

## BACKGROUND DOCUMENTATION

### The EAW, Pre-Trial Detention, Mutual Trust and Legal Assistance

#### A. EU Legislation

A.01	Trade and Cooperation Agreement Between the European Union and the European Atomic Energy Community, of the one Part, and the United Kingdom of Great Britain and Northern Ireland, of the other Part, 31 December 2020
A.02	Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings
A.03	Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings
A.04	Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings
A.05	Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters
A.06	Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty
A.07	Consolidated version of the Treaty on European Union, OJ C 326, 26.10.2012, p. 13–390, 26 October 2012
A.08	Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390, 26 October 2012
A.09	Charter of Fundamental Rights of the European Union, 2012/C 326/02, 26 October 2012
A.10	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings
A.11	Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings
A.12	Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions
A.13	Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

A.14	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
A.15	Consolidated text: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA)

## **B. European Court of Human Rights**

B.01	European Convention on Human Rights, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16
B.02	European Court of Human Rights Factsheet: Detention Conditions and Treatment of Prisoners, October 2020
B.03	CASE OF BIVOLARU AND MOLDOVAN v. FRANCE, 25 March 2021
B.04	CASE OF SELAHATTİN DEMİRTAŞ v. TURKEY (No. 2), 22 December 2020
B.05	CASE OF SHIKSAITOV v. SLOVAKIA, 10 December 2020
B.06	CASE OF KOROSTELEV v. RUSSIA, 12 May 2020
B.07	CASE OF ULEMEK v. CROATIA, 31 October 2019
B.08	CASE OF ROMEO CASTAÑO v. BELGIUM, 9 July 2019
B.09	Melvin WEST against Hungary, 25 June 2019
B.10	CASE OF ROOMAN v. BELGIUM, 31 January 2019
B.11	CASE OF GJINI v. SERBIA, 15 January 2019
B.12	CASE OF S., V. AND A. v. DENMARK, 22 October 2018
B.13	CASE OF PIROZZI v. BELGIUM, 17 April 2018 (only available in French)
B.14	SE OF PACI v. BELGIUM, 17 April 2018, (only available in French)
B.15	CASE OF ALEKSANDR ALEKSANDROV v. RUSSIA, 27 March 2017
B.16	CASE OF VASILICIUC v. THE REPUBLIC OF MOLDOVA, 2 May 2017
B.17	CASE OF BIVOLARU v. ROMANIA, 28 February 2017 (only available in French)
B.18	CASE OF KHAMTOKHU AND AKSENCHIK v. RUSSIA, 24 January 2017
B.19	CASE OF MURŠIĆ v. CROATIA, 20 October 2016

B.20	CASE OF KLIBISZ v. POLAND, 4 October 2016
B.21	CASE OF WENNER v. GERMANY, 1 September 2016
B.22	CASE OF BUZADJI v. THE REPUBLIC OF MOLDOVA, 5 July 2016
B.23	CASE OF AVOTIŅŠ v. LATVIA, 23 May 2016
B.24	CASE OF J.N. v. THE UNITED KINGDOM, 19 May 2016
B.25	CASE OF MURRAY v. THE NETHERLANDS, 26 April 2016
B.26	CASE OF BLOKHIN v. RUSSIA, 23 March 2016
B.27	CASE OF CĂTĂLIN EUGEN MICU v. ROMANIA, 5 January 2016
B.28	CASE OF SZAFRAŃSKI v. POLAND, 15 December 2015
B.29	CASE OF BOUYID v. BELGIUM, 28 September 2015
B.30	CASE OF KHOROSHENKO v. RUSSIA, 30 June 2015
B.31	CASE OF GALLARDO SANCHEZ v. ITALY, 24 March 2015
B.32	CASE OF NESHKOV AND OTHERS v. BULGARIA, 27 January 2015
B.33	E.B. against the United Kingdom, 20 May 2014
B.34	Habib IGNAOUA and Others against the United Kingdom, 18 March 2014
B.35	CASE OF DEL RÍO PRADA v. SPAIN, 21 October 2013
B.36	CASE OF VINTER AND OTHERS v. THE UNITED KINGDOM, 9 July 2013
B.37	Steven WILLCOX and Scott HURFORD against the United Kingdom, 8 January 2013
B.38	CASE OF MICHAUD v. FRANCE, 2 December 2012
B.39	CASE OF GISZCZAK v. POLAND, 29 November 2012
B.40	CASE OF TONIOLO v. SAN MARINO AND ITALY, 26 June 2012
B.41	CASE OF PIECHOWICZ v. POLAND, 17 April 2012
B.42	CASE OF HORYCH v. POLAND, 17 April 2012
B.43	CASE OF MIAŹDŹYK v. POLAND, 24 January 2012
B.44	CASE OF ANANYEV and OTHERS v. RUSSIA, 10 January 2012

B.45	CASE OF GIZA v. POLAND, 13 July 2010
B.46	Robert STAPELTON against Ireland, 4 May 2010
B.47	CASE OF ENEA v. ITALY, 17 September 2009
B.48	CASE OF MOOREN v. GERMANY, 9 July 2009
B.49	CASE OF STEPHENS v. MALTA (no. 1), 21 April 2009
B.50	CASE OF A. AND OTHERS v. THE UNITED KINGDOM, 19 February 2009
B.51	MONEDERO ANGORA v. SPAIN, 7 October 2008
B.52	CASE OF SAADI v. ITALY, 28 February 2008
B.53	CASE OF NEŠŤÁK v. SLOVAKIA, 27 February 2007
B.54	CASE OF McKAY v. THE UNITED KINGDOM, 3 October 2006
B.55	CASE OF RAMIREZ SANCHEZ v. FRANCE, 4 July 2006
B.56	CASE OF BOSPHORUS HAVA YOLLARI TURİZM VE TİCARET ANONİM ŞİRKETİ v. IRELAND, 30 June 2005
B.57	CASE OF HIRST v. THE UNITED KINGDOM (No. 2), 6 October 2005
B.58	CASE OF BECCIEV v. MOLDOVA, 4 October 2005
B.59	CASE OF SULAOJA v. ESTONIA, 15 February 2005
B.60	CASE OF PEERS v. GREECE, 19 April 2001
B.61	CASE OF KUDŁA v. POLAND, 26 October 2000
B.62	CASE OF WITOLD LITWA v. POLAND, 4 April 2000
B.63	CASE OF CHAHAL v. THE UNITED KINGDOM, 15 November 1996

### **C. Court of the Justice of the European Union (CJEU)**

C.01	C-649/19 - Spetsializirana prokuratura (Déclaration des droits), 28 January 2021
C.02	C-354/20 PPU - Openbaar Ministerie (Indépendance de l'autorité judiciaire d'émission), 17 December 2020
C.03	C-585/18, C-624/18 and C-625/18 - A.K. (Independence of the Disciplinary Chamber of the Supreme Court), 19 November 2019
C.04	C-128/18 – Dorobantu, 15 October 2019

C.05	C-508/18 - OG (Parquet de Lübeck), 27 May 2019
C.06	C-551/18 PPU - IK (Enforcement of an additional sentence), 6 December 2018
C.07	C-216/18 PPU – Minister for Justice and Equality, 25 July 2018
C.08	C-220/18 PPU – Generalstaatsanwaltschaft (Conditions of detention in Hungary), 25 July 2018
C.09	C-640/15 - Vilkas, 25 January 2017
C.10	C-404/15 - Aranyosi and Caldarau, 5 April 2016
C.11	C-237/15 PPU – Lanigan, 16 July 2015
C.12	C-168/13 PPU - F., 30 May 2013
C.13	C-399/11 – Melloni, 26 February 2013
C.14	C-566/19 PPU - Parquet général du Grand-Duché de Luxembourg () and de Tours), 12 December 2012
C.15	C-192/12 PPU – West, 28 June 2012
C.16	C-261/09 – Mantello, 16 November 2010
C.17	C-303/05 - Advocaten voor de Wereld, 3 May 2007

#### **D. European Arrest Warrant (EAW)**

D.01	Amsterdam court rejects Polish European Arrest Warrant request over rule of law concerns, FairTrials, February 18 2021
D.02	European Parliament report of 20 January 2021 on the implementation of the European Arrest Warrant and the surrender procedures between Member States (2019/2207(INI))
D.03	Article: The Need for and Possible Content of EU Pre-trial Detention Rules, eucrim, 15 December 2020
D.04	Council conclusions ‘The European arrest warrant and extradition procedures - current challenges and the way forward’, 13684/20, Brussels, 4 December 2020
D.05	European Commission 2020 Rule of Law Report: Communication and Country Chapters, 30 September 2020
D.06	Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Brussels, 2.7.2020, COM(2020) 270 final
D.07	Commission Staff Working Document: Replies to questionnaire on quantitative information on the practical operation of the European arrest

	warrant – Year 2018, 2 July 2020, Brussels, 2 July 2020, SWD(2020) 127 final
D.08	European Parliamentary Research Service: European Arrest Warrant – European Implementation Assessment, June 2020
D.09	European Parliamentary Research Service: European Arrest Warrant – Framework for Analysis and Preliminary Findings on its Implementation, February 2020
D.10	Council conclusions on mutual recognition in criminal matters: ‘Promoting mutual recognition by enhancing mutual trust’, (2018/C 449/02), 13 December 2018
D.11	InAbsentEAW: Country Report on the European Arrest Warrant – The Republic of Poland, 1 July 2018
D.12	Report: Beyond Surrender: Putting human rights at the heart of the European Arrest Warrant, Fair Trials, 28 June 2018
D.13	Revised version of the European handbook on how to issue a European arrest warrant, 6 October 2017

### **E. Rights of Suspects and Accused**

E.01	FRA: Presumption of innocence and related rights – Professional perspectives, 31 March 2021
E.02	European Commission Implementation Report on Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, 26 September 2019
E.03	European Commission Implementation report on Directive 2012/13/EU on the right to information in criminal proceedings, 18 December 2018
E.04	European Commission Implementation report on Directive 2012/13/EU on the right to information in criminal proceedings, 18 December 2018
E.05	European Commission Implementation report on the implementation of Directive 2010/64/EU on right to interpretation and translation in criminal proceedings, 18 December 2018
E.06	Factsheet - Your rights if accused or suspected of criminal offences in the EU, 2 February 2018
E.07	<u>FRA: Criminal detention and alternatives: fundamental rights aspects in EU cross-border transfers, 2016</u>

### **F. European Union Agency for Fundamental Rights (FRA)**

F.01	European Fundamental Rights Information System (EFRIS)
F.02	Criminal Detention Database
F.03	Charterpedia
F.04	Case-law Database (CJEU, ECtHR, selection of national case law)
F.05	Charter of Fundamental Rights e-guidance
F.06	Anti-Muslim hatred database 2012 – 2019

## G. Council of Europe

G.01	Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules, (Adopted by the Committee of Ministers on 11 January 2006, at the 952 <sup>nd</sup> meeting of the Ministers' Deputies and revised and amended by the Committee of Ministers on 1 July 2020 at the 1380 <sup>th</sup> meeting of the Ministers' Deputies)
G.02	Compendium of Conventions, Recommendations and Resolutions relating to prisons and community sanctions and measures, July 2020
G.03	European Committee for the Prevention of Torture (CPT)

## H. United Nations

H.01	The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), December 2015
H.02	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders with their Commentary, 21 December 2010
H.03	Optional Protocol to the Convention Against Torture (OPCAT) - Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)

## I. Useful Links

I.01	European Commission: DG Justice and Consumers
I.02	European Court of Human Rights <ul style="list-style-type: none"><li>• Judgments and decisions</li></ul>
I.03	Court of Justice of the European Union <ul style="list-style-type: none"><li>• Case-law</li></ul>
I.04	European Judicial Network (EJN): EAW
I.05	EUROJUST: EAW
I.06	European Union Agency for Fundamental Rights (FRA)
I.07	Fair Trials <ul style="list-style-type: none"><li>• Pre-trial detention</li><li>• EAW</li><li>• Case Law</li></ul>
I.08	Ludwig Botzmann Institute of Fundamental and Human Rights: Human Dignity and Public Security

	<ul style="list-style-type: none"> <li>• EAW-ALT: Addressing the overuse of pre-trial detention and the disproportionate use of EAW with alternative cross-border mechanisms</li> </ul>
I.09	InAbsentiaEAW: Research project on European Arrest Warrants issued for the enforcement of sentences after in absentia trials
I.10	Helsinki Foundation for Human Rights