



The Exercise of Defence Rights in International Investigations within the European Union

The *Siracusa International Institute for Criminal Justice and Human Rights*¹, is pleased to present the Specialisation Course on the Exercise of Defence Rights in International Investigations within the European Union. The course will be held in Siracusa, Italy between 15 and 17 March 2018 and conducted in English.

The Course is part of the *Siracusa Institute's International Defence Counsel Training Programme* (the *Programme*) that is specifically designed for international lawyers and jurists dealing with international crimes, including crimes of a transnational nature. The *Programme* is organised in partnership with the *Union Internationale des Avocats* (UIA), the *Association Internationale de Droit Pénal* (AIDP), the *International Criminal Court Bar Association* (ICCBA-ABCPI), the *International Criminal Justice Consortium* (ICJC), the *African Bar Association* (AFBA), the *Italian Scuola Superiore dell'Avvocatura* (SSA), the *French Conseil National des Barreaux* (CNB), the *American Bar Association* (ABA) through its *Center for Human Rights and International Criminal Court Project*, the *Beijing Normal University* (BNU), and the *Centre d'Etudes sur la Sécurité Internationale et les Coopérationes Européennes* (CESICE).

Originally born as an area of economic interest, nowadays the European Union (EU) is seeing the progressive harmonisation of national legislation, including in the area of criminal law. While this process has its complexities, a body of European Criminal Law is emerging. Even though the EU is unlikely to adopt an overarching EU criminal law or criminal procedure code in the short term, EU criminal legislation has substantially changed many aspects of existing national criminal law systems, in particular in areas such as defining serious crimes, setting up safeguards for suspects and victims and enhancing police and judicial cooperation, and thus promoted a more uniform approach among civil law and common law systems.

¹ **The Siracusa International Institute for Criminal Justice and Human Rights** is the new public name adopted by the *International Institute of Higher Studies in Criminal Sciences* (ISISC). A new name and logo, but the same core, longstanding values, vision and expertise: the global pursuit and promotion of criminal justice, human rights and the fight against transnational crime.

TM Foundation International Institute of Higher Studies in Criminal Sciences- ISISC (Onlus)

The *Lisbon Treaty* establishes a new legal framework for criminal legislation where the European and National Parliaments play an important role. It also provides for the Court of Justice of the European Union to exercise supranational judicial control. In accordance with the competences and limits imposed by the Treaty, competent EU Institutions may determine which conduct is to be considered criminal and the types and levels of sanctions to be applied, as well as regulate certain matters of criminal procedural law, such as the rights of suspects, accused persons, and victims of crimes.

The *Treaty on the Functioning of the European Union* gives the EU three specific competences in the criminal justice field: to establish minimum rules, through Directives, on so-called “Euro Crimes” (Art. 83.1); to adopt legislation to enforce EU policies on criminal offences and sanctions (Art. 83.2); and, to regulate measures of judicial cooperation and to set up Union bodies with competence to coordinate (Eurojust) or conduct criminal investigations and prosecutions in their respective areas of competence (Artt. 82, 85 and 86).

Exercising its supranational judicial control, the Court of Justice of the European Union (CJEU) may decide on the interpretation of Union instruments in the area of criminal law or on their validity. In addition, the Court may enforce the obligation of national authorities to implement Union law.

There are many advantages to EU coordinated and harmonized actions in the criminal law field. Consistency in laws supports the fight against organised crime and cross-border crimes. Minimum standards for procedural rights in criminal proceedings give citizens more confidence in EU Institutions and their protective role. The relationships between judicial and prosecutorial bodies of Member States are also strengthened, with consequential benefits for the efficient conduct of proceedings and ensuring effective enforcement while reinforcing mutual trust among these institutions.

The *Course* is designed for lawyers, in-house counsel, and international jurists appointed to defend clients in criminal cases that could be covered by EU legislation. This *Course* will give participants a vital opportunity to master their knowledge of instruments and procedures related to complex investigations and prosecutions. It will analyse the roles and responsibilities of the international and national regulatory, enforcement, and supervisory bodies in this field. The training programme will also focus on defence techniques in international legal cooperation in European Criminal Law matters, including mutual recognition of judicial decisions, as well as regional tools like the European Investigation Order, the European Arrest Warrant, and the role of Eurojust and Europol.

In addition to acquiring the skills and competence required to uphold defence rights at the international level, participants will also have an invaluable opportunity to network with talented colleagues and international lawyers’ and bar associations. A certificate of attendance will be issued to each participant who has met attendance and participation requirements at the end of the programme. Where possible, arrangements will be made to have participants’ completion of the *Course* attendance accredited towards the continuing legal education system (CLE) of their respective bar associations and law societies.

We look forward to welcoming you in Siracusa!

