



EUROPEAN COOPERATION IN CRIMINAL MATTERS

TEXT 1

EUROPEAN ARREST WARRANT

INTRODUCTION

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**Prepared for the purposes of a legal language seminar (Czech Republic, Kroměříž,
Judicial Academy, 27 June – 1 July, 2016)**

Study material is developed for the project “Training Legal Languages for Effective Functioning of Judicial Cooperation in EU”. It is produced solely for educational purposes. It has been created for the purposes of legal language training with the financial support of the Justice Programme of the European Union.



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EUROPEAN ARREST WARRANT - INTRODUCTION

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 EAW;
- to identify and use English terminology related to different types of crime listed in EAW.

KEY TERMS (*key term – definition*)



arrest - a seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge.

custodial sentence - a custodial sentence is a judicial sentence, imposing a punishment (and hence the resulting punishment itself) consisting of mandatory custody of the convict, either in prison (incarceration) or in some other closed therapeutic and/or (re)educational institution, such as a reformatory, (maximum security) psychiatry or drug detoxification. For some crimes, such as cases of child sexual abuse, a custodial sentence is almost inevitable.

detention - the act of keeping back, restraining, or withholding, either accidentally or by design, a person or thing.

European Arrest Warrant (EAW) - an arrest warrant valid throughout all member states of the European Union (EU); Once issued, it requires another member state to arrest and transfer a criminal suspect or sentenced person to the issuing state so that the person can be put on trial or complete a detention period.

extradition – is the official process whereby one country transfers a suspected or convicted criminal to another country.



mutual legal assistance - mechanisms for requesting and obtaining evidence for criminal investigations and prosecutions. (Important terms: requesting country; requested/extradition country; requested person)

mutual recognition of judicial decisions - mechanisms for recognising judgements

surrender - giving the control or use of someone or something to someone else

PART I. WARM-UP EXERCISES. Words and phrases used in criminal law.

Task 1. Exploring your knowledge of the subject. Answer following questions:

1. Can you give a description of your job to others?
2. What steps did you take to get selected for the job?
3. How long ago did you start working as a judge/prosecutor?
4. Do you remember your first case?
5. What was your first experience with cross-border judicial cooperation?

Task 2. Link the terms below with their corresponding definitions.

Terms:

1. smuggler
2. prosecution
3. bail
4. acquittal
5. defamation
6. deposition
7. offender

Definitions:

- a) the giving of testimony on oath; the sworn statement of a witness used in court in his absence
- b) someone who secretly and illegally takes goods or people into or out of a country, as a way of earning money
- c) declaration of innocence in court
- d) false or unjustified injury of the good reputation of another person
- e) infringer of the law, delinquent
- f) money or property put up by the accused to allow release from prison before trial
- g) the process of bringing a person to trial on criminal charges; the side representing state and bringing a case against another party



Task 3. Complete each sentence with suitable word.

1. The sentenced the accused to 5 years in prison.
a) barrister b) counsel c) judge d) solicitor
2. It is the responsibility of the police to the law, not to take it into their own hands.
a. compel b) enforce c) force d) press
3. They all thought he was guilty, but no one could anything against him.
a. accuse b) ensure c) prove d) point
4. I to say anything unless I am allowed to speak to my solicitor.
a. deny b) neglect c) refuse d) resist
5. The new laws come into on May 15.
a. condition b) date c) force d) power
6. At the end of the trial he was of murder.
a. condemned b) convicted c) convinced d) penalized
7. The policemen who were the crime could find no clues at all.
a. enquiring b) investigating c) researching d) Peking

Task 4. Write down in English an explanation of the following terms:

1. crime
2. judge
3. prosecution
4. prosecuting attorney
5. defence
6. defence attorney
7. defendant
8. judgement
9. sentence
10. punishment

Task 5. Match the words with the corresponding definitions. The first one has been provided for you.

List of words:

- a) arson
- b) assassination
- c) assault
- d) blackmail
- e) bribery
- f) burglary
- g) embezzlement
- h) espionage
- i) extortion
- j) forgery



- k) libel
- l) manslaughter
- m) murder
- n) obscenity
- o) perjury
- p) piracy
- q) robbery
- r) slander
- s) smuggling
- t) ~~theft~~
- u) unlawful assembly

Definitions:

Example: 1.theft.....

The act of taking away property that belongs to another person.

2

Killing a human being without intention, premeditation or malice or in mitigating circumstances.

3.....

The act of killing a public figure usually by sudden or secret attack for political or religious reasons.

4.....

An act or utterance that is offensive according to current moral or decency standards.

5.....

Meeting in secret in order to organize unlawful activities.

6.....

Making, adapting or imitating objects, documents, etc. with the intent of deceiving another person(s) into believing that the forged object is genuine.

7

The crime of unlawfully killing another person with malicious intent.



8.....

To wilfully set fire to the property of a person or a company.

9

A defamatory statement against a person by written or representational means.

10.....

The act of entering a dwelling or other inhabited building where people live or work with the express intention of stealing something.

11

To get money from someone by threatening to make public facts about a person's private life that the person does not wish made public.

12

Causing or threatening to cause immediate physical harm or contact by putting a person in danger or making the person believe in such harm or contact.

13

The act of defaming a person by means of oral statements that damage that person's character or reputation.

14

The act of unlawfully taking property that belongs to another person by using violence or intimidating threats.

15

Making a false statement while under oath.

16

The unauthorized use or reproduction of another person's copyrighted or patented material such as film or music.

17



To steal or use money illegally which you are looking after on someone else's behalf.

18

To get money from people by means of threats.

19

To try to find out secrets by illegal means.

20

To take goods illegally into or out of a country.

21

To offer money corruptly to get someone to do something to help you.

Task 6. ROMAN POLANSKI CASE. Listen and complete sentences about Roman Polanski.

The 76-year-old film-maker will be fitted with an electronic 1) that will activate if he attempts to abscond. The Swiss Federal Criminal Court granted the Oscar-winning director \$4.5m (£2.7m) bail, 2) proceedings or his possible extradition to the US. The director of films such as Rosemary's Baby, Chinatown and The Pianist was 3) after travelling to Zurich on 26 September to pick up a lifetime achievement award. Polanski was 4) of raping a 13-year-old girl after plying her with champagne and a sedative during a modelling shoot in 1977. He was initially 5) on six 6) - including rape by use of drugs, child molesting and sodomy - but 7) guilty to the lesser charge of 8) sexual intercourse. Polanski fled the US on the day he was to be sentenced, and has lived in France since then.

Task 7. Read the text again and answer the questions:

1. With what will Polanski be fitted? When will the device activate?
2. What did the Swiss court grant to Polanski?
3. What was Polanski accused of?
4. What did the indictment include?
5. Did Polanski plead guilty?

Task 8. RIGHTS OF DETAINED PERSONS. If you are arrested and detained in the Czech Republic, you should be produced before a judge within 48 hours of your arrest. The judge then has 24 hours to decide whether to extend your detention or to set you free. How is it with rights of detained people in your



country?

(a) Right to information:

(1) Will the police inform the detained persons of their rights? Will this be done orally or in writing?

(2) Do the detained persons have the right to be informed of the allegations / charges against them?

(b) The right to inform people:

(1) Do foreigners have a right to have the consulate informed of the arrest?

(2) Do the detained persons have a right to inform their families of the arrest?

(c) Do the detained persons have a right to a lawyer?

(d) Do the detained persons have a right to a translator/interpreter?

(e) Do the detained persons have to talk to the police or can they remain silent during police interrogation? Will it work against them if they remain silent?

PART II. MUTUAL LEGAL ASSISTANCE IN EUROPE

The area of freedom, security and justice was created to ensure the free movement of persons and to offer a high level of protection to citizens. It covers policy areas that range from the management of the European Union's external borders to judicial cooperation in civil and criminal matters. It includes asylum and immigration policies, police cooperation, and the fight against crime (terrorism, organised crime, trafficking in human beings, drugs, etc.).

The European Union has established specific bodies to facilitate mutual assistance. In particular, Eurojust and the European Judicial Network support cooperation between judicial authorities.

II.1 Judicial cooperation in criminal matters

Judicial cooperation in criminal matters is based on the principle of mutual recognition of judgements and judicial decisions by Member States. It relates to the admissibility of evidence and the rights of crime victims as well as of individuals in criminal procedures. Introduced by the Maastricht Treaty, judicial cooperation in criminal matters comes under Title V of the Treaty on the European Union.

II.2 European Arrest Warrant (EAW)



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English version: The European Arrest Warrant (EAW) replaces the previous formal extradition procedures between Member States and greatly contributes to more effective prosecution of criminals moving within EU territory. It is based on the principle of mutual recognition of judicial decisions and maintaining common standards of human rights protection. The EAW is a request by a judicial authority in one of the Member States of the EU to arrest a person in another Member State and to surrender that person to the former state for the purpose of prosecuting or executing a custodial sentence or detention order. It presupposes direct contacts between judicial authorities.

Task 9. In the following passage some prepositions are missing. Use the list of prepositions below and complete the sentences.

List of prepositions: by – between – of – under – on

1. The EAW ensures a good balance efficiency and strict guarantees that the arrested person's fundamental rights are respected.
2. Member States and national courts have to respect the provisions the European Convention Human Rights.
3. Anyone arrested an EAW may have a lawyer, and if necessary an interpreter, as provided the law of the country where he or she has been arrested.

Task 10. Form nouns using the verbs from the list below.

Verb	Noun
access	
apply	
arrest	
assist	
authorise	
convene	
detain	
imprison	
legislate	
proceed	
provide	
regulate	
require	
state	
try	

Task 11. Complete the sentences with suitable form of word from the list of words above.

1. The Framework Decision on the European Arrest Warrant simplifies and speeds up the (PROCEED)



2. Judges from all Member States apply the EU on judicial cooperation in criminal matters. (LEGISLATE)
3. The European Arrest Warrant where a final sentence of imprisonment or a detention order has been imposed for a period of at least four months. (APPLY)
4. The Contracting Parties must comply with the provisions of the (CONVENE)
5. If you want detailed information about the case, you have to fill in an form. (APPLY)
6. Cases must be handled with due observance of the defendants' rights. (PROCEED)
7. We must check if there are special provisions to the case. (APPLY)
8. Interception of telecommunications must be by the competent judicial authority of the Member State concerned. (AUTHORISE)
9. When solving a case, a judge must consider both the EU legislation and the national laws and (REGULATE)

Task 12. To carry out this exercise the following steps need to be taken:

- **Read through the EAW form;**
- **Specify briefly what each Part (1 – 9) of the EAW includes;**
- **Complete the EAW form with information from the case below:**

Scottish police, based in Glasgow, are seeking to arrest Thomas Robertson, aged 65, who pleaded guilty in 2010 at the Criminal Court to two charges related to GBP 55 million fraudulent money making scheme he and unknown associates had been operating since 2005. Thanks to recognisances entered in court by several friends and near relatives, Robertson was granted bail pending the official sentence due in three weeks' time. When the defendant failed to make his appearance in court for the final hearing, authorities were informed that he had been seen in the port of Aguilas in the Murcia region in Spain. The Scottish police sent an urgent message to the Spanish authorities after a Scottish couple vacationing in Aguilas reported having seen Robertson sunbathing on a beach near the port area and later having spoken with him in a tearoom. The man faces consecutive terms of imprisonment of up to 40 years. His investment victims included several politicians, government officials as well as movie production and TV celebrities. They all claimed having been swayed into what they believed was a sound investment by Robertson's charm, elegance, style, reputation and long-term experience in the financial market.

Source:

<http://www.ejtn.net/Handbook%20-%20Manuel%20-%20Eng-FR-ebook.pdf>

EUROPEAN ARREST WARRANT FORM

(the consolidated version can be found in the European Judicial Network (EJN) Library <http://www.ejncrimjust.europa.eu/ejn/libcategories>)

Part 1



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(a) Information regarding the identity of the requested person:

Name

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Date of birth:

Place of birth:

Residence and/or known address:

Language(s) which the requested person understands (if known):

Distinctive marks/description of the requested person:

Photo marks/description of the requested person.

