



JUDICIAL COOPERATION IN CRIMINAL MATTERS

RIGHTS OF SUSPECTED AND ACCUSED PERSON

TEXT 3

RIGHTS OF SUSPECTED AND ACCUSED PERSON

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JUDICIAL COOPERATION IN CRIMINAL MATTERS

RIGHTS OF SUSPECTED AND ACCUSED PERSON

Before you start studying the lesson it is recommended:

- to have intermediate knowledge of general English;
- to have knowledge of key terms.

AIM: After studying the text you will be able in English:

- to understand key terms used in judicial cooperation in criminal matters;
- to use key terms of different tools of judicial cooperation in criminal matters;
- to identify and use English terminology related to different types of crime listed in EAW.

EUROPEAN SUPERVISION ORDER

WORKSHEET

Ex. 1

Please choose the best option (a, b or c) to complete the gaps in the policy note below.

[adapted from: http://origin-www.legislation.gov.uk/ssi/2014/337/pdfs/ssipn_20140337_en.pdf]

POLICY NOTE

THE MUTUAL RECOGNITION OF SUPERVISION MEASURES IN THE EUROPEAN UNION (SCOTLAND) REGULATIONS 2014 SSI 2014/337

1. The Mutual Recognition of Supervision Measures in the European Union (Scotland) Regulations 2014 (the Regulations) are made in (1)..... of the power (2).....by section 2(2) of the European Communities Act 1972. The Regulations are (3) to the negative procedure.

- | | | |
|---------------|----------|--------------|
| (1) honour | exercise | view |
| (2) conferred | imposed | administered |



(3) object target subject

2. Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (4) into force on 1 December 2009. It has become generally known as the European Supervision Order (ESO) Framework Decision. The ESO Framework Decision is one of the ‘third’ measures subject to the UK Government’s opt-out, and one of the individual measures that the UK Government seeks to participate in from 1 December 2014.

(4) went entered became
(5) pillar tenet party

Policy Objectives

3. The policy objective behind the Regulations is to give (6) to the ESO Framework Decision.

(6) outcome purpose effect

4. The ESO Framework Decision promotes mutual recognition within the EU of judicial decisions relating to (7) pre-trial supervision measures which may be imposed on accused persons in criminal proceedings. In Scotland the term we use for such supervision measures is (8) Mutual recognition of judicial decisions is the process by which a decision taken by a judicial authority in one member State is (9)..... and enforced in another. The aim of the ESO Framework Decision is to allow, in certain (10)....., a person accused of a crime in one member State to return home to another member State and be supervised there until the person’s trial starts in the member State where the offence took place, or to enable a person accused of a crime at home to move to another member State and be supervised there while awaiting trial.

(7) non-custodial non-corrective non-coercive
(8) binding over bail community service
(9) understood accepted recognised
(10) circumstances conditions predicament

5. The policy intention (11) the ESO Framework Decision is to increase the likelihood that non-residents who are prosecuted in a different member State will be granted bail



rather than (12) in custody. This is not only to counter the (13)..... that nonresidents are a ‘flight risk’ and avoid the trial state bearing the financial cost of the detention, but also to avoid other (14)..... impacts associated with lengthy pre-trial detention on individuals with no community ties to the trial state: being cut off from family and friends, the effects of detention on their physical and mental health and the risk of being absent from and consequently losing employment. Equally, it is designed to enable accused persons wishing to (15) employment or other opportunities in another member State in exercise of their right to freedom of movement within the EU, to do so and still be effectively supervised while awaiting trial.

(11) understating	underlying	undercovering
(12) remanded	referred	arrested
(13) assumption	supposition	presumption
(14) adverse	affiliated	averse
(15) take in	take to	take on

6. As summarised by Fair Trials International: “All too often, criminal courts order the detention of non-residents because they presume them to be a (16)..... risk, or, if they release them, require them to stay in the trial state because they do not have confidence that they can be adequately supervised at home. The ESO Framework Decision provides an answer to these problems, allowing the court to rely on the authorities of other Member States to supervise the defendant, thus removing one of the main (17)..... causes of detention of nonresidents.”

(16) run	escape	flight
(17) avoidable	preventive	reversible

Ex. 2

In the next part of the text, match the underlined phrases in the note with their less formal equivalents provided underneath.

Competent Authority

7. Under the ESO Framework Decision, a decision on supervision measures, both in terms of issuing a measure for monitoring in another member State or executing a measure on behalf of another member State, can only be taken by a competent authority. The Regulations provide that in Scotland the competent authority is a Scottish court.

Monitoring of Scottish bail conditions in another State

8. The Regulations provide that any Scottish court that can grant bail in criminal proceedings (i.e. the High Court, any Sheriff Court and any Justice of the Peace Court) can request the



authorities in another member State to monitor the accused person's compliance with the bail conditions.

9. Scottish courts are required by the Regulations to consult so far as practicable with the authorities of other member States prior to making requests for supervision measures to be recognised, and in order to facilitate the smooth and efficient monitoring of the bail conditions.

10. Under existing bail procedures in Scotland an accused will always be made aware of the bail conditions which apply to them. The Regulations provide that bail conditions will only be transferred to another member State for monitoring where the accused expresses an intention to reside there. This could include where they wish to return home or where they wish to move to another member State, for example to take up employment.