Yours sincerely,

Jean-François Thony
President

The Siracusa International Institute for Criminal Justice and Human Rights



Syllabus

The Exercise of Defence Rights in International Investigations within the European Union

Speakers:

- **Peter Csonka**, Head of Unit, General Criminal Law, Directorate-General Justice and Consumers, European Commission
- **Holger Matt**, President of the European Criminal Bar Association, Defence Lawyer
- **Frédéric Baab**, EUROJUST National Member for France
- **Alfredo Nunzi**, Director of Human Resources and Administration Department, former Secretary of the Management Board of EUROPOL
- **Andrea Venegoni**, Italian Cassation Court Magistrate, former European Union Anti-Fraud Commission (OLAF), former United Nations Economic Crime Prosecutor within the United Nations Interim Administration Mission in Kosovo
- **Gert Vermeulen**, Professor of International and European Criminal Law, Director of the Institute for International Research on Criminal Policy (IRCP) at Ghent University (TBC)
- **Ernesto Díaz-Bastien**, Attorney at Law, Professor of Law at the Universidad Rey Juan Carlos and at the Universidad Complutense of Madrid

Arrival of participants, 14 March 2018

Day 1, 15 March 2018:

09.00 – 09.30 **OPENING CEREMONY**

Welcome by:

- *Jean-François Thony*, President of the Siracusa Institute, and *Andrea Chmieliński Bigazzi*, Programme Director

Guest of honour:

- *Peter Csonka*, Head of Unit, Directorate-General Justice and Consumers, European Commission
- *Frédéric Baab*, EUROJUST National Member for France

09.30 – 10.30 **SESSION 1: EUROPEAN CRIMINAL LAW FRAMEWORK**

Peter Csonka, Gert Vermeulen, Holger Matt

- The origins of the European Criminal Law framework: Before and after the *Maastricht Treaty*: The fight against “Euro-Crimes” and EU support to the strengthening of Member States’ criminal justice capacities
- Sources of European Criminal Law: Conventions, Directives and Decisions
- Basic elements of defence rights as recognized by European Criminal Law

10.30 – 11.00 General discussion

11.00 – 11.30 Break

11.30 – 12.30 **SESSION 2: MAIN ACTORS IN EUROPEAN CRIMINAL LAW**

Peter Csonka, Gert Vermeulen, Holger Matt

- The EU Institutions: Parliament, Council, and Commission
- The Court of Justice of the European Union
- The role of lawyers

12.30 – 13.00 General discussion

13.00 – 14.30 Lunch break

14.30 – 15.30 **SESSION 3: PROCEDURAL ELEMENTS AND INSTRUMENTS OF EUROPEAN CRIMINAL LAW**

Frédéric Baab, Gert Vermeulen, Holger Matt

- International mutual legal assistance in European Criminal Law matters
- Mastering instruments of international mutual legal assistance for defence counsel
- Procedures to obtain evidence from other Member States

15.30 – 16.00 General discussion

16.00 – 16.30 Break

16.30 – 17.30 **SESSION 4: EUROJUST**

Frédéric Baab, Peter Csonka, Holger Matt

- EUROJUST legal framework and structure
- Judicial cooperation fostered by EUROJUST
- EUROJUST procedures and defence rights instruments

17.30 – 18.00 General discussion

Day 2, 16 March 2018:

09.00 – 10.00 **SESSION 5: EUROPOL AND INTERPOL**

Frédéric Baab, Alfredo Nunzi, Andrea Venegoni, Holger Matt

- EUROPOL and INTERPOL legal framework and structure

- The Agencies in European and International criminal investigations and prosecutions
- EUROPOL and INTERPOL procedures: which role for defence counsel

10.00 – 10.30 General discussion

10.30 – 11.00 Break

11.00 – 12.00 **SESSION 6: OLAF AND THE EUROPEAN PUBLIC PROSECUTOR OFFICE**

Peter Csonka, Frédéric Baab, Andrea Venegoni, Holger Matt

- The European Anti-Fraud Office (OLAF), its competences and procedures
- Substantive and procedural rules related to the European Public Prosecutor Office (EPPO)
- Defence rights instruments in the proceedings before these EU bodies

12.00 – 12.30 General discussion

12.30 – 14.00 Lunch break

14.00 – 15.00 **SESSION 7: DEFENCE RIGHTS AND THE EUROPEAN INVESTIGATION ORDER**

Holger Matt

- Substantive and procedural elements of the European Investigation Order (EIO)
- *Case studies*

15.00 – 15.30 General discussion

15.30 – 16.00 Break

16.00 – 17.00 **SESSION 8: DEFENCE RIGHTS AND THE EUROPEAN ARREST WARRANT**

Ernesto Díaz-Bastien, Holger Matt

- Substantive and procedural elements of the European Arrest Warrant (EAW)
- *Case studies*

17.00 – 17.30 General discussion

Day 3, 17 March 2018:

09.00 – 10.00 **SESSION 9: DEFENCE RIGHTS AND THE RECOGNITION/EXECUTION OF DECISIONS AND SENTENCES**

Andrea Venegoni, Ernesto Díaz-Bastien, Holger Matt

- Defence rights and the mutual recognition and execution of supervision measures
- *Ne bis in idem* principle in the EU Criminal Law case law
- Defence rights and the mutual recognition and execution of decisions in relation to the liberty and the seizure and confiscation of goods property of defendants
- Defence rights and the mutual recognition and execution of convictions and sentences
- Redress and compensation in case where a client's rights have been violated in other Member States

10.00 – 10.30 General discussion

10.30 – 11.00 Break

11.00 – 12.00 **SESSION 10: FUTURE DEVELOPMENTS OF EUROPEAN CRIMINAL LAW: CONCLUSIONS AND CLOSING REMARKS**

Peter Csonka, Andrea Venegoni, Holger Matt

- European Criminal Law after the Lisbon Treaty
- Defence rights in the evolution of a European Union Criminal Policy
- Roundtable discussion and conclusions

12.00 – 12.30 Closing remarks

13.00 - Official Lunch

Departure of participants