Part 2

(b) Decision on which the warrant is based:

1. Arrest warrant or judicial decision having the same effect

Type

2. Enforceable judgment:

Reference:

Part 3

(c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order which may be imposed for the offence(s):

2. Length of the custodial sentence or detention order imposed:

Remaining sentence to be served:

Part 4

d) decision rendered in absentia and:

- the person concerned has been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia,

Or

- the person concerned has not been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia but has the following legal guarantees after surrender (such guarantees can be given in advance)

Specify the legal guarantees

Part 5

(e) Offences:

This warrant relates to in total: offences.

Description of the circumstances in which the offence(s) was (were) committed,



including the time, place and degree of participation in the offence(s) by the requested person:

Nature and legal classification of the offence(s) and the applicable statutory provision/code:

I. If applicable, tick (one or more of the following offences punishable in the issuing Member State by a custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State:

1. participation in a criminal organization;
2. terrorism;
3. trafficking in human beings;
4. sexual exploitation of children and child pornography;
5. illicit trafficking in narcotic drugs and psychotropic substances;
6. illicit trafficking in weapons, munitions and explosives;
7. corruption;
8. fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 of European Communities' financial interests or amendments thereof;
9. laundering of the proceeds of crime;
10. counterfeiting of currency, including the euro;
11. computer-related crime;
12. environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
13. facilitation of unauthorised entry and residence;
14. murder, grievous bodily injury;
15. illicit trade in human organs and tissue;
16. kidnapping, illegal restraint and hostage-taking;
17. racism and xenophobia;
18. organised or armed robbery;
19. illicit trafficking in cultural goods, including antiques and works of art;
20. swindling;
21. racketeering and extortion;
22. counterfeiting and piracy of products;
23. forgery of administrative documents and trafficking therein;
24. forgery of means of payment;
25. illicit trafficking in hormonal substances and other growth promoters;
26. illicit trafficking in nuclear or radioactive materials;
27. trafficking in stolen vehicles;
28. rape;
29. arson;
30. crimes within the jurisdiction of the International Criminal Court;
31. unlawful seizure of aircraft/ships;
32. sabotage

II. Full descriptions of offence(s) not covered by section I above:



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Part 6

(f) Other circumstances relevant to the case (optional information):

(NB: This could cover remarks of extraterritoriality, interruption of periods of time limitation and other consequences of the offence):.....

Part 7

(g) This warrant pertains also to the seizure and handing over of property which may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location)

(if/known):.....

Part 8

(h) The offence(s) on the basis of which this warrant has been issued is (are) punishable by/has (have) led to a custodial life sentence or lifetime detention order:

- the legal system of the issuing Member State allows for a review of the penalty or measure imposed on request or at least after 20 years – aiming at a non-execution of such penalty or measure,

and/or

- the legal system of the issuing member State allows for the application of measures of clemency to which the person is entitled under the law or practice of the issuing Member State, aiming at non-execution of such penalty or measure.

Part 9

(i) The Judicial authority which issued the warrant:

Official name of requesting authority

Name of its representative (In the different language versions a reference to the 'holder' of the judicial authority will be included):

Post held (title/grade):

File reference:

Address:

Contact:

Tel: (country code) (area/city code) (...)

Contact details of the person to contact to make necessary practical arrangements for the surrender:.....

Where a central authority has been made responsible for the transmission and administrative reception of European arrest warrants:

Name of the central authority:

Address:

Tel: (country code) (area/city code) (...)

Fax: (country code) (area/city code) (...)





E-mail:
Signature of the issuing judicial authority and/or its representative:
Name:
Post held (title/grade):
Official stamp (if available) :.....

Task 13. Read the following cases. What crimes, listed in the EAW have been committed?

CASE 1

German police are seeking the arrest of Jacques Gauloise, also known as “Jojo Clope”. He is a leading figure in the drug trafficking network which evaded customs duty on tobacco products and sold them at cut prices at entrances to metro stations from Madrid to Stockholm.