11. The member State that is to take on the monitoring of the bail conditions (“the executing State”) must recognise the Scottish court’s decision on supervision measures (i.e. bail) unless one of the grounds for non-recognition set out in the ESO Framework Decision apply. The accused may be liberated on bail under restrictions pending acceptance of the request by the executing State. An example of the sorts of restrictions that may be imposed at this stage is that the accused may not leave Scotland until the request is accepted by the executing State. If such a restriction is imposed a future hearing to consider the outcome of the request can be fixed if that is appropriate.

12. The executing State can choose to adapt the measures so as to be compatible with its domestic law. The Scottish court can withdraw the certificate requesting monitoring of the supervision measure if it is not content with the adapted measures, provided monitoring in the executing State has not begun. A notification by an executing State that they intend to adapt a supervision measure will be passed on to the prosecutor and accused person in the case who can call for a bail review, which may lead to the request for recognition of supervision measures being withdrawn. The Scottish bail order will remain as issued notwithstanding any adaptation by the executing State.

13. Any breach of Scottish bail conditions reported by the executing State will be notified to the prosecutor in the case against the accused. The breach report will be considered by the prosecutor in line with normal case management procedures and, if necessary, appropriate action can be taken to vary or recall the bail decision, and criminal proceedings may be raised for breach of bail.

break	giving out	obedience	live
doable	awaiting	agree to	help
before	regardless of	freed	happy
home			



Ex. 3

For the remaining part of the text fill in the missing prepositions to form common phrasal verbs in English.

Monitoring of another State's supervision measures in Scotland

14. The ESO Framework Decision requires arrangements to be put place in Scotland to recognise and monitor supervision measures issued in another member State (referred in the ESO Framework Decision as the “issuing State”). The ESO Framework Decision only requires recognition of measures that require a person to:

- inform the authority monitoring the supervision measures of any change of residence;
- not enter certain locations;
- stay at a specified location;
- comply certain restrictions for leaving the territory of the monitoring country;
- report at specified times to a specified authority; and
- refrain contacting specific persons connected to the alleged crime.

15. The Regulations provide requests from other member States regarding Scotland to be sent to the Scottish central authority. A central authority, in terms of the ESO Framework Decision, is a body that assists the competent authority charged making decisions under the Framework Decision. In Scotland, the central authority will be the Scottish Court Service. When it receives a request for recognition of a decision on supervision measures from another State, it will allocate the request to the appropriate sheriff court, which will typically be the court with jurisdiction for the place in Scotland where the accused lives.

16. On receipt of the request, the court will consider it in light of the grounds for rejection and compatibility of the supervision measures with Scots law. If the supervision measures are not compatible with Scots law, then the sheriff court can refuse to recognise the decision, or choose to adapt the measures to correspond as closely as possible to the original measures imposed.

17. Once accepted, compliance with the supervision measures will be monitored by Police Scotland. The Police will have a power of arrest over individuals who breach an incoming supervision measure. Anyone in breach of the supervision measures will be brought the sheriff court which would be able to release the person or remand him or her for up to 28 days (or 21 days if the person is under 18). (...)

Scottish Government

Justice Directorate

1 December 2014



Ex. 4

Reading comprehension. Please scan the jumbled paragraphs, put them in order, and then read the whole text and proceed to the exercises underneath.

Overuse of pre-trial detention keeps thousands in EU jails, report finds

[adapted from The Guardian]

[A] Maximum pre-trial *detention* periods vary greatly across the EU: Spain has a maximum of four years and Belgium no limit at all. The overuse of pre-trial detention is costing EU countries billions every year, according to the report.

[B] One case highlighted is that of Andrew Symeou, who was extradited to Greece as a 20-year-old in 2009 on a manslaughter charge arising from the death of man in a nightclub.

[C] Thousands of people who have not been *convicted* of any crime are being held for months, or even years, because of the *failure* of pre-trial detention rules in the European Union, according to a survey.

[D] The arrival of the European Arrest Warrant, which has facilitated *extradition* between member states, has led to a growing number of people spending long periods in foreign jails awaiting trials that may eventually clear them. About 26% of EU pre-trial detainees are foreign nationals.

[E] A student with no criminal record, he was held on remand for 11 months. He was finally *acquitted* in June 2011. "Andrew was extradited despite the fact that Greek prosecutors were not yet ready for trial," says the report. "This is time he could have spent under supervised release in the UK."

[F] Often detainees are denied access to a lawyer, the report found, despite having the right to legal representation. "Many of the people who approach us for help complain that they have been *denied* release pending trial simply because they are non-nationals," Fair Trials International says in its report, which was *compiled* with assistance from the international law firm Clifford Chance.

[G] The overuse of pre-trial detention can lead to lengthy jail terms for people subsequently found not guilty, according to the report produced by Fair Trials International. The prison population in the EU is estimated at 643,000, with overcrowding a serious issue in more than half the 27 member countries.

[H] The report makes four recommendations: the EU should *legislate* for minimum standards for pre-trial detention; the European Supervision Order should be implemented so that people charged with offences can await trial in their own countries; *deferred* issue of European Arrest Warrants and negotiated surrender should be used to avoid unnecessary pre-trial detention; and the EU should take steps towards establishing a maximum period of one year for pre-trial detention.



[I] Another case is that of Mohamed Abadi (not his real name), an Iraqi with British refugee status, who was arrested in Malaga, Spain, in 2005 for *alleged* terrorist offences. He spent a total of two years in pre-trial detention before being released under stringent conditions. When he finally came to trial in 2010, he was acquitted on all charges after a brief hearing. Back in the UK, he suffers from depression and anxiety.

