

- The Police Districts

District policing lies at the core of the Force's strategy of bringing the police closer to the community. Malta is divided into 11 police districts with some 25 police stations manned all over the Island. Each district falls under the command of a Superintendent who has the responsibility for all policing activities in the district. Each police district falls under one of two police regions, representing the north and south of Malta. Each region falls under the command of an Assistant Commissioner.

- Specialised Police Services

Each specialised section, except for the Forensic Science Laboratory, is headed by an Assistant Commissioner who answers directly to the Commissioner of Police. All specialised Police services work on a national level. The following are the specialised sections:

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Strategy and Planning Office

The Strategy and Planning Office sets out and monitors the overall direction of the Police Force and administers the various offices essential to any policing organisation, such as Human Resources, Training, Internal Affairs and Information Technology. This Office also liaises closely with the Ministry for Justice and Home Affairs on all EU-related matters. It also staffs a Community and Media Relations Unit whose function is to build and maintain healthy relations with the public and various organisations.

The Special Branch

The Special Branch also comprises the International Relations Unit, whose remit includes the Interpol NCB, the Europol National Unit, the SIRENE Office, the logistics of security arrangements for VIPs visiting Malta, investigations into rogatory commissions as well as the policing aspect of terrorism issues. The Immigration Department within the Special Branch deals with visa issues, work permits, border control as well as other related administrative and field duties. The Explosives / Weapons Office also falls under the Special Branch.

Criminal Investigations

Criminal investigations are split into three core sections respectively dealing with serious crimes, drug-related offences and with vice and economic crimes. Apart from investigating crimes of a serious nature, the Criminal Investigations Department (CID) also comprises the Mobile Squad, the Stolen Vehicles Squad and the Criminal Intelligence Unit. The Drug Squad is responsible for all criminal investigations relating to drugs, whilst the Vice and Economic Crimes department tackles sexual offences and crimes of an economic nature such as usury and fraud.

The Forensic Science Laboratory

The Forensic Science Laboratory is headed by a director. It supports all other police sections by providing services associated with forensics, such as the scene of crime preservation, fingerprinting and photography.

Protective Services

This branch of the police organisational structure comprises the Technical Operations Unit (SAG), the Traffic Branch, the Mounted Police, the Dog Section, the Police Command and Control Centre as well as the Administrative Law Enforcement (ALE) section.

The Malta Police Academy

The Malta Police Academy is the central educational institution for the Police Force in Malta. It provides basic training for service in the Malta Police and specialised training covering various areas of the police profession.

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The Data Protection Unit

The primary role of this Unit is to prepare and subsequently enforce a data protection policy within the Police Force on the lines of the Data Protection Act (Cap. 440) and the Data Protection (Processing of Personal Data in the Police Sector) Regulations (LN142/04) in line with Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and Recommendation No. R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector.

The Malta Police IT Section

This is a specialised police section responsible for information and computer technology within the police service.

Organisation of the Prosecuting Authority in the Malta Police

Responsibility for prosecutions of criminal offences in Malta is divided between the Malta Police and the Attorney General's Office. This is regulated by the Criminal Code (Cap.9) (Book Second).

The Prosecution Office

This new Office is in its 'setting-up' stage. It is envisaged that this Office will carry out the prosecution of offenders indictable / triable before the Magistrates' Court, the screening of cases to ensure justifiable proceedings and the preparation of the best possible evidence; it will also act as a liaison with other agencies and governmental departments to develop improvements in the criminal justice system. Until such time as this Office reaches its envisaged operative capacity, it will provide legal and administrative support to other Police Branches by giving advice on preferred charges, prosecuting procedures and updating information on changes in statute and case law.

Responsibilities of the Police

The duties of the Malta Police Force are laid down in the Criminal Code (Cap. 9) and include the maintenance of public order and peace, the prevention, detection and investigation of offences, the collation, preservation and presentation of evidence, and the prosecution of offenders before the judicial authorities.

Department of Customs

The Department of Customs is also entrusted with investigative powers in customs areas which, in practice, are exercised together with the Police. The Police can proceed in Criminal Court only with the consent of the head of the Department of Customs. Legally the Customs Department has the right to prosecute cases, but in order to avoid duplication of personnel, prosecution is carried out by the Police in the name of the Comptroller of Customs with the assistance of the Customs department. (Art 76 of Chapter 37)

Databases for law enforcement purposes

In Malta, at present, there is one general police database (Police Incident Report System; *PIRS*). The database is accessible to all police personnel according to their policing needs. The Evaluation Committee was told that the Customs Department have no direct access to the *PIRS* at present but will be granted such access rights once *SIS II* is operational.

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➤ **PIRS**

The Police Incidence Report System (PIRS) has replaced the manual system based on the Occurrence Book, which registered reports made to the police at district level. Police officers access the system through personal logins, whose trail is audited. The electronic system was introduced in 1997 and PIRS II will be replacing the current system towards the end of 2006. PIRS gives access to other databases, namely a limited version of the CDB, VERA and the internal police messaging system.

➤ **CDB**

The Central Database is owned by the Government of Malta and is shared primarily by government departments including the Police. The information contained in the database is text based and consists of the identity card number, gender, address, date of birth, place of birth, date of death where applicable, name of parents, name of spouse, and persons residing in same household. The data controllers are the Electoral Office, the Police, and the Civil Status Office. Police members have access to the CDB through PIRS, and the information is currently copied from the CDB to PIRS by the Police IT department on a weekly basis. The CDB is installed by MITTS Ltd. upon special request by police users (through the Police IT department), however PIRS II will grant automatic real-time access to the CDB.

