

## Seminar 6: Procedural Rights of Suspected and Accused Persons

Berlin (DE), 12-13 December 2012

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Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and Justice, Institutional Processes and Topical Areas

### Seminar Venue

Hotel Concorde, Augsburger Strasse 41, 10789 Berlin

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## Trainers' Note

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### Target group

Judges, Prosecutors and Defense Lawyers from France, Denmark, Germany and other Member States.

### Description

EU legislation related to rights of suspected and accused persons in criminal proceedings has been a long standing debt of the EU criminal area. Following the lines set by the Roadmap of Strengthening procedural rights adopted by the Ministers of Justice in 2009, the EU has systematically proposed and adopted legislation in this area bringing EU legislation fully in line with the standards set by the European Court of Human Rights.

### Method

Presentations complimented by discussions

### Objectives

The seminar aims to examine the adopted measures with special attention to paid to their effect in the context of the national criminal proceedings and analyze the proposals currently in the pipe-line.

To have a general understanding on why the protection of suspected and accused persons has become a pertinent issue in EU criminal law participants are directed to consult:

- Rights of Suspects and Accused Persons: EU Roadmap on Procedural Rights (slides)
- RESOLUTION OF THE COUNCIL of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (Text with EEA relevance) (2009/C 295/01)
- Wendy De Bondt and Prof. Dr. Gert Vermeulen: The Procedural Rights Debate: A Bridge Too Far or Still Not Far Enough? in EUCRIM 4/2012 pp163-167.

The backbone of the EU's venture in providing procedural guarantees for suspected and accused persons in criminal proceedings is indeed the European Convention on Human Rights and the related case law of the European Court of Human Rights (ECtHR) when specific rights are discussed.

The right of translation and interpretation was the first subject matter on which the EU could reach compromise and adopting a corresponding EU legal act; the Directive on the right to interpretation and translation in criminal proceedings. In order to familiarize themselves with the underlying ECtHR jurisprudence, the content of the directive and the major issues left for national implementation, participants are invited to review:

- Summary of the ECtHR case law by John Brennan
- The right to interpretation and translation (slides)
- DIRECTIVE 2010/64/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010 on the right to interpretation and translation in criminal proceedings
- Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (slides).

Creating a EU 'Letter of Rights' has been the second milestone in the series of legislation in providing guarantees for suspected and accused persons in criminal proceedings. In this regard participants may wish to make recourse to:

- Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings

In order to understand the major issues in setting a EU standard with regard to the right to have an access to a lawyer participants are directed to the following materials:

- Proposal for a Directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest
- Proposal for a Directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest – main issues (slides).

According to the Council's Roadmap of procedural guarantees the appropriate measures with regard to pre-trial detention shall be also considered. In this vein participants may wish to have recourse to:

- Pre-trial Detention (slides)
- Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention.