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The rights of the defence according to the ECtHR and the CJEU

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The Court of Justice of the EU

- Definitions

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The Court of Justice of the EU

- Introduction

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The Court of Justice of the EU

- Overview of the CJEU

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The Court of Justice of the EU

- The preliminary ruling, step by step
- ✓ Making the reference
- ✓ CJEU procedure
- ✓ Back in the national court

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The Court of Justice of the EU

- The urgent preliminary ruling procedure (PPU)

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The Court of Justice of the EU

- The CJEU in the criminal sphere
- ✓ the Defence Rights Directives
- ✓ 2014

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The Court of Justice of the EU

- The Charter of Fundamental Rights of the EU
- ✓ Legal force
- ✓ Application to Member States
- ✓ Interpretation of the Charter rights

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The rights of the defence according to the ECHR and the CJEU

A comprehensive guide to the case law of the European Court of Human Rights and the European Court of Justice is up to each lawyer to make for himself!

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The rights of the defence according to the ECHR and the CJEU

- 1. Arrest and detention**
- 2. Bail**
- 3. Article 7: no punishment without law**
- 4. Disclosure**

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5. Fair trial

- i. Public hearing
- ii. Length of proceedings (reasonable time)
- iii. Independence and impartiality of tribunal
- iv. Tribunal established by law
- v. Presumption of innocence

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5. Fair trial

- i. Information about the charge
- ii. Adequate time and facilities for preparation of defence
- iii. Presence in court
- iv. Legal representation
- v. Right to call witnesses

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6. Evidence

7. Self-incrimination

8. Extradition

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The European Court of Human Rights

Applying to the European Court of Human Rights

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- **Who can claim?**

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- **What relief does the Court give?**

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- **The application process**

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- The application process
- **Applications – key questions**

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- **What will the Court consider?**

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- **Interim Measures and how to request them**

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- **What is the standard of proof and on whom does it fall?**

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- **Checklist for applying under Rule 39**

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