

How to overcome the overuse of the European Arrest Warrant and make recourse to Alternative cross border mechanisms in cross border criminal cases?

Online targeted training event

26 February 2021

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Addressing the overuse of pre-trial detention and the disproportionate use of EAW with alternative cross-border instruments

Introduction

Objectives: The disproportionate use of the EAWs not only creates an additional burden on EU Member States (MS) criminal justice systems but also typically leads to extended pre-trial detention periods for suspected persons in the EU MS. These unwanted outcomes can be mitigated by restating pre-trial detention as a measure of last resort and when necessary, resorting to alternative cross border mechanisms that have been put into place by the EU. The so called Alternative measures, namely the European Supervision Order ('ESO'), the European Investigation Order ('EIO'), the European Probation Order ('EPO') and the Framework decision 2008/909/JHA on transfer of prisoners better serve the need of legal practitioners and criminal justice as these measures are more targeted and allow for better consideration of the fundamental rights of the suspect.

The training event will provide a hands-on guidance to a diverse group of practitioners on when and how to apply existing EU cross-border cooperation mechanisms, the Alternative measures, instead of simply issuing a European Arrest Warrant (EAW).

Methodology: The training will take place in two phases, the **preparatory phase**, starting two weeks before the training event, during which participants will be given access to the following materials allowing to facilitate their level of understanding:

- Short video explaining why the overuse of the EAW and pre-trial detention is a problem to tackle in the EU Area of Freedom Security and Justice (video),
- Introductory presentation on the fundamental rights standards based on the EU Charter of Fundamental Rights and European Convention on Human Rights and the relevant case law of CJEU and ECtHR on pre-trial detention (voiceover ppt),
- Introductory presentation on the European Supervision Order ('ESO') (voiceover ppt),
- Introductory presentation on the European Investigation Order ('EIO') (voiceover ppt),
- Introductory presentation on the European Probation Order ('EPO') (voiceover ppt),
- Introductory presentation on the Framework decision 2008/909/JHA on transfer of prisoners (voiceover ppt),
- Text of the legal instruments and other background materials made available online.

The second part of the training consists of a **synchronous online training** based on short presentations, panel discussions and a case study.



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The **synchronous online training** will be based on the assumption that participants have completed the preparatory phase. The training event will consist of the following elements:

- Short presentation followed by a discussion on the EU Charter on Fundamental Rights and the principle of mutual recognition – the broader horizon of EU Alternative measures to the EAW,
- Short presentation followed by a discussion on How to overcome the overuse of the European Arrest Warrant at pre-trial stage (and related pre-trial detention) and make recourse to Alternative cross border mechanisms?
- Panel discussion on experiences and good practices in using the European Supervision Order ('ESO'), European Investigation Order ('EIO'),
- Short presentation followed by a discussion on Good practices regarding the use of Alternative measures instead of EAWs at post-sentencing stage experiences and good practices in using the European Probation Order ('EPO' and the Framework decision 2008/909/JHA on transfer of prisoners,
- Panel discussion experiences and good practices in using the European Probation Order ('EPO') and the Framework decision 2008/909/JHA on transfer of prisoners.

Experts:

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DRAFT Programme

09.00	Welcome and mutual introduction Introduction of the project and the training event
09.15	EU Charter on Fundamental Rights and the principle of mutual recognition – the broader horizon of EU Alternative measures to the EAW <i>Format: Short presentation by Cecilia Rizcallah</i>
09.45	Coffee break
10.00	How to overcome the overuse of the European Arrest Warrant at pre-trial stage (and related pre-trial detention) and make recourse to Alternative cross border mechanisms? <i>Format: Short presentation supported with ppt slides and facilitated with an online quiz/poll</i> <i>Followed by discussion facilitated by Petra Jeney</i>
10.45	Coffee break
11.00	Panel discussion – experiences and good practices in using the European Supervision Order ('ESO'), European Investigation Order ('EIO') <i>Moderated by Petra Jeney</i>

- 11.30 Coffee break
- 11.45 **Good practices regarding the use of Alternative measures instead of EAWs at post-sentencing stage experiences and good practices in using the European Probation Order ('EPO and the Framework decision 2008/909/JHA on transfer of prisoners**
Format: Short presentation supported with ppt slides and facilitated with an online quiz/poll
Followed by discussion facilitated by Petra Jeney
- 12.30 Break
- 13.30 **Panel discussion experiences and good practices in using the European Probation Order ('EPO') and the Framework decision 2008/909/JHA on transfer of prisoners**
Moderated by Petra Jeney
- 14.00 Break
- 14.15 **Interactive case study**
Facilitated by Petra Jeney
- 14.45 **Wrapping up and concluding the training event**
Facilitated by Petra Jeney
- 15.00 **End of training**

