



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

Online Seminar  
24 - 26 March 2021

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE  
**Criminal  
Law**



### Speakers

**Laure Baudrihay-Gérard**, Europe Legal Director, Fair Trials, Brussels

**Jesca Beneder\***, Team Leader for Detention and European Arrest Warrant, Procedural Criminal Law Unit, DG Justice and Consumers, European Commission, Brussels

**Vincent A. De Gaetano\***, Chief Justice Emeritus, Malta; Judge & Section President Emeritus, ECtHR, Strasbourg

**Ramin Farinpour**, Senior Lawyer, European Criminal Law Section, ERA, Trier

**Doyin Lawunmi\***, Legal Secretary, Court of Justice of the European Union, Luxembourg

**Elise Martin-Vignerte\***, Associate Solicitor, Macguill & Company, Dublin

**Giuliana Monina**, Head of Human Dignity and Public Security Team, Ludwig Boltzmann Institute of Fundamental and Human Rights (BIM), Vienna

**Mikolaj Pietrzak**, Partner, Pietrzak Sidor & Partners, Warsaw

**Matylda Pogrzelska**, Legal Research Project Manager, Research & Data Unit, European Union Agency for Fundamental Rights (FRA), Vienna

**Florentino-Gregorio Ruiz Yamuza**, Senior Judge, Appeal Court of Huelva; Member of the Spanish Judicial Network for International Cooperation in Criminal Matters

**Marcin Wolny**, Lawyer, Helsinki Foundation for Human Rights, Warsaw

\* invited

### Key topics

- Role of the ECHR and case law of the ECtHR and CJEU in dealing with detention conditions and the application of mutual legal assistance instruments
- Best practice and mutual trust and recognition of judicial decisions
- Pre-trial detention within the context of EAW proceedings and its impact on prison and other conditions in the EU Member States
- FRA's new online tool to assist judges and other legal practitioners in EAW and other mutual legal assistance instrument decisions: the European Fundamental Rights Information System (EFRIS)
- Workshops on mutual recognition instruments, the EAW and tools in assisting judges and other legal practitioners

Languages  
English, Polish

Event number  
321DT28e

Organisers  
ERA (Ramin Farinpour) in cooperation with the Council of Europe, Fair Trials and the Ludwig Boltzmann Institute of Fundamental and Human Rights (BIM)



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

## Wednesday, 24 March 2021

08:30 Connection time

09:00 **Welcome, introduction and ice breaker**  
*Ramin Farinpour, NN KSSiP*

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### I. THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR) ON DETENTION, THE EUROPEAN COURT OF HUMAN RIGHTS' AND COURT OF JUSTICE OF THE EUROPEAN UNION'S RELEVANT JURISPRUDENCE

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*Chair: Ramin Farinpour*

09:15 **An overview of detention-related issues in Europe and the level of protection granted by the ECHR**  
*Giuliana Monina*

09:45 Discussion

10:00 **The European Court of Human Rights' jurisprudence on Articles 3, 5, 6 of the ECHR, Protocol No. 4, as well as its reference to the provisions of the EU Framework Decisions and EAW**  
*Vincent De Gaetano*

10:45 Discussion

11:00 Break

11:30 **Detention conditions, pre-trial detention and the EAW: the Court of Justice of the European Union's judgments effect on mutual trust and mutual recognition instruments**  
*Doyin Lawunmi*

12:15 Discussion

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### II. PRE-TRIAL DETENTION AND THE EAW

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*Chair: Ramin Farinpour*

12:30 **Is the EAW being implemented correctly? The European Commission's latest report and findings**

- The impact of the CJEU's latest judgments
- A need for a second look at pre-trial detention and detention conditions in the Member States?
- The effect of Brexit

*Jesca Beneder*

13:15 Discussion

13:30 End of first day

## Thursday, 25 March 2021

09:00 **Operating the EAW: an overview**

- Best practices and experience with issuing and executing an EAW
- Support offered by Eurojust and the EJM
- Issues with double criminality

*Florentino-Gregorio Ruiz Yamuza*

09:45 Discussion

10:00 **The application of procedural rights framed in EU legislation within the context of EAWs, pre-trial detention and detention**  
*Elise Martin-Vignerte*

10:30 Discussion

## Objective

This online seminar, which forms part of a series of five co-funded by the European Commission on enhancing cross-border mutual legal assistance and recognition of decisions within the context of detention, will focus on the European Convention on Human Rights (ECHR), ECtHR and CJEU case law in dealing with detention conditions and the application of mutual legal assistance instruments.

There will be a focus on case law, best practice, mutual trust and recognition of judicial decisions, as well as pre-trial detention, especially within the context of European Arrest Warrant (EAW) proceedings, and its impact on prison and other conditions in the EU Member States.

## Who should attend?

Judges, prosecutors and lawyers from eligible EU Member States (Denmark does not participate in the Justice Programme 2014-2020) and eligible Candidate Countries (Albania and Montenegro).

## Participation fee and reimbursement of costs

Participation fee: No fee for judges and prosecutors, €70 for lawyers.

## Interactive online conference

The online seminar will be hosted on the Zoom videoconferencing platform. The highest security settings will be applied to ensure that you can participate actively in the best-quality videoconferencing environment available. You will be able to interact immediately and directly with our top-quality speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive training experience.

- 10:45 Break
- 11:15 **A lawyer's perspective on issues and challenges faced with the EAW and pre-trial detention**  
*Mikolaj Pietrzak*
- 11:45 Discussion
- 12:00 **Addressing the overuse of pre-trial detention and the disproportionate use of EAWs with alternative cross-border mechanisms: insights from the EAW-ALT project**  
*Laure Baudrihayé-Gérard*
- 12:45 Discussion
- 13:00 End of second day

## Friday, 26 March 2021

- 09:00 **Human rights and mutual recognition of judicial decisions in the European Union: a closer look at proportionality, pre-trial detention, detention conditions and cooperation with judicial authorities of other Member States**  
*Marcin Wolny*
- 09:30 Discussion
- 09:45 **FRA's online tools to assist judges and other legal practitioners in EAW and other mutual legal assistance instrument decisions**
- European Fundamental Rights Information System (EFRIS)
  - Criminal Detention Database 2015-2019
- Matylda Pogrzelska*
- 10:15 Discussion
- 10:30 Break

### III. SIMULTANEOUS WORKSHOPS

*Chair: Ramin Farinpour*

- 11:00
- **Correctly applying the EAW by means of case studies** (*Florentino-Gregorio Ruiz Yamuza*)
  - **Reducing the use of pre-trial detention within the context of the EAW and alternative cross-border mechanisms** (*Laure Baudrihayé-Gérard*)
  - **Online tools and databases to assist judges and other legal practitioners in EAW and other mutual legal assistance instrument decisions** (*Matylda Pogrzelska*)
- 12:30 Workshop reports and participant discussion
- 13:00 End of the online seminar

For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment.

### Your contact person



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### CPD

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Co-funded by the Justice Programme (2014-2020) of the European Union

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Times indicated are CET (Central European Time)

## Apply online for

The EAW, Pre-Trial Detention, Mutual Trust and Legal Assistance  
24-26 March 2021 / Event Number: 321DT28e



## Terms and conditions of participation

### Selection

1. Participation is open to judges, prosecutors and lawyers in private practice from eligible EU Member States (Denmark does not participate in the Justice Programme 2014-2020) and EU Candidate Countries (Albania and Montenegro).
2. The number of places available is limited (40 places). Participation will be subject to a selection procedure.
3. Applications should be submitted by **14 February 2021**.
4. A response will be sent to every applicant after the deadline. Participation is subject to a selection procedure.

### Registration fee

5. There is no registration fee for judges and prosecutors. Documentation provided for.
6. €70 for lawyers, including documentation.

### Participation

7. Participation in the whole online seminar is required and your presence will be recorded.
8. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
9. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
10. A certificate of attendance will be distributed after the seminar.

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### Languages

English, Polish

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