Most of the gang were rounded up as a result of the “Boomerang” operation, and, after more than two years of work, customs investigators were able to dismantle the structures of this criminal organisation that has been operating in Greece, Belgium and Germany.

CASE 2

Danish prosecutors are seeking the arrest of Jens Soren Grundtvig, former director of the Modern Art Museum in Odense, who disappeared with twenty paintings valued at a total of €35 million. The paintings were sent to Dublin on temporary loan to the City Art Gallery. Grundtvig collected them in person from Dublin Airport in January, but they never arrived at the Gallery. There is no record of Grundtvig having left Ireland, but his present whereabouts are not known. An art dealer from Galway, visiting Odense as a tourist, recently reported similarities of style between some exhibits in the Modern Art Museum and some of a series of large watercolours and oil paintings a “foreign person” had been attempting to sell to collectors and private art galleries around the Galway and Westport areas. This tourist claims to have been suspicious at the time and reported the matter to the local police in Ireland.

Task 14. Here are some of the most important instruments used in the field of mutual cooperation in criminal matters. Match terms and definitions below.

Terms

1. European Investigation Order (EIO)
2. European Evidence Warrant (EEW)
3. The European Arrest Warrant (EAW)

Definitions

- a. It is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of





conducting a criminal prosecution or executing a custodial sentence or detention order.

- b. It is a judicial decision, whereby objects, documents and data may be obtained from other Member States. It is issued by competent authorities designated by the Member States. An issuing authority may be a judge, court, investigating magistrate, public prosecutor or other judicial authority. Member States must also designate the competent authorities for recognising and executing this instrument.
- c. It proposed a procedure that would allow an authority in one member state (the “issuing authority”) to request specific criminal investigative measures be carried out by an authority in another member state (the “executing authority”).

II.3 Schengen Area

The Schengen agreement was originally signed outside the auspices of the EU (in 1985 by France, Germany and the Benelux countries). The Schengen Agreement abolished internal borders, enabling passport-free movement between a large number of European countries. It was incorporated into the framework of the EU as part of the Amsterdam Treaty in 1997. That means the agreement can be modified under the EU’s normal legislative process. In the Schengen Area any person, irrespective of nationality, may cross the internal borders without being subjected to border checks. The main feature is the creation of a single external border, and a single set of rules for policing the border. Among the other measures are:

1. Common rules on asylum;
2. Hot pursuit - police have the right to chase suspected criminals across borders;
3. Separation in airports of people travelling within the Schengen area from other passengers;
4. Common list of countries whose nationals require visas;
5. Creation of the Schengen Information System (SIS), which allows police stations and consulates to access a shared database of wanted or undesirable people and stolen objects; it enables police forces across Europe to share data on law enforcement. It can cover stolen cars, court proceedings and missing persons.
6. Joint efforts to fight drug-related crime.



Source: <http://www.bbc.co.uk/news/world-europe-13194723>

Task 15. Answer following questions.

1. What nationals are protected by the Schengen area?
2. What is the Schengen Information System?
3. What, in your opinion, are pros and cons of the Schengen area?

References:

http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_criminal_matters/133167_en.htm

<http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/>

<http://www.ejncrimjust.europa.eu/ejn/libcategories>

<http://www.bbc.co.uk/news/world-europe>

<http://legal-dictionary.thefreedictionary.com>



KEY TO EXERCISES

Task 1 - various answers

Task 2

1b) 2g) 3f) 4c) 5d) 6a) 7e)

Task 3

1c) 2b) 3c) 4c) 5c) 6b) 7b)

Task 4 - various answers

Task 5

1t) theft

2l) manslaughter

3b) assassination

4n) obscenity

5u) unlawful assembly

6j) forgery

7m) murder

8a) arson

9k) libel

10f) burglary

11d) blackmail

12c) assault

13r) slander

14q) robbery

15o) perjury

16p) piracy



17g) embezzlement

18i) extortion

19h) espionage

20s) smuggling

21e) bribery

Task 6

- 1) bracelet
- 2) pending
- 3) arrested
- 4) accused
- 5) indicted
- 6) counts
- 7) pleaded
- 8) unlawful

Task 7 – Answers to the questions are underlined in the text

- 1) With what will Polanski be fitted? When will the device activate?
- 2) What did the Swiss court grant to Polanski?
- 3) What was Polanski accused of?
- 4) What did the indictment include?
- 5) Did Polanski plead guilty?