➤ **VERA**

The Vehicle Registration system is owned by the Malta Transport Authority (ADT) and the Police have access to it through PIRS. The information is text based and consists of the vehicle registration number (number plate), its make, model and colour, vehicle licence number and its expiry date, insurance policy number, name of agency, and the insurance expiry date, together with the name of the owner, ID card number, date of birth, gender, address and any change in ownership of the vehicle.

➤ **Criminal records (and traffic offences)**

The administration of criminal records is governed by the Conducts Certificate Ordinance of 1934 (Chapter 77 of the Laws of Malta) and the Data Protection Act (Chapter 440). It is largely a manual system, and contains data on convictions of persons arraigned in court. It has a two-fold function: primarily it is used for police investigations, and secondly, extracts of such data are issued as conduct certificates to the public. The Ordinance is in the process of being extensively amended and the system is being computerised.

➤ **Weapons**

The automated database, which is connected to police stations within the districts, includes registration of weapons, transfers and new applications, and dealer licences. The manual system caters for licences issued in relation to hunting trips, importation of arms, manufacturing of fireworks, importation of explosives, and use of explosives in the construction industry.

➤ **National Stop-List**

The automated system is administered by the Immigration branch of the Malta Police in terms of data input, however Immigration Officers at sea- and airport control points have access to it. The database contains details of persons (full name, nationality, document number, age, detention instructions and source/issue of instruction) who have for one reason or other been placed on a refuse entry or report arrival listing. This is accessed through PISCES.

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➤ **Border control**

The automated system is administered by the Immigration branch of the Malta Police in terms of data input, however Immigration Officers at sea- and airport control points have access to it. The database contains details of persons (full name, nationality, document number, age, detention instructions and source/issue of instruction) where there is a legal impediment to their departure (e.g. minors involved in separation proceedings), persons detained on arrival or on departure, persons overstaying, and persons wanted by Interpol. This is accessed through PISCES.

➤ **Telephone subscribers**

This database is owned by Maltacom. It is an on-line telephone directory system for all fixed telephone lines and for mobile phone owners who choose to be listed.

➤ **Eurodac**

Fingerprints of illegal immigrants and asylum seekers coming to Malta are inputted by the Eurodac office. The system is password protected. Access reserved to Eurodac personnel only.

➤ **Europol**

Access to the database is reserved for Europol staff and is password protected. Both software and hardware are provided by Europol and the exchange of information takes place via email with the Malta Police Europol Liaison Officer. Non-Europol office personnel who enter the premises have to be registered.

➤ **Electoral Register**

The Electoral Register is printed by the Electoral Office. Its data is accessible to the Police through the CDB or through PIRS, and photos from identity cards can be supplied to the Police upon written request.

➤ **Citations System**

The Citations System is used by the Police Citations Office (PCO) and contains information arising from arraignments made by the Police, as well as the results of the case. The system is manual.

➤ **Trading Licences**

This covers permits issued by the Police in terms of local wardens and private security guards together with warden/ security agencies, and associations and clubs registered with the Police. Other categories of trading licences previously handled by the Police are being administered by the government Trading Licences Unit, the Malta Tourism Authority, the Malta Transport Authority (ADT) and the Health Department.

➤ **Residence Permits**

Before May 2004 these permits were kept in a database on a stand-alone computer and the data was accessible only to Immigration Officers on a need-to-know basis. Since May 2004 this database has been undergoing a departmental overhaul and is now split into two separate databases still on a stand-alone terminal with reserved access rights. As of December 2006, the residence permits will be stored on a system housed at the Citizenship and Expatriates' division within the Ministry of Justice and Home Affairs. Immigration Police will have access to this system only on a need to know basis.

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➤ Internal files/ records

The computerised database indicates internal movements of Police files between the different branches. It is administered by civilian personnel.

3.2. Structures for international cooperation

(Central authorities, decentralised structures, ad hoc arrangements)

Legal frameworks for international police cooperation

- EU Treaty of Accession;
- Convention implementing the Schengen Agreement of 14 June 1985;
- Europol Convention;
- European Union Convention on Mutual Legal Assistance in Criminal Matters ¹;
- European Convention on Mutual Assistance in Criminal Matters ²;
- Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (1981);
- Interpol Statute;
- Bilateral agreements;
- Police to Police
 - Criminal Code (Chapter 9),
 - Police Act (Chapter 164),
 - Letters Rogatory (Art. 649 Chapter 9),
 - JITs (Art. 435E Chapter 9),
 - Data Protection (LN 142/2004).

Central Body

The Special Branch of the Malta Police is the central body for coordinating international police cooperation carried out pursuant to Article 39 and 46 of the Schengen Convention, and other international agreements. Currently the Europol, Interpol and anti-terrorism sections form part of the International Relations Unit (IRU) along with the SIRENE Office, which will be operational as from early 2007. The staff have direct access to the relevant databases which form part of the general police database.

The recruitment of the staff that will be deployed at the SIRENE Office is at an advanced stage. All applicants are to undergo an internal interview before selection. Applicants must have a minimum 5 years of active duty in the Police force, investigative experience, language and legal knowledge. Once selected, the staff will undergo a specialized training under the Twinning Light II project (training to commence in January 2007). Training possibilities in linguistic skills will also be made available to selected staff.

¹ Council Act of 29 May 2005.

² ETS 30 - 20.04.1959.

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4. TRAINING AND PROMOTION

(Training at basic, advanced and management level; linguistic training; manuals)

Training of the Police Forces

There is no fixed timetable, but training is ongoing. Twinning Light programmes³ are in the pipeline.

Such programmes provide further specific training including the drawing up of the necessary manuals and curricula. Furthermore, the Maltese authorities have drawn up a comprehensive training programme in line with the requirements of FRONTEX. This training programme is to commence on 17/10/2006.

Training that addresses the application of the provisions of the Schengen Acquis has been introduced and included in the training curriculum of the Malta Police Force as regards both new recruits and refresher courses for serving Police Officers.

It is planned to update the ongoing training programme of the Malta Police Force in the coming months as a result of the related Twinning Light projects.

Detailed statistics on training in Schengen matters: See annex, table II

The police cooperation handbook is available electronically and has been distributed to all police personnel as well.

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee invites the Maltese Authorities to organize regular joint training courses for police and customs officials and compile a common manual on the practical implementation of the Schengen Convention.

The Evaluation Committee would also like to encourage the Maltese Police to speed up their efforts to establish the premises of the SIRENE office and recruit and train staff, in order that the Office can become operational prior to the availability of SIS II.

The Evaluation Committee is also of the opinion that the current staff of the SIRENE office could benefit if they were already involved in processing work files of the INTERPOL office, in order to gain valuable practical experience in international police cooperation and exchange of information.

³ Twinning Light 1 `Assistance for the effective implementation of the Schengen Acquis` - in collaboration with Sirene Italy /April 2006 – December 2006.
Twinning Light 2 `Assistance for the proper set up and management of the Sirene Office` - in collaboration with Sirene Italy /October 2006 – April 2007.

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5. OPERATIONAL COOPERATION

5.1. Mutual assistance (Article 39)

(Via central or other authorities; in ordinary and urgent situations; responsiveness, evaluation and redress mechanism)

Malta has a joint communication centre covering Interpol/Europol/Sirene as a front desk to handle all incoming requests concerning Article 39 and is considering whether to establish a case management database to avoid duplication. The new premises where the whole communication centre will be hosted are under reconstruction.

The Malta Police Force is authorised by law to co-operate fully with other Police Forces and furnishes information as per Decision of the Executive Committee of 28 April 1999 on the improvement of police cooperation in preventing and detecting criminal offences (SCH/Com-ex (99) 18); Application of Article 39 of the Convention: improving police cooperation in preventing and investigating criminal offences SCH/I (98) 75 Rev.5.

5.2. Exchange of information (Article 46)

(Via central or other authorities; between concerned authorities)

The Special Branch of the Malta Police is the central body for coordinating international police cooperation carried out pursuant to Article 46 (*and Article 39*) of the Schengen Convention, and other international agreements.

The Special Branch can take all measures with regard to information exchange without the involvement of the judicial authorities, provided that they comply with Maltese legislation. Requests for judicial assistance are to be forwarded through the Attorney General's Office, which requests are subsequently filed in Court and executed through police co-operation with the Courts. The information forwarded can only be used as evidence in legal proceedings if explicit consent is given by the judicial authorities. Forwarded information may be used to corroborate evidence if sent through the proper channels.

In accordance with the Data Protection Act (Cap. 440), data can only be used for the pre-stated purpose for which it was furnished. All cases are channelled through the same channel. There is no legislative provision to this end; however, since there is only one Police Force, the Immigration Police has been designated as the contact point through the International Relations Unit.

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5.3. Cross-border operations (Articles 40 and 41)

(Conditions, constraints, procedures, practical regulations, bilateral arrangements, joint patrols, controlled deliveries)

Articles 40 and 41 of the Convention implementing the Schengen Agreement are Category 2 provisions⁴, therefore still not applicable in Malta. The Evaluation Committee could only assess the capacity of the Maltese authorities to implement these articles in due course, on the basis of existing legal provisions.

There are no specific provisions with regard to the application of Article 40(1) and (2) of the Schengen Convention on attempted crimes because the general legal provisions apply. Currently, foreign officers are not allowed to carry firearms in Malta in the execution of their duties. Foreign officials cannot act independently, although they are provided with support and assistance by the Malta Police Force upon request. Mixed land border patrols are not applicable to Malta since it is an island. Sea and air border patrols fall under the responsibility of the Armed Forces of Malta.

5.4. Additional cross-border provisions (Article 44)

(Current situation; planned communication structures)

Contacts are carried out by electronic means. Fax connection is also available. To date the Malta Police use a VHF semi duplex system due to the topography of the island. Studies with regard to TETRA are ongoing as Malta intends to supply at least 20 computers to existing mobile units, enabling them to log into the system from any location. At present 899 portables have been issued (covering all police officers on beat duties) along with 123 portables to specialised units. There are 221 portable radios available for possible emergency use, including 156 radios on vehicles and 26 base stations (Police Stations). It is not considered viable to utilise Radio Telecommunication Systems, given that the distances covered are limited.

5.5. Liaison officers

(In/from other Schengen States, cooperation in third countries)

Malta does not have any bilateral agreements on the exchange of liaison officers, either with other Schengen States or with third countries. So far Malta has not yet concluded any agreements with other Member States with regard to the sharing of liaison officers in third countries who would also represent Malta⁵.

At present there are no liaison officers seconded to Malta, however the liaison officers seconded to Italy from Belgium, France, Germany, UK and the USA also cover Malta. Malta has one liaison officer assigned to Europol.

⁴ 15440/02 SCH-EVAL 42 COMIX 702.

⁵ Council Decision 2003/170/JHA.

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5.6. Statistics

(Requests pursuant to Art. 39, operations pursuant to Art. 40 and 41, exchanges pursuant to Art. 46)

Requests under Articles 39, 46 are currently routed through the available Europol and Interpol channels. No statistics are kept on the exchange of information relating to simple Police to Police exchange unless the requested information relates to subsequent criminal investigations and court action.

Articles 40 and 41 are not applicable to Malta.

Europol and Interpol traffic analysis: see annex, table V.

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee invites the Maltese Authorities to make the best possible use of the Member States` resources and implement Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States.

The increasing need for international police cooperation with other EU Member States, especially in the field of anti-drug operations, means that the Maltese Police need to take a more proactive role in exchanging information and, in the future, carrying out cross-border surveillance operations pursuant to Article 40 of the Schengen Convention.

Comments of Malta: -

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6. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

The Evaluation Committee is of the opinion that the Maltese Authorities should speed up their preparations for full application of the Schengen Convention . The lack of an Action Plan indicating a detailed operational plan with clear time limits for all measures needed in order to meet the Schengen requirements made it difficult for the Evaluation Committee to assess the current situation, the status of what has already been accomplished and what is still pending.

The Evaluation Committee recommends the Maltese Authorities to keep to the time schedule designed for establishing the SIRENE Office. The time schedule as such is feasible, but no delays should be allowed.

In general, the Evaluation Committee noted that basic training in Schengen matters is included in the training curriculum of the police and that there are two ongoing Twinning projects with a view to more specific training. The Evaluation Committee considered it positive that the Handbook is available both in electronic form and as a paper copy distributed to all police staff.

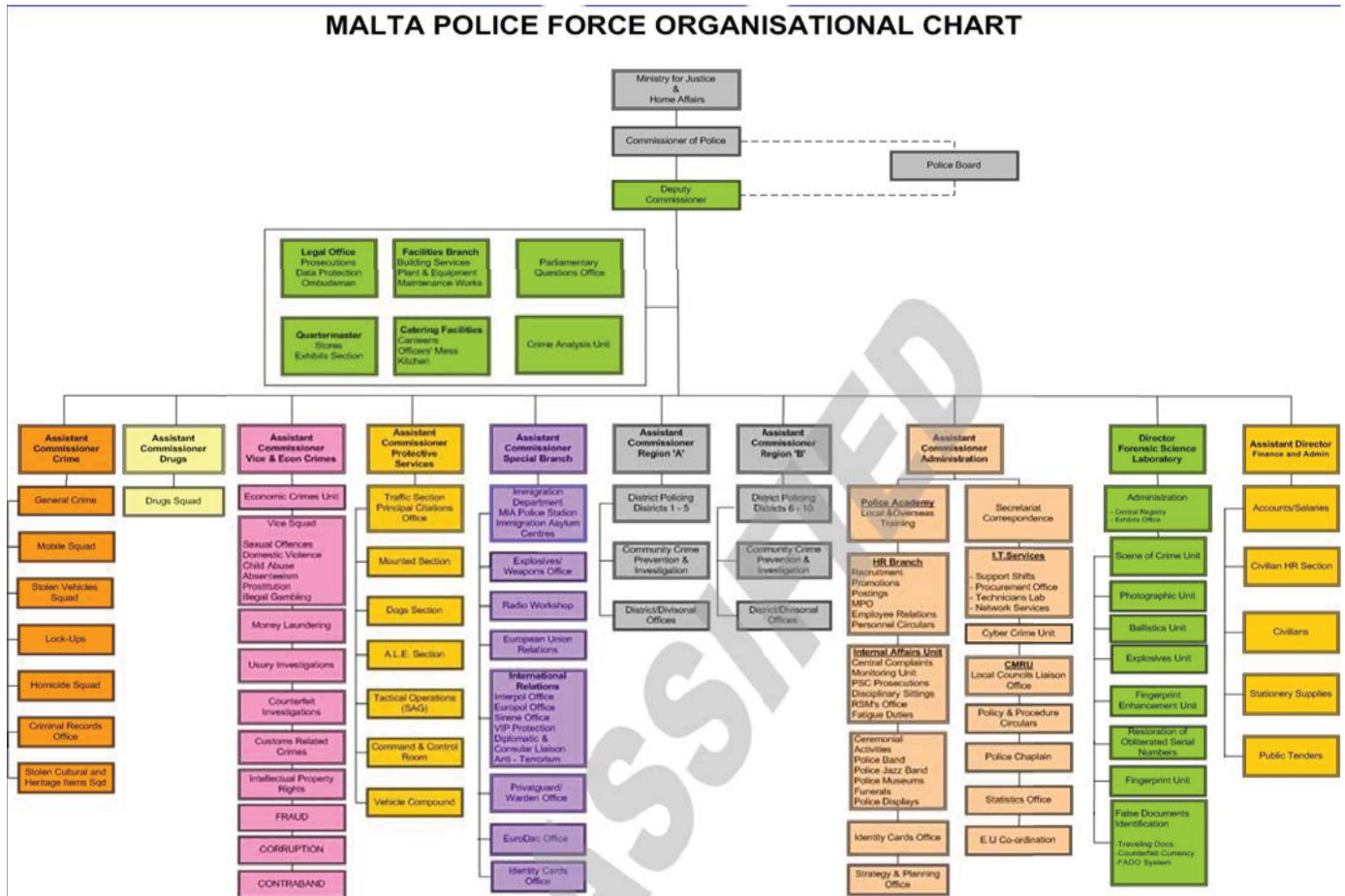
The Evaluation Committee recognizes that the Maltese Authorities exchange police information via various channels on a rather ad-hoc basis. However, they should develop reliable and comparable statistics, in order to be able to evaluate cross-border cooperation and compare the findings with those of other Member States. The Maltese Authorities may wish to consider the use of standardized templates, which are available in the Police Cooperation Handbook. The compilation of statistics would, at a strategic level, help to determine threat assessments and assist in the prioritisation of resources.

In order to ensure that comprehensive analysis and relevant threat assessment are produced from the intelligence and information gathered, the Maltese authorities are invited to introduce the European Criminal Intelligence Model (ECIM). Although executive powers are only vested in the Malta Police Force, the Maltese customs service should be invited to exchange crime intelligence and to participate more actively in international police cooperation, taking into account the different status of customs services in other EU Member States.