Ex. 5

Complete the word-building table for some of the italicised words from the text above:

Noun	Adjective	Verb
detention		
	convicted	
failure		
extradition		
	acquitted	
	denied	
	compiled	
		legislate
	deferred	
	alleged	

Ex. 6.

Discussion in groups.

Topics for discussion based on the article from *The Guardian*:

Has your country properly implemented the ESO?

Are courts refusing to acknowledge it or consider using it?

What practical problems have you encountered and how have you overcome these?

[Participants are to incorporate in the discussion phrases previously provided by the trainer]

Example of a controversial case:

[from the website of Fair Trials International]

Andrew Symeou was arrested in the UK for alleged involvement in a fight in Greece. After lengthy extradition proceedings, during which he was at conditional liberty and complied with the conditions imposed on him, Andrew, who had no previous convictions, was extradited to



Greece in July 2009. He was detained for nearly a year in appalling conditions, including 6 months in the infamous Korydallos prison. He was refused bail, largely because he was a foreign national and had no ties with Greece, despite his father renting an apartment for him there. He was eventually released pending trial but was prohibited from leaving Greece, where he had to remain for a further 8 months. As a result, Andrew and his family's lives were turned upside down. He had to suspend his university studies, which cost him dearly and deprived society of a skilled worker for several years. Had the Greek authorities been able to transfer supervision measures to the UK, safe in the knowledge that they would be recognised and monitored, this harm could have been averted.

EUROPEAN ARREST WARRANT

WORKSHEET

Ex. 1

Listening comprehension. Listen to a part of a BBC programme (November 2014) on the European Arrest Warrant and complete the sentences below. The number of words to be used is indicated by the dotted spaces.

[adapted from: <https://www.youtube.com/watch?v=9RcKjRAJGIE>]

BBC newsreader:

1. MPs vote on whether to the European Arrest Warrant.
2. After a campaign that number is thought to have
3. The most is the European Arrest Warrant.
4. The warrant is across all EU Member States and enables extradition of suspects to serve trial.
5. The Home Secretary has warned that without the warrant Britain could become a for criminals.
6. Critics have it as scaremongering.
7. The Government's efforts to potential rebels seem to have reduced their numbers.

MP Jacob Rees-Mogg:

8. It's important to the vote tonight will be on 10 instruments, and not on the EAW.
9. It will be interesting to see whether the that the debate remains on the topic that we are voting on in the evening.
10. This is a very bad prestidigitation by the



11. I'm afraid she's not me by a mixture of scaremongering and guarantees.
12. The safeguards are at speculative, at worst
13. Steward Wheeler is bringing a review against this.
14. The European Public would be able to use the EAW, so it is a towards Europeanising our justice system.
15. First of all, there was a operation to go around and say the number was very
16. People who feel about the EAW may well decide to or themselves.

ca. 5 minutes

Ex. 2

Listening comprehension. Now listen to what Theresa May, the then Home Secretary (November 2014) said on the subject of the European Arrest Warrant, and complete the gaps with a maximum of 4 words.

[adapted from: <http://www.bbc.com/news/uk-politics-29984114>]

1. The European Arrest Warrant over time, and when it was first introduced.
2. People were worried about how
3. But the European Arrest Warrant we're talking aboutfrom now is not the EAW as it was, when it was under the last Labour Government.
4. Those changes in July.
5. One of the big was that people were being extradited under the EAW for what people here as being more minor or trivial offences.
6. We have seen on the basis of the proportionality test.
7. What in UK legislation is to processes in the system that here in the UK are taking decisions.
8. UK judges would take decisions about whether (...) the case is actually ready to be and trial so that somebody in jail somewhere for many months...



9. Whatsome EAWs being rejected as a result of the changes we have made.

10. I think we've where we can say that people who previously are not because of the changes that the

ca. 2 minutes

Ex. 3

Listening comprehension. Listen to MEP Gerard Batten, discussing the European Arrest Warrant (July 2011), and decide if the statements below are TRUE or FALSE

[adapted from: <https://www.youtube.com/watch?v=M7JJNNOi8QI>]

1. MEP Gerard Batten has numerous worries related to the European Arrest Warrant.
2. According to Gerard Batten, English courts considering extradition should have the right to look at the primary evidence against the accused person and decide if there is a proper case to answer
3. Extradition is now officially called judicial surrender.
4. The European Arrest Warrant, is much more than just a bureaucratic formality, MEP Batten believes.
5. The traditional role of an English court is not to convict the guilty person.
6. Mr Batten indicates that the number of EAWs has been decreasing dramatically.
7. About 10% of EAWs in the UK are for British citizens being extradited.
8. According to MEP Batten, if it's a major crime, it is understandable that you may be sent off to a foreign judicial system, but in the case of trivial offences, it makes no sense.
9. The continental system of justice was developed under common law over centuries, and was exported to countries like America, Australia, etc.
10. Under the continental system, an investigating magistrate may require somebody to be held in prison for very long periods of time.
11. In MEP Batten's view, if a British subject is to be extradited by a British court to a foreign judicial system, there should be a great deal of evidence that holds water against that person.
12. MEP Batten wrote a short pamphlet on the use of EAW against political dissidents in January 2003.
13. Julian Assange has been accused of manslaughter in America.



14. British experts believe that things Assange is accused of in Sweden would also constitute a sexual offence under English law.

15. Gerard Batten believes that Julian Assange's case has a political angle to it.



Ex. 4

Legal vocabulary. Please choose the best option (a, b, or c) to complete the gaps in the following text on the European Arrest Warrant.

The European arrest warrant, adopted in 2002, (1)..... **the extradition system** by requiring each national judicial authority to recognise, *ipso facto*, and with a minimum of (2)....., requests for the (3)..... of a person made by the judicial authority of another Member State (the issuing judicial authority). The framework decision entered into force on 1 January 2004 and replaced the existing texts in this area.

However, Member States remain at (4)..... to apply and conclude bilateral or multilateral agreements (5)..... as such agreements help to simplify or facilitate the surrender procedures further. The application of such agreements should in no case affect relations with Member States that are not (6)..... to them.

- | | | |
|-----------------|----------------|-----------------|
| (1) rejoins | renounces | replaces |
| (2) formalities | technicalities | feasibility |
| (3) supervision | surrender | surveillance |
| (4) freedom | discretion | liberty |
| (5) insofar | provided | notwithstanding |
| (6) contractors | parties | founders |

As a general rule, the issuing authority (7)..... the European arrest warrant directly to the executing judicial authority. (8)..... is made for cooperation with the Schengen Information System (SIS) and with Interpol. If the authority of the executing Member State is not known, the issuing Member State will receive assistance from the European Judicial Network.

- | | | |
|---------------|-----------|-----------|
| (7) transmits | travels | passes |
| (8) condition | exception | provision |

All Member States may take necessary and proportionate (9)..... measures *vis-à-vis* requested persons. When an individual is arrested, he/she must be made (10)..... of the contents of the arrest warrant and is (11)..... to the services of a lawyer and an interpreter. Any period of detention arising from execution of the European arrest warrant must be (12)..... from the total period of deprivation of liberty imposed.



The arrested person may (13)..... **to his or her surrender**. It may not be (14)..... and must be given voluntarily and in full knowledge of the consequences. In this specific case, the executing judicial authority must take a final decision on (15)..... of the warrant within a period of ten days after consent has been given.

(9) compulsory	coercive	intimidating
(10) aware	oblivious	party
(11) welcome	rightful	entitled
(12) deducted	subjected	discounted
(13) admit	consent	accord
(14) abolished	revoked	enforced
(15) filing	consumption	execution

Ex. 5

Legal collocations. Match phrases from column A with the ones from column B to form some popular legal collocations:

A	B
to issue	for bail
to remand	aspersions
to cast	a crime
to institute	a European Arrest Warrant
to apply	a suspect
to request	in custody
to surrender	rights to a fair trial
to terminate	legal aid
to commit	a ruling
to safeguard	investigation
to provide	extradition
to adopt	legal proceedings
to come	a contract
to give	a decision
to reinstate	into force
to stay	proceedings
to hear	a complaint
to lodge	a case



Making any changes necessary, use some of the collocations above to fill in the following sentences:

1. I have no wish to on my opponent, even if I disagree with him.
2. Anyone may with the European Commission against a Member State for a practice which they consider incompatible with the EU law.
3. He against his employer with respect to discrimination in the workplace.
4. The suspect killers were..... over the Christmas period.
5. The Charter on 31 August 1965.
6. The court had to because of another action pending between the parties.
7. Sweden has agreed to to the warrant issuing state.
8. The government has to phase out all nuclear power by 2022.
9. The Juvenile Court judge who seemed puzzled.
10. His lawyer on medical grounds.

Ex. 6

Discussion

What are European Arrest Warrants?

Why are EAWs controversial?

Have EAWs been abused?

How could EAWs be improved?

Is reform likely?

Fair Trials International cites a number of cases of injustice related to EAWs. Here are some of them:

*Garry Mann, an England football fan found guilty in Portugal of involvement in a 2004 riot, was told he would not have to serve the sentence as long as he stayed out of the country for a year. Despite observing the restrictions, in 2009 he was arrested under an EAW to serve the sentence



in Portugal. A British High Court judge described Mann's treatment as "an embarrassment", but had to allow the extradition to go ahead.

* Andrew Symeou was accused of killing a teenager at a nightclub on the Greek island of Zakynthos. After being extradited from Britain in July 2009, he spent 11 months in prison and a year on bail in Greece before being cleared. The British extradition court had been powerless to take into account the flawed evidence in the case.

*In the case of Julian Assange, Sweden's use of an EAW has been questioned because prosecutors have not charged him with an offence; they merely want him to answer questions relating to accusations of sexual misconduct.

[quoted after: <http://www.theweek.co.uk/law/assange-extradition/35917/european-arrest-warrants-unjust-and-ripe-reform>]

ECRIS (European Criminal Records Information System)

WORKSHEET

Ex. 1

Fill the blanks with the correct form of the words in brackets

[text adapted from: http://europa.eu/rapid/press-release_MEMO-16-91_en.htm Strasbourg, 19 January 2016]

The of ECRIS as regards non-EU nationals is a key action of the European Agenda on Security (IMPROVE). The of non-EU citizens was called for to allow Member States to have a better overview of a person's criminal, regardless of their nationality (INCLUDE; CONVICT). After the attacks in Paris in November, the Commission decided to speed up work to extend ECRIS to better include non-EU nationals.

The European Criminal Records Information System (ECRIS) is a system established in April 2012 to create an efficient exchange of information on criminal convictions between Member States (COMPUTER). It is an electronic of criminal records databases

to ensure that information on convictions is exchanged between Member States in a quick and user-friendly computer format (CONNECT).



The system provides judges and prosecutors with easy access to information on the criminal history of persons concerned, no matter in which Member States that person has been convicted in the past (COMPREHEND). The system also serves to prevent crime by removing the possibility for to escape their criminal past simply by moving from one EU country to another (OFFEND).

ECRIS contributes to **security for citizens** throughout the EU, thanks to better judicial cooperation between national authorities. Through rapid, efficient and exchanges of information, Member States are working together to reduce and prevent crime and international terrorism (TARGET; EFFECT).

Criminal records data is stored in national databases and exchanged electronically between the central authorities of the Member States upon request, using the ECRIS system (SOLE).

It allows judicial and police authorities to find all criminal record information of an individual offender from all across the EU. Without ECRIS, they would have to send 27 to the other Member States (ENQUIRE).

When a Member State's criminal court convicts an offender, the conviction is first stored in the criminal record register in this Member State, according to its national law. Then, it is passed on to the Member State of the person's nationality which is the central repository of all convictions down against that person – of the convicting Member State (HAND; REGARD).

All Member States must therefore notify any conviction of a person of another to the authorities of the Member State of nationality of the convicted person (NATION). Each Member State is in a position to provide for its nationals, up-to-date information from its criminal records, regardless of where in the EU those convictions were handed down. A complete overview of an individual's criminal history can therefore always be obtained from the person's Member State of nationality (EXHAUST).

When transmitting information on a conviction, EU Member States have to indicate appropriate codes for the category of the offence and the penalty or sanction, which is automatically translated into the language of the, enabling them to react immediately upon of the information (RECEIVE; RECEIVE). The system therefore ensures a



smooth, accurate and flow of information between national authorities, based on a decentralised system of exchange (RELY).

Council Framework Decision 2008/675/JHA stipulates that Member States' judicial authorities should, during criminal, take into account previous convictions handed down against the same person for different facts in other Member States, of the nationality of the person concerned (PROCEED; RESPECT). This concerns decisions taken at the pre-trial stage, the trial itself and at the time of of the conviction (EXECUTE). Previous convictions should be considered when deciding on provisional, the offence committed, the type and level of sentence and the rules governing the execution of the decision (DETAIN).

Ex. 2

Please fill in the missing prepositions in the text on ECRIS that follows:

Previous convictions are a source important background information suspects and perpetrators. If previous convictions are unknown, the context of an offence might be overlooked and links organised crime, terrorist crime or other serious forms crime may not be detected. This may have an impact the choice of investigative tools (e.g. phone tapping, undercover agents), urgent decisions (e.g. to arrest or detain a person), the deployment of staff, the priority of the prosecution as well as the scope of investigation (e.g. extension to possible accomplices).

Only complete information puts the competent law-enforcement and judicial authorities a position to react adequately, to apply the right measures and to combat such crimes.

Full information on a person's previous convictions is important to prevent the same type of crime being committed again the same person. This includes prevention of sexual crimes involving children, protection of vulnerable persons and security-sensitive areas, and administrative decisions.

A number of administrative decisions may, according national law, require previous checking of a person's criminal history. Such administrative decisions cover a broad range and can be related to licences firearms or other hazardous materials, residence permits, visas and naturalisation, the adoption of children or the choice of foster care parents.



In accordance national legal provisions, citizens may ask for an extract their criminal record, for example when seeking employment in another EU Member State. They benefit being able to demonstrate a clean criminal record if they have not been convicted in any of the Member States.

ECRIS works efficiently regard to EU citizens. However, it is currently not possible to determine whether third country nationals were previously convicted in other Member States without consulting them all.

When a criminal court in the EU convicts a **non-EU citizen**, the information is stored only in the convicting Member State. This means there is no central reference point for a non-EU national's criminal record. It is therefore not possible the moment to determine whether a non-EU national was previously convicted in other Member States without consulting them all. A complete overview an individual's convictions can only be obtained by sending a 'blanket' request for information to all Member States. Because this causes significant administrative burdens for the authorities of the Member States, this possibility is rarely used at the moment.

The Commission proposes to upgrade ECRIS to help Member States find easily and quickly in which other Member State criminal record information a third country national is stored, thus significantly reducing the administrative burden. Once a national authority identified such Member State(s), criminal record information will be exchanged as usual via the existing ECRIS.

When a Member States convicts a **non-EU national**, it will first of all store information on the person and on the conviction its national criminal record register. Each Member State will then feed the identity data of all non-EU nationals convicted its territory a separate file. Specific software will irreversibly convert the identity data computer codes, the so-called index-filter. This index-filter will then be made available other Member States. With a simple 'hit/no-hit' search mechanism, Member States will be able to search this index to identify which Member State(s) hold criminal records of the individual. This mechanism means that when the name of the offender is entered the database, his criminal record will appear if available – this doesn't allow authorities to browse the information that might be available on other offenders.



The new tool foresees the inclusion of fingerprints of non-EU citizens in the index-filter, full accordance with data protection requirements. This is deemed necessary to ensure a more secure identification of non-EU nationals. Establishing the identity of non-EU citizens can prove difficult, for example because reliable identity documents are not always available, or they may be registered different names or use false documents.

The proposal is line the EU Charter of Fundamental Rights, including the protection of personal data, equality before the law, the right to effective legal remedy, and the right to presumption innocence. The Commission will be carefully monitoring the process to ensure that fundamental rights of both EU and non-EU citizens are equally upheld.

