

CASE STUDY (Module II).-

The Cuenca *Juzgado de lo Penal* (a single-judge criminal court) in Spain is hearing Summary Criminal Proceedings no. 30/2009 regarding an offence of robbery with violence against the Croatian national G.P., who was provisionally released on bail by the *Juzgado de Instrucción* (a single-judge court responsible for the investigation prior to the hearing) of said town by means of a ruling dated 14 January 2009. When G.P. was called to declare as an accused party and also notified of the ruling to release him on bail, he gave an address for the purposes of notification, his usual residence, in the city of Dubrovnik (Croatia), as he had no address in Spain.

The Cuenca *Juzgado de lo Penal* set 12.00 p.m. on 15 November 2009 as the time and date for the hearing in Summary Criminal Proceedings no. 30/2009, at which the Public Prosecutor's Office called for a three-year prison sentence to be imposed on the accused, G.P., as perpetrator of an offence of violent robbery envisaged in Articles 237 and 242 of the Spanish Criminal Code.

For the purpose of summoning the accused G.P. to attend the hearing at the Cuenca *Juzgado de lo Penal* the following matters must be clarified; please provide the reasoning behind the corresponding answers:

- A) Under what conventions or instruments of international legal cooperation could the summons be served to the accused party, G.P., so that he appears at the hearing before the Cuenca *Juzgado de lo Penal*?
- B) What is the minimum content of the request for mutual assistance to be processed by the Cuenca *Juzgado de lo Penal*?
- C) Would it be appropriate for the request for mutual assistance issued by the Cuenca *Juzgado de lo Penal* to contain indications on the manner in which the summons to the hearing should be served to the accused?
- D) Would it be possible to send the request for assistance in Spanish? If not, into what language(s) should the request for mutual assistance and annexed documentation be translated?
- E) Is it necessary for the request for assistance to be sent to the Croatian authorities a certain amount of time in advance of the date set for the hearing before the Cuenca *Juzgado de lo Penal*? If so, what is the minimum period of notice for sending the request for assistance to said authorities?
- F) Would it be possible to send the request for mutual assistance directly to the corresponding Croatian judicial authorities or must it be sent to the Spanish Ministry of Justice in any case to be subsequently forwarded to the Croatian Ministry of Justice? What would the advantages and disadvantages of these two methods of sending the request for mutual assistance be?
- G) Would it be at all possible to use INTERPOL to send the request for assistance?

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