Regarding liaison officers, the Evaluation Committee invites the Maltese Authorities to extend their international relations by considering the secondment of liaison officers abroad.

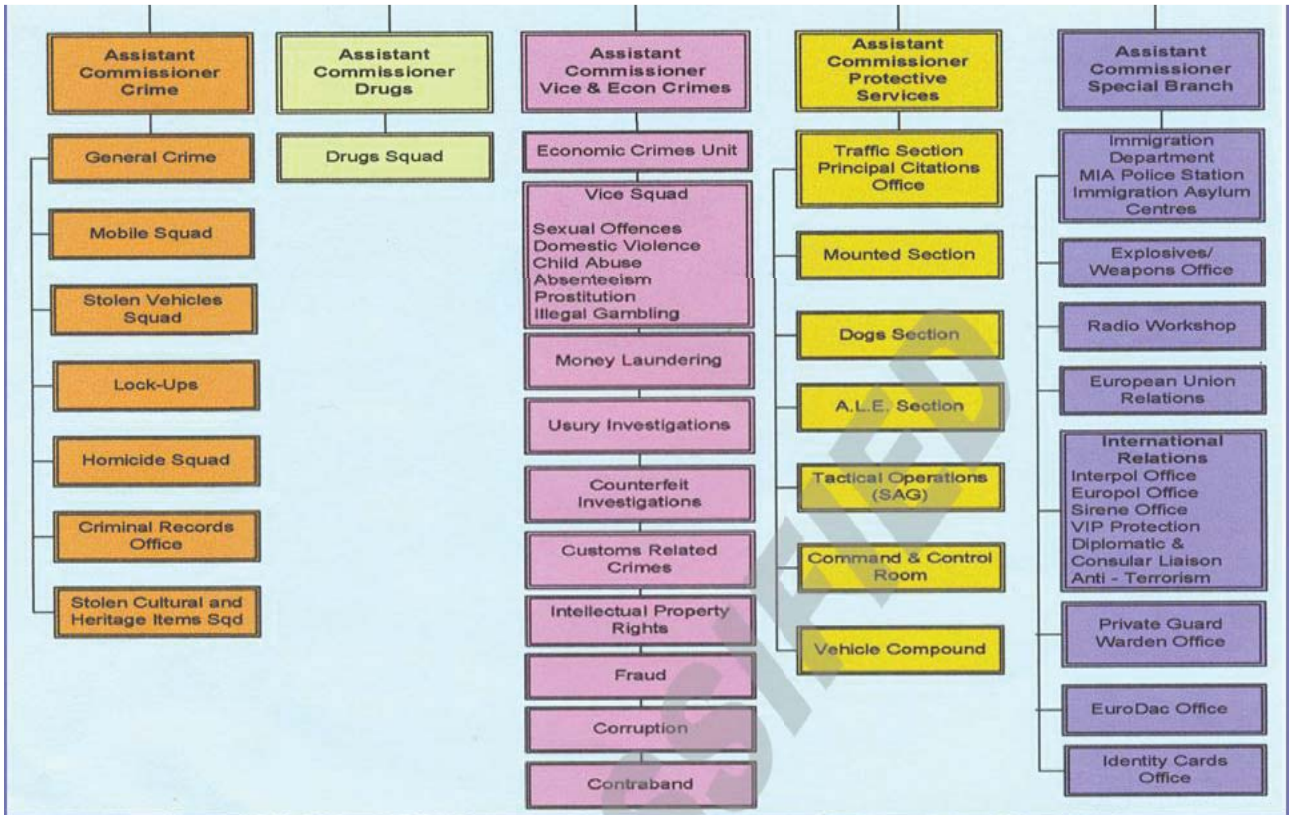
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ANNEX, table I: Malta Police Force organisational chart (total)



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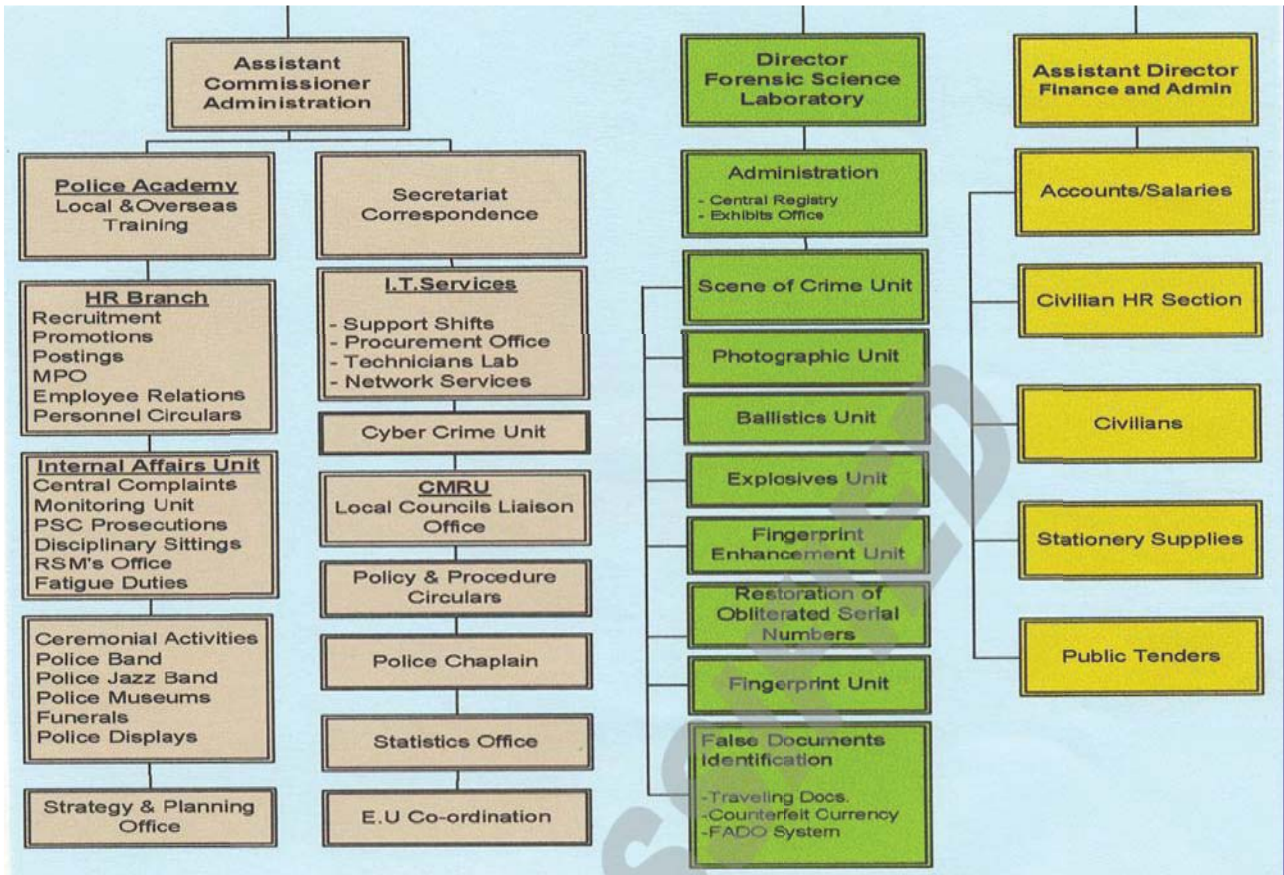
ANNEX, table II: Malta Police Force organisational chart (part 1)