Ex. 3

Reading Comprehension. Scan the passages below and put them in the correct order.

[adapted from: <http://news.bbc.co.uk/2/hi/europe/3875987.stm>]

How Fourniret slipped through the net

A) That revelation prompted the French government on Tuesday to announce the creation of a commission that would look at ways of improving psychiatric treatment of released prisoners who may become recidivist sexual predators. "In a certain number of cases, we can't just let them free like that, without either compulsory treatment or admitting such people to a psychiatric hospital," Justice Minister Dominique Perben told French radio.

B) She is under arrest in Belgium on charges of failing to help a person in danger, and aiding the abduction and unlawful imprisonment of a victim. Michel Fourniret was convicted to seven years in prison in 1987 by a French court for rape and indecent assault of minors, but was freed after

a few months because of the length of time he had already spent in custody. During that time, he met Monique Olivier, then a prison visitor. He later moved to Belgium and got a job as a school supervisor without Belgian authorities finding out about his past.

C) He was re-arrested in Belgium in June 2003 for abduction of minors and sexual misconduct when he was identified by a 13-year-old girl. She said she had been bundled into his van after he asked for directions. But he only confessed to the string of murders last week, after his wife made her accusations against him.



D) The case has also highlighted the need for better co-operation across the European Union, where the absence of many border controls means criminals can travel unhindered, observers say. EU states already share information on convictions under a so-called mutual legal assistance convention from 1959, but some governments feel this is not working as well as it should, Reuters news agency reports.

E) Michel Fourniret may yet turn out to be one of France's worst serial killers in recent times. By his own admission, he says he has killed nine people, mostly young women and girls. The 62-year-old forest warden confessed after his wife, Monique Olivier, gave information to the police, apparently fearing a conviction similar to the 30-year sentence handed down to the spouse of paedophile and murderer Marc Dutroux last month.

F) But according to the French prosecutor in the case, Yves Charpenel, "this was a normal reduction of sentence; Michel Fourniret had behaved like a model prisoner," Mr Charpenel told AFP news agency. "At the time there were no laws to ensure the traceability of sexual offenders, so in my view there were no failures of the system."

Ex. 3a

Do the following statements agree with the information in the text above? Write true, false or not given if no information was provided in the text.

1. Mr Fourniret was found guilty of the murders after his wife made her accusations against him.
2. Monique Olivier, reported her husband to the police because she was afraid of him.
3. Mr Fourniret spent several months in a French prison.
4. His wife was charged for not helping a person in danger.
5. Before he was released from a French prison, Mr Fourniret underwent compulsory treatment.
6. Because there are no controls at the borders within the EU, criminals can move freely.

EUROPEAN INVESTIGATION ORDER

WORKSHEET

Ex. 1

European Investigation Order



Listen to Aled Williams (Eurojust), discussing the European Investigation Order, and complete the sentences below. The number of words to be used is indicated by the dotted spaces.

[Source: <https://www.youtube.com/watch?v=2hb3najHzrk>]

1. The European Investigation Order is “cooperation plus,” because it acts on the of mutual recognition.
2. It is to say that the difference about EIO is not just the basic change from a to order system.
3. Something which is important is a decentralising emphasis.
4. The whole idea behind the EIO is that a judge in will be able to send an order for immediate to a judge in London or wherever it is.
5. In that sense, you’re the central authority.
6. You have the member states’ control over the MLA system by the very fact that direct replaces the system of transmission.
7. Decentralisation is in the system of the EIO.
8. When the order actually comes the court in one of the member states, when the EIO is, then the judge is only with the individual case before him.
9. In the traditional MLA you have a government department involved.
10. The decentralising will be accompanied by a greater emphasis on the individual the nation.
11. There are other definite from the point of view of in the field.
12. There will be time limits, like to months for execution.
13. At the moment, MLA you just don’t know how long something is going to take.
14. You can send a request to Spain and it will take for the Spanish to that request.
15. I think the EIO will be a step

Ex. 2

Listen to the remaining part of the speech, and decide if the sentences below are true or false.



16. The European Arrest Warrant is a glowing success, though people don't talk about it often enough.
17. If you go back to 2004, there were only about 4500 EAW that were actually issued throughout the EU. In 2009, there were 1400 EAWs issued in the EU.
18. There has been a four-fold increase in that 5-year period.
19. There are huge differences between the EAWs issued in 2009.
20. Ireland only issued 33 EAWs in 2009, and the UK only 2200. But the Polish issued something in excess of 4 or 5 hundred EAWs.
21. Because of that success, under the EIO, they (the UK) are worried about the number of house searches which will be issued throughout the EU.
22. The UK rests assured that they will have sufficient resources to ensure that bank accounts are investigated, that property is seized as requested, etc.
23. In the UK, they are looking at ways to extend the coverage of the European Investigation Order.
24. The British argue that whenever an EIO is issued there will have to be regard to necessity and proportionality.
25. In the actual EIO form, which the issuing judge or prosecutor has to sign, there will be no special box saying: I have considered whether this is proportionate to the offence.
26. There have been cases, where the EAW has been issued for the theft of a calf.
27. There was also one famous EAW issued for the theft of a wardrobe door.
28. Under the European Protection Order, there will also be a possibility of choosing a less intrusive measure than for instance a house search.
29. There is also a provision in the EIO to give details of bank accounts, but the UK demands a minimum threshold of offence being investigated to carry a 5-year prison sentence.
30. Something self-evident, stemming from the idea of mutual recognition, is that there may be a possibility for the executing judicial authority to say that something is not in consonance with the Charter of Fundamental Rights.