TEXT:

Roman Polanski begins house arrest at Swiss chalet

Source: BBC News, <http://news.bbc.co.uk/2/hi/europe/8394810.stm>

The 76-year-old film-maker 1) will be fitted with an electronic bracelet that will activate if he attempts to abscond.

The Swiss Federal Criminal Court 2) granted the Oscar-winning director \$4.5m (L2.7m) bail, pending proceedings for his possible extradition to the US.



The director of films such as *Rosemary's Baby*, *Chinatown* and *The Pianist* was arrested after travelling to Zurich on 26 September to pick up a lifetime achievement award.

3) Polanski was accused of raping a 13-year-old girl after plying her with champagne and a sedative during a modelling shoot in 1977.

He was 4) initially indicted on six counts - including rape by use of drugs, child molesting and sodomy - but 5) pleaded guilty to the lesser



charge of unlawful sexual intercourse.

Polanski fled the US on the day he was to be sentenced, and has lived in France since then.

Task 8 – Rights of the detained in the Czech Republic

If you are arrested and detained in the Czech Republic, you should be produced before a judge within 48 hours of your arrest. The judge then has 24 hours to decide whether to extend your detention or to set you free.

(a) Right to information:

(1) Will the police inform the detained persons of their rights? Will this be done orally or in writing?

You (a detained person) should be informed of your rights following your arrest, and if you are detained, you should be given a written statement of your rights.

(2) Do the detained persons have the right to be informed of the allegations / charges against them?

You have the right to be informed of the allegations/charges you are facing by the police as soon as you are arrested.

(b) The right to inform people:

(1) Do foreigners have a right to have the consulate informed of the arrest?

If you are not a Czech citizen, you have the right to ask the police or the prison staff to contact your embassy or consular representative and inform them of your arrest.

(2) Do the detained persons have a right to inform their families of the arrest?

You can ask the police or your lawyer to inform one of your relatives or friends that you have been arrested. However, you do not have the right to call them directly to let them know of your arrest.

(c) Do the detained persons have a right to a lawyer?

You have the right to access a lawyer at all stages of your criminal proceedings after your arrest. In certain cases, you are required by law to be assisted by a lawyer. These include cases in which you face more than 5 years' imprisonment.

(d) Do the detained persons have a right to a translator/interpreter?

If you do not understand Czech, you should be provided with an interpreter at all stages of your criminal proceedings in which your presence and participation are required and these services are provided for free.



(e) Do the detained persons have to talk to the police or can they remain silent during police interrogation? Will it work against them if they remain silent?

You have the right to remain silent, but you should ask your lawyer to help you decide whether to remain silent, or to answer questions during questioning. If you decide to remain silent, the fact that you remained silent cannot, as a matter of law, be used against you during trial.

Task 9

- 1) The EAW ensures a good balance **between** efficiency and strict guarantees that the arrested person's fundamental rights are respected.
- 2) Member States and national courts have to respect the provisions **of** the European Convention **on** Human Rights.
- 3) Anyone arrested **under** an EAW may have a lawyer, and if necessary an interpreter, as provided **by** the law of the country where he or she has been arrested.

Task 10

Verb	Noun
access	accession
apply	application
arrest	arrest
assist	assistance
authorise	authorisation
convene	convention
detain	detention
imprison	imprisonment
legislate	legislation
proceed	proceeding
provide	provision
regulate	regulation
require	requirement
state	statement
try	trial

Task 11

- 1) The Framework Decision on the European Arrest Warrant simplifies and speeds up the **PROCEEDING**.
- 2) Judges from all Member States apply the EU **LEGISLATION** on judicial cooperation in criminal matters.
- 3) The European Arrest Warrant **APPLIES** where a final sentence of imprisonment or a detention order has been imposed for a period of at least four months.
- 4) The Contracting Parties must comply with the provisions of the **CONVENTION**.
- 5) If you want detailed information about the case, you have to fill in an **APPLICATION** form.
- 6) Cases must be handled with due observance of the defendants' **PROCEDURAL** rights.
- 7) We must check if there are special provisions **APPLIED/APPLICABLE** to the case.



