



# EUROPEAN COOPERATION IN CRIMINAL MATTERS

## TEXT 6

### MUTUAL LEGAL ASSISTANCE

### PRESENTATIONS OF CASES

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**Key terms (*English – Czech*) presentation  
language :**

- |   |   |
|---|---|
| 1. <i>the conflicting rights...</i><br>proti sobě stojící práva   | rights which conflict with each other           |
| 2. <i>the fact of the case are as follows..</i><br>okolnosti případu jsou následující   | here is the outline of the case                 |
| 3. <i>I'd like to expand on..</i><br>ráda bych se více věnovala   | I would like to speak more about...             |
| 4. <i>the matter is not expressly covered by<br/>the national law</i><br>tato oblast neneí vnitrostátní právní úpravou<br>výslovně upravena | the law of my country is not clear in this area |
| 5. <i>moving on now to...</i><br>ted' se posuneme k tématu ...  | my next point is...                             |
| 6. <i>My topic is based on...</i><br>mé dnešní téma se dotýká   | the subject of my talk is...                    |
| 7. <i>...there are a number of points I'd like to<br/>make.</i><br>chci mluvit o několika věcech  | the things I would like to speak about are...   |
| 8. <i>to summarise</i><br><i>shrnout</i>  | recap, to go over my main points again          |

**Day 4:**

**AIM: focus on language of presentations in order to assist you prepare your individual presentation effectively:**

**Target: to be able to comprehend and use relevantly and effectively functional language of presentations and phrases as well as linkers to create coherent and concise presentation on the topic of your individual choice**

**Task 1: PREPARATION FOR DAY 5: presentation Give a short presentation about the case above: (You should speak for a minimum of 3 and a maximum of 8 minutes)**

**More presentation language at:** [https://quizlet.com/\\_esu5i](https://quizlet.com/_esu5i)

I am going to talk about a Czech/ Polish/ an actual/ hypothetical case ...



I have chosen a case / a topic based on...

The case is concerned with / concerns the right to legal assistance within the scope of Article 6 of the European Convention of Human Rights.

I have been involved with this case/heard of this case/ became familiar with this case..

The facts of the case are as follows .....

The defendant ...

The legal question the Court has to test/ answer is this (whether/ if)

the governing legal sources include....

The conflicting rights in the instant case are the Right to AAAAA and the Right to BBBB and the Court must decide which right should prevail.

The matter is /is not expressly covered/governed by the national law

**Useful Phrases for the Presentation: - Signpost language  
Introducing the topic**

The subject/topic of my talk is ...

I'm going to talk about ...

My topic today is...

My talk is concerned with ...

**Overview (outline of presentation)**

I'm going to divide this talk into four parts.

There are a number of points I'd like to make.

Basically/ Briefly, I have three things to say.

I'd like to begin/start by ...

Let's begin/start by ...

First of all, I'll...

... and then I'll go on to ...

Then/ Next ...

Finally/ Lastly ...



Finishing a section
That's all I have to say about...
We've looked at...
So much for...
<b>Starting a new section</b>
Moving on now to ...
Turning to...
Let's turn now to ...
The next issue/topic/area I'd like to focus on ...
I'd like to expand/elaborate on ...
Now we'll move on to...
I'd like now to discuss...
Let's look now at...
<b>Analysing a point and giving recommendations</b>
Where does that lead us?
Let's consider this in more detail...
What does this mean for...?
Translated into real terms...
Why is this important?
The significance of this is...
<b>Giving examples</b>
For example,...
A good example of this is...
As an illustration,...
To give you an example,...
To illustrate this point...



<b>Summarising and concluding</b>
To sum up ...
To summarise...
Let's summarise briefly what we've looked at...
If I can just sum up the main points...
Finally, let me remind you of some of the issues we've covered...
To conclude...
In conclusion ...
In short ...
So, to remind you of what I've covered in this talk, ...
Unfortunately, I seem to have run out of time, so I'll conclude very briefly by saying that .....
I'd like now to recap...
<b>Paraphrasing and clarifying</b>
Simply put...
In other words.....
So what I'm saying is....
To put it more simply....
To put it another way....
<b>Invitation to discuss / ask questions</b>
I'm happy to answer any queries/ questions.
Does anyone have any questions or comments?
Please feel free to ask questions.
If you would like me to elaborate on any point, please ask.
Would you like to ask any questions?
Any questions?



<b>Special Phrases:</b>
I would like to refer to a case I have dealt with
I have heard of
I am familiar with
I find interesting
I hope you will find interesting
I consider the question interesting
I thought it a good idea to look into this in greater detail
<b>Task 2: EXTRA LINGUISTIC MATERIAL: aim: to address interesting topics that might be useful when choosing the are for the individual presentations</b>
<b>EXTRA LINGUISTIC MATERIAL: cover as needed</b>
<b>Article 6:</b>
<b>The right to a fair trial</b>
<b>Which legal source confers the right (upon somebody) to a fair trial:</b>
<b>Article 6 of the European Convention on Human Rights (<a href="https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/Convention_ENG.pdf">https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/Convention_ENG.pdf</a>) provides that:</b>
<b>In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing</b>
<b>Questions</b>
(Must the hearing always be public?) within a reasonable time
(Does undue delay represent breach of the right to fair trial?) by an independent and impartial tribunal established by law
(who decides and how that the tribunal or the judge is impartial?).



**Please read: underline 10 words or phrases you would like to remember:**

**Judgment** shall be pronounced (delivered) publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and the facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

**Task 3: VOCABULARY: Article,6: key concepts and vocabulary study set:**  
[https://quizlet.com/\\_ppwek](https://quizlet.com/_ppwek)

**Please explain:**

Delivery of judgements versus service of document

Bias:

Explicit (something you are aware of)

Implicit bias (subconscious)

Prejudice







## **PART 2: Right to Fair Trial and Impartial Tribunal**

### **Task 5: Reading: read and be prepared to discuss**

#### **Break the Link Between Bias and behaviour**

(this text is based on a much more comprehensive study titled **Implicit Bias in the Courtroom**

<http://faculty.washington.edu/agg/pdf/Kang&al.ImplicitBias.UCLALawRev.2012.pdf>

By Jerry Kang, Judge Mark Bennett Devon Carbado, Pam Casey of UCLA)

Even if we cannot remove the bias, perhaps we can alter decision making processes so that these biases are less likely to translate into behaviour. In order to keep this Article's scope manageable, we focus on the two key players in the courtroom: judges and jurors.

#### 1. Judges

##### a. Doubt One's Objectivity

Most judges view themselves as objective and especially talented at fair decision making. For instance, Rachlinski et al. found in one survey that 97 percent of judges (thirty-five out of thirty-six) believed that they were in the top quartile in "avoid[ing] racial prejudice in decision making relative to other judges attending the same conference. That is, obviously, mathematically impossible.

One is reminded of Lake Wobegon, where all of the children are above average. In another survey, 97.2 percent of those administrative agency judges surveyed put themselves in the top half in terms of avoiding bias, again impossible. Unfortunately, there is evidence that believing ourselves to be objective puts us at particular risk for behaving in ways that belie our self-conception.



Eric Uhlmann and Geoffrey Cohen have demonstrated that when a person believes himself to be objective, such belief licenses him to act on his biases. In one study, they had participants choose either the candidate profile labeled “Gary” or the candidate profile labeled “Lisa” for the job of factory manager. Both candidate profiles, comparable on all traits, unambiguously showed strong organization skills but weak interpersonal skills

Half the participants were primed to view themselves as objective. The other half were left alone as control.

Those in the control condition gave the male and female candidates statistically indistinguishable hiring evaluations.

**What are the key facts you remember having read the article?**

**Explain to your partner what your opinion on the article is and ask him/ her two questions**

**Day 4:**

**AIM: focus on language of presentations in order to assist you prepare your individual presentation effectively: GRAMMAR INPUT**

**Target: to be able to use grammar structures effectively and use correct grammar - see the relevant grammar points and cover the ones that seem to be of greatest difficulty.**

**Input 1: Grammar: To have something done**

To seek to have extradition declared unlawful

To seek to have the evidence sequestered

To seek to have the charges dropped/ dismissed

To seek to have the decision overturned



To have the judgement dismissed

To cut your hair - to have your hair cut

To clean your flat - to have your flat cleaned

To buy or make your clothes - to have your clothes made

To choose your cases - to have your cases chosen for you

### **Task 6: ANSWER THE QUESTIONS:**

Do the applicants (the parties) seek to have an instance of injustice remedied?

Are you working toward having the judicial errors detected and remedied from common practices of the state bodies?

What are you attempting to achieve?

Is there's anything you would like to have done

### **Input 2: fact versus opinion**

Choose how you ask about a fact and how you ask about an opinion:

Would you happen to know..?

Would you say that...?

Are you familiar with...?

Do you know whether?

Do you think that?



Are you aware of the fact that...?

**Task 7: ANSWER QUESTIONS:**

...is subject always a noun?

...may a pronoun also be a subject?

...how many meanings does the word voice have in your mother tongue?

...are you an ACTIVE or a PASSIVE person?

... which one of the following is present and which is the past participle: selling x sold

...how many verbs does the present perfect tense consist of?

...how many verbs does the past simple negative consist of?

...in the sentence He has just left which one is the auxiliary verb and which one is the base (main) verb?

...can you find the subject, the predicate and the object in the following sentence:

He has already decided to grant the extradition request.

... in the above sentence there is one word which is neither the subject, nor the predicate nor the object - which one is it?

**Task 8: Passive versus Active Voice**



**Can you change the sentence:**

He has contested the EAW.. in such a manner that the OBJECT will become the SUBJECT (what will than happen to the original object?)

Can you do the same with the following sentences:

They protect rights of victims.

Somebody submitted this as evidence.

They will call every witness in the near future.

Somebody is going to testify in her favour.

We are going to pay the court fees.

In the sentence that you have formed - which auxiliary verb did you use and what form did the base verb take?