SCHENGEN INFORMATION SYSTEM (SIS)

WORKSHEET

Ex. 1

Please fill in the missing prepositions in the text that follows.

The Schengen Information System is the largest information system public security in Europe. allowing easy information exchanges between national border control, customs



and police authorities, it ensures that the free movement of people the EU can take place in a safe environment.

The Schengen Information System (SIS) was established an intergovernmental initiative the Schengen Convention, now integrated the EU framework. It is used by border guards as well as by police, customs, visa and judicial authorities the Schengen Area. It holds information persons who may have been involved a serious crime or may not have the right to enter or stay in the EU. It also contains alerts on missing persons, particular children, as well as information on certain property, such as banknotes, cars, vans, firearms and identity documents, that may have been stolen, misappropriated or lost. Information is entered the SIS by national authorities and forwarded via the Central System to all Schengen States. The SIRENE Manual lays the procedures for EU States' exchanges of supplementary information on alerts stored in SIS.

..... 9 April 2013, the second generation Schengen Information System (SIS II) enters operation. SIS II has enhanced functionalities, such as the possibility to use biometrics, new types of alerts, the possibility to link different alerts (such as an alert on a person and a vehicle) and a facility direct queries on the system. It also ensures stronger data protection. One of the world's largest IT systems the field, it consists three components: a Central System, EU States' national systems and a communication infrastructure (network) between the Central and the national systems.

Ex. 2

Please scan the following note on the Schengen Information System, and then complete the table at the end of the text, filling in the missing vocabulary items.

The Schengen Information System (SIS) is an interconnection of national files accumulating data provided and consulted by the authorities of the Schengen States. A Schengen visa may be denied if the applicant is a person for whom an alert has been issued in the SIS for the purposes of refusing entry, even if the alert was entered by a State which is not the one with which the visa application was lodged. Entry in the Schengen area may also be denied to a person who is exempted from the visa requirement, but for whom an alert has been issued.

Data on persons may be stored for a maximum of 10 years and must result from a decision taken by the competent authorities in the Schengen State issuing the alert. Such a decision may arise in the case of a person who was subject to measures based on a violation of national regulations on the entry or residence of aliens or in the case of a person who committed a serious offence in the alerting State.

In its judgement of 31 January 2006, the Court of Justice of the European Communities has ruled that a



Schengen visa may not be denied to a national of a third country who is the spouse of a EU national on the sole ground that he or she is a person for whom an alert was entered in the Schengen Information System, without first verifying if the presence of this person constituted a genuine, present and sufficiently serious threat affecting the fundamental interests of society.

Any person may have access to data entered in the SIS which relate to them. Any person invoking that right may contact the Schengen country of their choice. Access shall be exercised in accordance with the law of the State before which the right is invoked. The relevant National Control Authority should be contacted with that regard.

In addition, the European Parliament and the Council have created an independent supervisory authority, called the European Data Protection Supervisor. This body is responsible for monitoring the processing of personal data by the Community institutions and related entities.

Only the Schengen State which issued the alert shall be authorised to modify, add to, correct or delete data which it has entered. However any person may have factually inaccurate data relating to them corrected or unlawfully stored data relating to them deleted. To this end, the National Control Authority should be contacted.

If an amicable settlement cannot be reached, the person concerned may refer the matter to the courts or the competent authority of the State which has issued the alert, in order to correct, delete information or obtain compensation in connection with an inaccurate alert.

The existence of an alert does not prevent from appealing against the decision denying the visa. In that case, the authority or the judge to whom the matter is referred will be able to assess whether the alert was justified or adequate with regard to the visa denial, even if the alert was issued by a State which is not the one that has refused the visa.

Noun	Verb	Adjective
	accumulate	
authorities		
		denied
offence		
judgement		
		sufficient
	invoke	
		supervisory
		issued
	obtain	
	refer	

Ex. 3



Listen to the recording (Henrik Lax on SIS) and fill in the gaps based on the information you hear.

[Source: <https://www.youtube.com/watch?v=AFAqFBzKhHE>]

1. The Schengen Information System is the largest common European _____.
2. This information can be used by _____ and _____ when cooperating on criminal matters and also for issuing visas and residence _____.
3. The decision to create SIS II was caused by the need to introduce _____ data and new types of alerts, for instance, because of the European _____.
4. The new system was originally scheduled to become operational in _____.
5. However, there were delays and according to the new timetable the system should be operational by _____.
6. Transitional solution was presented by the Portuguese _____, which has allowed connecting _____ of the new Member States to the SIS.
7. Nevertheless, the reinforcement of security requirements has become even more _____.
8. SIS II must meet all the legally defined technical and _____ requirements.
9. Parliament is now asked to give its opinion on the two current proposals aiming to establish the legal _____ governing the transition.
10. By the end of June 2009 the Commission shall submit a _____ report to the Council and the _____.
11. It's been extremely _____ to face that the SIS II is not yet operational.
- 12.