- 8) Interception of telecommunications must be **AUTHORISED** by the competent judicial authority of the Member State concerned.
- 9) When solving a case, a judge must consider both the EU legislation and the national laws and **REGULATIONS**.

Task 12

Specify briefly what each Part (1 – 9) of the EAW includes:

1. information regarding the identity of the requested person
2. decision on which the warrant is based
3. indications on the length of the sentence
4. decision rendered in absentia
5. description of offences
6. other circumstances relevant to the case
7. seizure and handing over of property which may be required as evidence
8. further details of sentencing (life sentence)
9. description of requesting authority

Information from the case:

Part 1

(a) Information regarding the identity of the requested person:

Name: **Thomas Robertson**

Forename(s):

Maiden name, where applicable:

Aliases, where applicable: **unknown associates**

Sex: **male**

Nationality: **Scottish**

Date of birth: (**age 65**)

Place of birth:

Residence and/or known address: **residence in Scotland; seen in Spain, Port of Aguilas**

Language(s) which the requested person understands (if known): **English**

Distinctive marks/description of the requested person:

Photo marks/description of the requested person.

Part 2

(b) Decision on which the warrant is based:

1. Arrest warrant or judicial decision having the same effect

Type

2. Enforceable judgment:

Reference:



Part 3

(c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order which may be imposed for the offence(s):

2. Length of the custodial sentence or detention order imposed:

Remaining sentence to be served: **consecutive terms of imprisonment up to 40 years**

Part 5

e) Offences

fraud (point 8)

full description: GBP 55 million fraudulent money making scheme; His investment victims included several politicians, government officials as well as movie production and TV celebrities.

Task 13

Case 1 - illicit trafficking in narcotic drugs and psychotropic substances (EAW, Part 5, point 5)

Case 2 - illicit trafficking in cultural goods, including antiques and works of art substances (EAW, Part 5, point 19)

Task 14

1c); 2 b); 3 a)

Task 15 - various answers



KEY TERMS (English key term – English definition – translation of a key term to Czech)

arrest - a seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge. – zatknutí (CZ)

custodial sentence - a custodial sentence is a judicial sentence, imposing a punishment (and hence the resulting punishment itself) consisting of mandatory custody of the convict, either in prison (incarceration) or in some other closed therapeutic and/or (re)educational institution, such as a reformatory, (maximum security) psychiatry or drug detoxification. For some crimes, such as cases of child sexual abuse, a custodial sentence is almost inevitable. – trest odnětí svobody (CZ)

detention - the act of keeping back, restraining, or withholding, either accidentally or by design, a person or thing – zbavení osobní svobody; zadržení věci (CZ)

European Arrest Warrant (EAW) - an arrest warrant valid throughout all member states of the European Union (EU); Once issued, it requires another member state to arrest and transfer a criminal suspect or sentenced person to the issuing state so that the person can be put on trial or complete a detention period. – Evropský zatýkací rozkaz (Evropský zatykač) (CZ)

extradition – is the official process whereby one country transfers a suspected or convicted criminal to another country – vydání (podezřelé nebo usvědčené osoby) (CZ)

mutual legal assistance - mechanisms for requesting and obtaining evidence for criminal investigations and prosecutions – vzájemná právní pomoc (CZ) (important terms: requesting country – dožadující stat (CZ); requested/extradition country – dožádaný stat(CZ); requested person – vyžádaná osoba(CZ))

mutual recognition of judicial decisions - mechanisms for recognising judgements – vzájemné uznávání soudních rozhodnutí (CZ)

surrender - giving the control or use of someone or something to someone else – předání/vydání osoby (CZ)