**Can you explain or give examples of**

- loud voice
- silent voice
- active voice
- passive voice



**Input 3: Can you come up with a comprehensive table of English tenses and their passive voice equivalents:**

**(If in doubt use the sentence: I hear cases.)**

**Input 4: Gerund or participle**

**Task 9: Write 6 sentences about your work:**

**Write 6 sentences about an interesting case you would like to present:**

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**Give examples of the following**

Noun

Part of verb

Adjective

Object

Subject

Functioning as attribute

Part of predicate

**Find the above in the following sentences:**

The man wearing a hat is my brother.



I hate wearing posh clothes.

I don't mind telling you the truth.

Stop telling lies.

I am driving really fast.

She loves driving this car.

Wearing heels is not healthy.

They promoted recycling waste.

They have been recycling for many years.

The families recycling waste will get a special tax relief.

**PLEASE read and discuss the differences:**

She admitted smoking: She admitted that she smoked.

She admits smoking.

She admitted having smoked.

She admits having smoked.

She admitted being abused.

She admits being abused.

She admitted having been abused.

She admits having been abused.

**Which gerund is**



Present

Perfect

Present passive

Perfect passive

She admits that she hates her job.

She admitted that she had given him the money.

She admitted that he had sent her there.

She admits he paid her.

She admits he pays her well.

She denies that she had it.

She denied that they had told her about it.

She admits that she is attending a course.

She admitted she had studied abroad.





**Day 4:**

**AIM:** spend some time preparing presentations and check the input language:

**Target:** to prepare and correct the input language for the presentations.

**Task 10: PREPARATION FOR DAY 5:** use the phrases from Task 1 and deliver your presentation.

**Video: effective presentation:** <http://youtu.be/dfBn5DYLRvE>  
<http://youtu.be/dfBn5DYLRvE>



**Day 5:**

**AIM: give presentation in public using your notes and focusing on delivering the message in a confident and fluent manner**

**Task 11: PRESENTATION DAY 5: EACH PARTICIPANT will deliver a presentation before the class and receive immediate feedback from the linguists regarding the most important errors**

- the participants will be asked to grant consent with the presentations being recorded for the purposes of error correction

- the participants will not be interrupted until they have delivered the entire presentation

- short time will be allocated to questions but the time limit for each presentation as well as the time limit for questions must be adhered to

- after everyone has delivered their presentation an error correction session will follow

- the error correction will be based on deductive methodology and error will be identified in different categories:

- **lexical error** : erroneous use of lexical item or incorrect use of terminology

- **error in register** both regarding the lexical structural item

- **pronunciation error** regarding either individual phonemes or intonation features and delivery

- **grammar errors** related to incorrect use of tenses or grammar structures

- **erroneous use of dependant prepositions and use of particles**

- **errors in linkers and stances cohesion**

- any other errors as relevant or appropriate to be corrected at the level

**If there is time left the audio recording will be used for further correction and intonation features such as word and sentence stress, pitch and other features relevant for delivery of presentations will be addressed**



## Key to exercises:

### Task 4: Listening and speaking: Video:

*The judges are giving the presentation on the topic of implicit bias.*

*The first judge speaks about courtroom bias as the first African American female judge in Tennessee.*

*investiture ceremony- ceremony upon the judge entering his or her office after their appointment*

*She had four cases on the docket that day.*

*Her courtroom was staffed in such a way that everyone was African American .*

*In the second video what the judge speaks about being a lecturer as well as a judge.*

*His colleague - an academic - ask about*

*- why did he believe he would have no bias against black people*

### Task 8: Passive versus Active Voice

*He has contested the EAW.. in such a manner that the OBJECT will become the SUBJECT (what will then happen to the original object?): The EAW has been contested.*

*Rights of victims are protected.*

*This was been submitted as evidence.*

*Every witness will be called in the near future.*

*Testimony is going to be delivered in her favour.*

*The court fees are going to be paid.*

## Gerund:

*She admitted smoking:*



*She admits smoking. : Present*

*She admitted having smoked.: Perfect*

*She admits having smoked. Perfect*

*She admitted being abused.: Present passive*

*She admits being abused.: Present passive*

*She admitted having been abused. : Perfect passive*

*She admits having been abused. Perfect passive*

### **Links:**

**Key terminology:** [https://quizlet.com/\\_2djf42](https://quizlet.com/_2djf42)

**More presentation language at:** [https://quizlet.com/\\_esu5i](https://quizlet.com/_esu5i)

**Implicit bias in the courtroom video:**<http://youtu.be/12TY110t8PY>

**Article 6 of the European Convention on Human Rights ([https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/Convention\\_ENG.pdf](https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/Convention_ENG.pdf))**

**Article,6: key concepts and vocabulary study set:** [https://quizlet.com/\\_ppwek](https://quizlet.com/_ppwek)

### **Implicit Bias in the Courtroom**

<http://faculty.washington.edu/agg/pdf/Kang&a.ImplicitBias.UCLALawRev.2012.pdf>

**Video: effective presentation:** <http://youtu.be/dfBn5DYLRvE>

<http://youtu.be/dfBn5DYLRvE>

**Funny video : accent:**<http://youtu.be/SjO1BXzZLpE>

**Video: what has the European Convention given us?**