KEY TO EXERCISES

EUROPEAN SUPERVISION ORDER

Ex. 1

Legal vocabulary: gap-filling

1. exercise
2. conferred
3. subject



4. entered
5. pillar
6. effect
7. non-custodial
8. bail
9. recognized
10. circumstances
11. underlying
12. remanded
13. presumption
14. adverse
15. take on
16. flight
17. avoidable

Ex. 2

Formal/Informal vocabulary

issuing – giving out
grant - give
compliance - obedience
practicable - doable
prior to - before
facilitate - help
reside - live
liberated - freed
pending - awaiting
domestic - home
content - happy
notwithstanding – regardless of
breach – brake

Ex. 3

Phrasal verbs – missing prepositions

in, to, with, from, for, with, before

Ex. 4

Reading comprehension

C, G, D, A, B, E, I, F, H

Ex. 5

Word-building

Noun	Adjective	Verb
detention	detainable	detain
conviction	convicted	convict
failure	failed	fail
extradition	extradited	extradite
acquittal	acquitted	acquit
denial	denied	deny
compilation	compiled	compile



legislation	legislated	legislate
deferral; deferrer	deferred; deferrable	defer
allegation	alleged	allege

EUROPEAN ARREST WARRANT

Ex. 1

Listening comprehension

1. rejoin
2. heavy-duty lobbying
3. contentious
4. valid/swift
5. safe haven
6. dismissed
7. deter
8. note/statutory
9. Speaker/insists/actually
10. procedural/Government
11. persuaded/ speculative
12. best/misleading
13. judicial
14. Prosecutor/big step/criminal
15. whipping/high
16. strongly/abstain/absent

Ex. 2

Listening comprehension

1. has caused concern/particularly
2. it was being operated
3. being part of/originally negotiated
4. kicked
5. concerns in the past/would have considered
6. cases being rejected
7. we have done/insert/mean that people
8. taken to charge and trial/isn't languishing
9. we've seen is already
10. already got examples/would have been extradited/Government has made

Ex. 3

Listening comprehension

1. T
2. T
3. T
4. F
5. F
6. F
7. T
8. F



- 9. F
- 10. T
- 11. T
- 12. F
- 13. F
- 14. F
- 15. T

Ex. 4

Legal vocabulary

- 1. replaces
- 2. formalities
- 3. surrender
- 4. liberty
- 5. insofar
- 6. parties
- 7. transmits
- 8. exception
- 9. coercive
- 10. aware
- 11. entitled
- 12. deducted
- 13. consent
- 14. enforced
- 15. execution

Ex. 5

Legal collocations

A

- to issue
- to remand
- to apply
- to commit
- to surrender
- to cast
- to terminate
- to provide
- to adopt
- to give
- to request
- to safeguard
- to institute
- reinstate
- to come
- to stay
- to lodge
- to hear

B

- a European Arrest Warrant
- in custody
- for bail
- a crime
- a suspect
- aspersions
- a contract
- legal aid
- a decision
- a ruling
- extradition
- the right to a fair trial
- legal proceedings
- investigation
- into force
- proceedings
- a complaint
- a case

- 1. cast aspersions



2. lodge a complaint
3. instituted legal proceedings
4. remanded in custody
5. came into force
6. stay proceedings
7. surrender the suspect
8. adopted a decision
9. heard the case
10. applied for bail

ECRIS (European Criminal Records Information System)

Ex. 1

Word-building

improvement, inclusion, convictions, computerized, (inter)connection, comprehensive, offenders, targeted, effectively, solely, enquiries, handed, regardless, nationality, exhaustive, recipients, receipt, reliable, proceedings, irrespective, execution, detention

Ex. 2

Prepositions

of, on, to, of, on, in, by, to, for, with, from, from, with, at, of, out, on, in, on, into, into, to, in, in, under, in, with, of

Ex. 3

Reading comprehension

E, B, C, A, F, D

Ex. 3a

T/F

1. NOT GIVEN
2. F
3. T
4. T
5. NOT GIVEN
6. T

EUROPEAN INVESTIGATION ORDER

Ex. 1



Listening Comprehension

1. principle
2. fair/request
3. particularly
4. Madrid/ execution
5. cutting out
6. diminished/transmission/central authority
7. inherent
8. before/adopted/concerned
9. approach
10. emphasis/as opposed
11. advantages/practitioners
12. strict/3-4
13. under
14. a year/ execute
15. major/forward

Ex. 2

Listening Comprehension: T/F

16. F
17. F
18. T
19. T
20. F
21. T
22. F
23. F
24. T
25. F
26. F
27. T
28. T
29. F
30. F

SCHENGEN INFORMATION SYSTEM (SIS)

Ex. 1

Prepositions

for, by, for, within, as, under, into, throughout, on, in, in, into, down, on, into, for, in, of,

Ex. 2

Word-building



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA PRAVOSODJE
CENTER ZA IZOBRAŽEVANJE V PRAVOSODIU



REPUBLIKA HRVATSKA
MINISTARSTVO PRAVOSUĐA



Justičná akadémia
Slovenskej republiky



Noun	Verb	Adjective
accumulation	accumulate	accumulated
authorities	authorize	authorized
denial	denny	denied
offence	offend	offensive
judgement	judge	judged, judgeable, judgeless
sufficiency	suffice	sufficient
invocation	invoke	invoked
supervision	supervise	supervisory
issuer	issue	issued
obtainability	obtain	obtained, obtainable
reference	refer	referred

Ex. 3

Listening comprehension

1. database
2. the police/the judiciary/permits
3. biometric/ Arrest Warrant
4. March 2007
5. the end of this year
6. Government/nine
7. urgent
8. functional
9. framework
10. progress/European Parliament
11. disappointing