

Debating teams : ROMANIA 2 vs FRANCE 2

Presentation

ROMANIA adopted a very realistic and living presentation, using old-style presentation on the paperboard, that happened to be original and illustrative. None of them read any notes while expressing themselves in a cristal clear English.

FRANCE's slide-show was outstanding and obviously a strong support to their demonstration. They also used a high quality English.

Content

ROMANIA opportunately reminded the legal and historic background of the general topic submitted by the EJTN. Afterwards, they quickly stated the specific subject of the assignment and enlightened the main problematics.

They convincingly pointed out the limits of the JIT instrument regarding the movement of evidence between a joint investigation team and domestic investigators. For that matter, they emphasized the temporal limitation and the principle of speciality that prevents the JIT to be used in order to communicate evidences.

That is why, the team concluded that letter rogatory were necessary to transfer evidence that are out of the scope of the specific purpose of the JIT.

We appreciate the didactic and convincing presentation provided by the ROMANIAN team, despite, we would have expected that they further their position with practical suggestions.

FRANCE preliminarily stressed that the very spirit of the JIT is to share evidence and not only investigating technics.

They structured their demonstration on two main points. First, they assumed the futility of the letter rogatory, arguing on the one hand, that transfer of evidence could be implemented through the JIT itself, and on the other hand, that other Tools of cooperation exist. Second, they showed that the letter rogatory could be irrelevant, because of its drawbacks in form and its drawbacks in content.

They concluded their presentation by three proposals, one of them being the clarifying of the statute of « evidence » in the legal basis of the JIT. They also added the necessity to

harmonize the national rules regarding the admissibility of evidence. Pragmatically, they suggested that a model agreement on the establishment of the JIT could opportunely provide a framework to ease the transfer of evidence.

We appreciated the well structured presentation and the fact that they clearly identified the main issue of the définition of evidence, for which they provide a range of solutions.