

MODULE I

CASE STUDY

APPROACH:

The generalist and markedly introductory nature of the content of this Module does not make it easy to set a case study as such, so in this unit we have opted for a somewhat original formula. In view of the situation, this exercise will deal with the search and location of information and the handling of different types of documentation, with a view to ensuring that you become familiar with the different resources at your disposal.

To that end, you are presented with a series of questions, the answers to which are all available on the Internet; all you have to do is look in the right place. In this regard, you will find it particularly useful to follow the guidelines set out in the document entitled "A virtual stroll", from which many of the basic texts are directly derived. Likewise, there are other interesting addresses where one can find documents that, while not officially published, can be essential when it comes to studying the subject and resolving case studies. Purely for information purposes, here are a few of them:

- http://ec.europa.eu/justice_home/index_en.htm (a page dealing with the European area of freedom, security and justice).
- http://europa.eu/lisbon_treaty/index_en.htm (a page exclusively dedicated to the Treaty of Lisbon).
- http://www.consilium.europa.eu/cms3_fo/showPage.asp?lang=en&id=475&mode=g&name (the official website of the Council of the European Union with links to international documents organised by subject).
- <http://www.consilium.europa.eu/Applications/accords/search.asp?lang=EN&cmsid=297> (the official website of the Council of the European Union with access to information on international agreements)
- <http://europa.eu/scadplus/leg/en/s22006.htm> (summary of community legislation on judicial cooperation in criminal matters).
- http://europa.eu/agencies/pol_agencies/eurojust/index_en.htm (a link to Eurojust, the European Union's mutual cooperation unit).
- http://ec.europa.eu/anti_fraud/index_en.html (a link to OLAF, the European Anti-Fraud Office).
- <http://www.euro-justice.com/> (website of the Network of European Prosecutors).
- <http://www.ejtn.net/www/en/html/index.htm> (official website of the European Judicial Training Network).
- <http://www.iberred.org/> (official website of the Ibero-American Judicial Cooperation Network).

QUESTIONS:

- 1.) If a jurisdictional body in your country needs to serve a writ in Andorra, can it invoke the application of the provisions of the European Convention on mutual assistance in criminal matters, of 20 April 1959?
- 2.) Has your country ratified the Convention on mutual assistance in criminal matters between the Member States of the European Union, of 29 May 2000? In relation to which Member States has it already entered into force?
- 3.) With which non-EU Member States has your country entered into bilateral conventions on mutual cooperation in criminal matters?
- 4.) Faced with the need to obtain the collaboration in criminal proceedings of a state that is a member neither of the European Union nor of the Council of Europe and with which your country has not entered into a bilateral convention on legal assistance in criminal matters, it would be a good idea to revise the existing multilateral treaties. Where would you find these texts? With what kind of crimes in mind were they designed?
- 5.) What plans does the Treaty of Lisbon have for the European Public Prosecutor's Office?
- 6.) The implementation of the principle of mutual recognition of judicial decisions in criminal matters in the European Union started out with the arrest and surrender warrant, but in relation to what other decisions is such automatic recognition applied at present?
- 7.) Briefly summarise the background to the *Maria Pupino* case and indicate what is the essential doctrine that can be taken from it.

POINTS TO BE KEPT IN MIND:

- **Length:** in view of the questions set, the object of this exercise is to stimulate your curiosity and develop your practical skills in searching for and handling the information that exists on the Internet, and as such we are not expecting great literary flourishes as much as the location of the correct reply expressed in a clear and concise manner, indicating how it was obtained.
- **Deadline:** as set out in the course calendar.
- **Doubts and queries:** as always, I am at your complete disposal via email.