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ANNEX, table III: Malta Police Force organisational chart (part 2)



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ANNEX, table IV: Training in Schengen matters

Transition Facility Program

Development of Border Management Control in Malta

Training Seminars under Twinning Light I in collaboration with Italy (commenced April 2006 till November 2007) (Train the Trainers)

1. Training Seminar on the effect of the lifting of internal borders on Police work

Held: 12th to 14th June 2006

Seminar duration: 3 full days

Attended by:

1 Superintendent

5 Inspectors

8 Police Sergeants

Documents Covered:

- Common Manual (doc. 6297/05 dd. 25/2/05)
- The Schengen Border Code to be introduced on 13/10/06 (Reg. 562/2006)
- The Schengen Acquis dd. 14/6/1985
- The Convention on the implementation of the Schengen Acquis dd. 19/6/1990
- External Border Control – removal and readmission: recommendations and best practices (Schengen Catalogue Feb 2002)

Subjects covered:

- Crossing of internal borders
- Procedure for Border Checks
- Visa system and entry of aliens into the Schengen area
 - Re-admission agreements
 - Accompanying measures
 - Carrier obligations to ensure aliens are in possession of the required travel documents to enter the Schengen Area
- Responsibilities for the examination of request for asylum
- Cooperation between Police authorities of Member States
- Judicial assistance in criminal matters

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2. Training Seminar on the application of procedures in respect of Schengen and non-Schengen flights and vessels entry and the examination and issue of B and C Schengen Visas at Border Control Points

(Train the Trainers)

Held: 25th to 29th September 2006

Seminar duration: 5 full days

Attended by:

1 Superintendent

5 Inspectors

8 Police Sergeants

2 Police Constables

Documents covered:

- Common Consular Instructions (doc. 2005/C 326/01)
- Issuing of Visas: recommendations and best practices (Schengen Catalogue Vol. 3 March 2003)
- Manual of Procedures in respect of Schengen and non-Schengen flights and vessels entry
- Manual on operating procedures for the examination and issue of B and C Schengen Visas at Border Control Points

3. Training Seminar in Risk Analysis and Intelligence Gathering

To be held: 24th to 26th October 2006

Seminar duration: 3 full days

To be attended by:

4 IRU Inspectors (Officer i/c, Europol, Interpol, SIRENE)

3 Police Sergeants (“)

7 Police Officers

4. Training Seminar in Risk Analysis and Intelligence Gathering

To be held: 7th to 9th November 2006

Seminar duration: 3 days

To be attended by:

SIRENE/ IRU Front Desk staff to be selected by end October 2006 (approximately 15)

Transition Facility Programme – Development of Border Management Control in Malta

Training Seminars under Twinning Light II in collaboration with Italy

(To commence November 2006 till June 2007)

1. Training Seminar on Data Handling in the SIRENE Office

To be held: not appointed

Seminar duration: 6 days

To be attended by:

2 Inspectors (IRU/SIRENE)

1 Police sergeant (SIRENE)

SIRENE/ IRU Front Desk staff to be selected by end October 2006 (approximately 15)

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2. Training Seminar on IT skills on the SIS II to support the SIRENE Office

To be held: shortly to be appointed

Seminar duration: 7 days

To be attended by :

3 Inspectors (IRU/SIRENE/IT)

2 Police Sergeant (SIRENE/IT)

2 Police IT staff

3. Training Seminar on the use of the SIS II as a day-to-day police tool

To be held: shortly to be appointed

Seminar duration: 7 days

To be attended by:

3 Inspectors (IRU, SIRENE, IT)

2 Police Sergeant (SIRENE/IT)

SIRENE/ IRU Front Desk staff to be selected by end October 2006 (approximately 15)

2 Police IT staff

4. Training Seminar on SIS awareness course

To be held: shortly to be appointed

Seminar duration: 7 days

To be attended by:

For senior executives in the Police Force/Magistrates/Prosecutors

5. Training Seminar for the Legal Office with regard to the Schengen Convention

To be held: shortly to be appointed

Seminar duration: 6 days

To be attended by:

1 Superintendent (Police Legal Office)

3 Inspectors (Legal Office, IRU, SIRENE)

5 Police Officers (Legal Office)

Representative from the Ministry of Justice and Home Affairs (Legal Office)

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Malta Twinning Project :

Ministry of Justice and Home Affairs Malta – Home Office UK

Strengthening Malta's Capacity in Border Control and in the area of asylum

Summary activity report of Training Seminars under this Twinning Light project:

1. Certified training by UK Immigration Service Training & Development Unit (UK ISTDU)
2. UK ISTDU assisted by Finnish colleagues delivered uncertified training
Held:

First level Border Management-

Two week course 5 days classroom plus 5 days on the job coaching

6 training courses given

Held:

Course 1 - April 2002

Course 2 - May 2002

Course 3 - June 2002

Course 4 - July 2002

Course 5 - September 2002

Course 6 - October 2002

Successfully attended by:

67 Civilian Immigration Officers (Border Control)

29 Police Immigration Officers (Border Control)

Training Overview:

Issues associated with Malta joining the EU

Malta, the EU and Schengen

Document Checking

Interviewing Techniques

Introduction to Asylum

Introduction to Human Rights

Dealing with challenging behaviour in passengers

Intermediate Border Management - 6 days classroom training split as 4 days on Border surveillance and 2 days on Border control:

Border Surveillance

Held: 8th to 11th November 2002

Successfully attended by:

8 Police Immigration Sergeants (Border Control)

4 Police Immigration Inspectors

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Officers from the Armed Forces of Malta

Training Overview:

Problem of illegal migration for Malta

Convention for application of the Schengen Agreement, important aspects

4 days focused on Border Control

Held: 20th and 21st March 2002 and 7th and 12th November 2002

Successfully attended by:

10 Police Immigration Sergeants (Border Control /CIO/SB)

4 Police Immigration Inspectors

Training Overview:

Issues associated with Malta joining the EU

Malta, the EU and Schengen

Document Checking

Interviewing Techniques

Introduction to Asylum

Introduction to Human Rights

Dealing with challenging behaviour in passengers

Awareness of –

Principles on supervision of staff to ensure that passengers are dealt with professionally and expeditiously

European Human Rights Legislation and its potential impact in the arena of Immigration

Third Country issues in the handling of Asylum claims

The effecting operation of a future Schengen external border

Effective management of staff operating border control

Obligations under the UN1951 Convention relating to the Status of Refugees and the European

Convention on Human Rights

Elementary training course in forgery detection presented by the UK Immigration Service

National Forgery Section - 1 day

5 courses given

Held: 27th May to 31st May 2002

Attended by:

30 Officers from the Armed Forces of Malta

10 7 Representatives from the Ministry of Foreign Affairs

3 Police Inspectors (Immigration)

24 Police Immigration officers (Border Control)

14 Police Sergeants (Immigration/Visa/Border Control)

67 Civilian Immigration Officers (Border Control)

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Training overview:

Introduction to the National Forgery Section and forgery detection

Counterfeit documents and examination of documents

Substitute pages

Substitute photographs and altered details

Forged and counterfeit visas

Intermediate Forgery Detection Course - 2 days

3 courses given

Held: 17/18 September, 19/20 September, 23/24 September 2002

Attended by:

11 Police Sergeants

11 Police Constables

1 Police Inspector

Training overview:

The National Forgery Section and forgery detection

Counterfeit documents and examination of documents

Substitute pages

Substitute photographs and altered details

Forged and counterfeit visas

Advanced Interviewing Skills - 2 days

2 courses given

Held: 14th and 15th November 2002

Successfully attended by:

8 Police Immigration Sergeants (Border Control)

4 Police Immigration Inspectors

6 Consular Officers

Training Overview:

Malta, the EU and the Common Manual and checks

Preparation for an interview

Engaging and explaining

Channels of communication

The Cognitive Interview Model

The Managed Conversation Model

Conversational techniques and types of questions

Credibility, Clarification and challenge

Visas and consular instructions

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SCHENGEN AWARENESS COURSES FOR POLICE OFFICERS

This subject unit was introduced in the Refresher Courses for Police Officers as from January 2006.

Lecture duration : 2 hours

Venue : Police Academy

Schengen Awareness courses given to date:

<u>Course No.</u>	<u>Date</u>	<u>Hrs</u>
PA / 1 / 78 / 2006	9 th – 29 th January	2
PA / 2 / 79 / 2006	30 th January – 18 th February	2
PA / 3 / 80 / 2006	13 th March 1 st April	2
PA / 4 / 81 / 2006	4 th – 22 nd April	2
PA / 5 / 82 / 2006	24 th April – 14 th May	2
PA / 6 / 83 / 2006	15 th May – 3 rd June	2
PA / 7 / 84 / 2006	5 th – 24 th June	2

Course Overview:

The Schengen Agreement of 1985

The Convention Implementing the Schengen Agreement of 1990

Key points of the Convention implementing the Schengen Agreement

Parties to the Schengen Agreement

Incorporation of the Schengen Agreement into the European Union

Schengen Treaty provisions

Schengen Visas – Visa implications, where to apply, the Visa Information System

Schengen Information System – its implications on Police work, objectives of the SIS, what information is recorded, data on persons, data on objects, access to information

Data Protection issues – safeguards for citizens and their rights, the national supervisory authority

The Police Force and the Schengen Acquis.

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ANNEX, table V: EUROPOL and Interpol traffic analysis (up until August 2006)

⇒ EUROPOL

Requests sent	
Subject	Number of requests sent
Child Pornography	5
Cultural Property Crime	3
Drugs	29
Forgery of Administrative Documents	1
Forgery of Money	1
Fraud and Swindling	10
Illegal Immigration	6
Money Laundering	2
Other Means of Payment	4
Robbery	6
Terrorism	4
Vehicle crimes	3
Weapons and Explosives	2
Grand Total	76

Requests received	
Subject	Number of requests received
Child Pornography	4
Computer Crime	7
Cultural Property Crime	2
Drugs	197
Forgery of Administrative Documents	27
Forgery of Money	178
Fraud and Swindling	96
Illegal Immigration	98
Kidnapping and Hostage Taking	1
Money Laundering	33
Murder	13
Other Means of Payment	127
Racism and Xenophobia	2
Racketeering and Extortion	2
Robbery	59
Terrorism	187
Trade in Hormonal Substances	2
Trafficking in Human Beings	25
Vehicle crimes	23
Weapons and Explosives	19
Grand Total	1 102

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Answers received

Subject	Number of answers received
Child Pornography	26
Cultural Property Crime	23
Drugs	164
Forgery of Money	2
Fraud and Swindling	72
Illegal Immigration	29
Money Laundering	31
Other Means of Payment	55
Robbery	6
Terrorism	65
Vehicle crimes	33
Weapons and Explosives	2
Grand Total	508

Answers sent

Subject	Number of answers sent
Child Pornography	3
Computer Crime	6
Cultural Property Crime	2
Drugs	192
Environmental Crime	1
Forgery of Administrative Documents	25
Forgery of Money	175
Fraud and Swindling	96
Illegal Immigration	91
Kidnapping and Hostage Taking	1
Money Laundering	21
Murder	13
Other Means of Payment	123
Racism and Xenophobia	2
Racketeering and Extortion	2
Robbery	54
Terrorism	172
Trade in Hormonal Substances	2
Trafficking in Human Beings	26
Vehicle crimes	22
Weapons and Explosives	12
Grand Total	1 041

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⇒ Interpol

Annually NCB Malta processes:

- *About 150 files related to specific requests for Investigations;*
- *About 200 requests are made by Malta requesting information regarding individuals or documents;*

In total:

- *About 2 300 files are processed as regard Interpol Notices;*
- *About 550 files refer to missing persons;*
- *About 5 300 files refer to wanted persons;*
- *About 3 000 files refer to general notifications.*

As regards the third category of requests, which are recorded and which have given rise to specific criminal investigations and subsequent criminal action, (whether in Malta or abroad), the following statistics are available:

- *Year 2004 – 25 requests*
- *Year 2005 – 16 requests*
- *Year 2006 – 10 requests (up till August 2006)*

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ANNEX, table VI: list of bilateral agreements

The scope of police cooperation is regulated by treaties and agreements listed below.

I) Agreements in force

A) EU Member States

*Agreement between the Government of Malta and the Government of the **Republic of Slovenia** on Co-operation in the Fight Against Organised Crime, Trafficking in Illicit Drugs, Psychotropic Substances and Precursors, Terrorism and other Serious Crimes (16 July 2003).*

*Memorandum of Understanding between the Government of Malta and the Government of the **United Kingdom of Great Britain and Northern Ireland** on Co-operation in Combating Illicit Drug Trafficking, Organised Crime, Terrorism and Other Serious Crime (9 January 2003).*

*Agreement between the Government of Malta and the **Hellenic Republic** on Cooperation between the Ministry of Home Affairs of Malta and the Ministry of Public Order of the Hellenic Republic on Matters of their Competence (International Organised Crime, International Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and International Terrorism) (24 May 2001).*

*Agreement between the Government of the Republic of Malta and the Government of the **Republic of Cyprus** on Co-operation in Combating Terrorism, Illicit Drug Trafficking and Organised Crime (16 September 1999).*

*Agreement between the Government of the Republic of Malta and the Government of the **Republic of France** on the Co-operation in Matters regarding Internal Affairs (9 March 1998).*

B) Third countries

*Cooperation Agreement between the Government of the Republic of Malta and the Government of the **Arab Republic of Egypt** on the Fight against Drug Trafficking and Organised Crime (including Terrorism) (23 February 1997).*

*Cooperation Agreement between the Government of Malta and the Government of the **Tunisian Republic** on Security and Police matters (Joint Cooperation in Security and Police Matters and Particularly in Combating all Forms of Criminal Acts, Drug Trafficking, Terrorist, Transnational and Organised Crime) (6 April 2001).*

*Cooperation Agreement between the Government of Malta and the Government of the **Republic of Turkey** on Fighting Against International Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organised Crime (29 November 1999).*

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II) The following agreements were signed:

- Cyprus, Egypt, Hungary, Greece, Italy, Israel, Russia, Slovak Republic, Spain, Slovenia, Tunisia, Turkey, UK, Albania, Bulgaria, Hungary, China, Libya, Sweden - Organised Crime and Drug Trafficking.
- France - Matters of Internal Affairs.
- Belgium - Police Cooperation
- Italy - Exchange of Computer Info re Drug Trafficking.
- Italy - Cooperation against Money Laundering etc.

III) The following agreements are ready for signature:

- China - Transnational Crime; Jordan - Organised Crime; Morocco - Organised Crime; Portugal - Organised Crime; S. Africa - Police Cooperation.

IV) Draft agreements are being negotiated with the following countries:

- Algeria, Argentina, Austria, Chile, Czech Republic, Ireland, Latvia, Qatar, Kuwait, UAE, Rumania, Malaysia, Ukraine, Uruguay, Uzbekistan.

V) Draft agreements with the following countries are prepared before commencement of negotiations:

N/A

VI) Draft agreements are prepared for negotiation with the following countries:

- Bulgaria - Police Cooperation.