

European arrest warrant defence toolkit

The right to access the case file

November 2022

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Introduction

The European arrest warrant (EAW) is arguably the most problematic cross-border cooperation instrument in the European Union (EU). The EAW Framework Decision was adopted in 2004, before the Charter of Fundamental Rights of the European Union (the Charter) became a binding instrument equal in its force to the EU treaties. Based on the presumption of mutual trust, the EAW provides very few safeguards to guarantee proportional use of the instrument and prevent potential abuses.

Some essential procedural rights such as access to a lawyer and legal aid in both the executing and issuing state, the right to interpretation and translation and the right to information (letter of rights in EAW proceedings) as well as the presumption of innocence and protection of rights of a child in criminal proceedings were introduced by EU Procedural Rights Directives.¹

Currently, the issuing judicial authority is solely responsible for ensuring that both the national arrest warrant and the EAW are issued within the legal limits set by the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States 2002/584/JHA (FD EAW) and comply with fundamental rights safeguards. The confidence in this system is based on what the Court of Justice of the European Union (CJEU) calls “dual judicial protection” in the issuing state whereby the requested person’s fundamental rights are protected firstly, at the issuing of the national arrest warrant (final sentence) and secondly, the issuing of a separate EAW.

In practice, however, in countries that do not envisage mandatory legal representation, at both levels of judicial protection only the prosecution is present and able to present their evidence, with no participation of the defence. The first judicial hearing where the requested person must be heard is before the executing judicial authority.

Access to information is crucial for any judicial review to be effective. Access to information is also crucial for the effective participation of defence and ability of the requested person and their lawyer to prepare for the hearing. Without access to the case file in the issuing state and thus information on which the

¹ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, ([OJ 2010 L 280, p. 1](#)); Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings ([OJ 2012 L 142, p. 1](#)); Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, ([OJ 2013 L 290, p. 1](#)); Directive 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects and accused in criminal proceedings ([OJ L 132, 21.5.2016, p.1](#)); Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings ([OJ L 65, 11.3.2016, p. 1](#)); Directive 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings ([OJ L 297, 4.11.2016 p.1](#); corrigendum OJ L91 5.4.2017, p.40).

EAW or the national arrest warrant is based, it is very difficult to respond to assumptions made by the prosecution, to verify the compliance of the EAW with the FD EAW and even to spot mistakes such as mistaken identity.²

To enable meaningful participation of the defence in EAW proceedings, Directive 2013/48/EU on the right of access to a lawyer (Directive 2013/48/EU)³ grants the requested person a right to a lawyer in the issuing state. The role of that lawyer in the issuing Member State according to the Directive, is to assist the lawyer in the executing Member State by providing that lawyer with information and advice, with a view to the effective exercise of the rights of requested persons under the FD EAW.

However, in practice, their ability to meaningfully assist the defence in the executing state is undermined by the lack of access to case materials. EU law as it stands is currently vague about the scope and timing of the right to access case materials in EAW proceedings. The CJEU's interpretation leans increasingly in favour of delaying access to case materials until after the surrender of the requested person.⁴ As a result, the practice of Member States in granting access to case materials in EAW proceedings varies significantly. Even in states that grant early access to case file to the requested person or their lawyers, the right can sometimes be difficult to exercise in practice, as it involves accessing physical paper files and traveling to locations where they are stored.

This section of the defence toolkit provides a brief legal analysis of the nature and scope of the right to access the case file in the issuing state in EAW proceedings. It does not attempt to represent a comprehensive in-depth analysis of all legal and practical issues concerning the right of access to case materials, but rather provides a brief guidance for understanding EU law as it currently stands, as well as the practice of CJEU and national courts in that regard. The toolkit aims to highlight the challenges faced by the defence and suggest some steps for practicing lawyers that can be envisaged to enable access to case materials in the issuing state.

We recommend that you use this chapter of the defence toolkit together with other chapters on: access to a lawyer and legal aid, the right to information and translation, and access to case file. **Click here to find them all on the Fair Trials website.**

As part of this project, Fair Trials produced an accompanying film for each chapter, **click here to watch them on YouTube.**

² See Fair Trials, [Reinforcing procedural safeguards and fundamental rights in European Arrest Warrant \('EAW'\) proceedings](#), 2021, p.21

³ Article 10(4) of the Directive 2013/48/EU.

⁴ CJEU Case C 649/19, *Criminal proceedings against IR*, ft. 56, paras. 61, 77-79 and Case C-105/21, *IR*, 30.06.2022.

Effective judicial protection

Defence rights, including access to case materials, are designed to guarantee effective protection of fundamental rights before courts and tribunals. The right to information first and foremost guarantees the effective participation of defence in judicial review and thus contributes to delivering effective judicial protection of the requested person's rights under the Charter. To understand the scope and importance of the right to access case materials it is important to have a brief look at the right to effective judicial protection and what it entails.

Effective judicial review of any decision or action restricting fundamental rights of a person is both a distinct fundamental right, and a general principle of EU law. In its importance it is equivalent to that of the right to a fair trial, i.e., the right to effective judicial protection is a right preserving all other rights by giving people the ability to seek to prevent and remedy potential violations of their rights. In the context of cross-border cooperation mechanisms such as the EAW, effective judicial protection is particularly important since EAW proceedings involve the arrest, detention, and subsequent transfer of the requested person across state borders, which in turn severely impacts their private life, work, education, and in some cases even the right to life and health.

Features of an effective remedy

Article 47(1) of the Charter guarantees the "*right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article,*" which are, according to paragraph two, "*an independent and impartial tribunal previously established by law.*" This means that a "judicial authority" must comply with strict standards of independence and impartiality on an institutional level and while examining individual cases. The remedy has to offer an opportunity to examine the applicant's complaint on its merits before an independent court or tribunal capable of reviewing both the relevant facts and law.

The review procedure must comply with minimum guarantees of fairness, similar to those required by the right to a fair trial. Namely, an adversarial process based on equality of arms, the right to be heard, the right to present a defence, the right to a lawyer and other essential procedural rights, and a duly reasoned decision on any restrictions of fundamental rights.

Equality of arms plays a particularly important role in the interpretation of defence right, including access to case materials. With regard to equality of arms, the CJEU has held:

[Equality of arms] is an integral element of the principle of effective judicial protection of the rights that individuals derive from EU law, such as that

guaranteed by Article 47 of the Charter. [It is] a corollary of the very concept of a fair hearing that implies an obligation to offer each party a reasonable opportunity of presenting its case in conditions that do not place it in a clearly less advantageous position compared with its opponent.⁵

Case-law of the European Court of Human Rights (ECtHR) sets several requirements for the process and competence of a 'remedy' to be considered effective under the European Convention for the Protection of Human Rights and Fundamental Freedoms:

- the remedy must be accessible, prompt⁶ and offer minimum guarantees of fairness by ensuring conditions that enable the applicant to challenge a decision that restricts their rights (e.g., equality of arms;⁷ access to information, legal assistance and interpretation services);⁸
- the complaint must be addressed on its substance (merits);⁹
- the remedy must be capable of directly remedying the situation by granting appropriate relief,¹⁰ i.e., the remedy must be capable of preventing the alleged violation or its continuation, or of providing adequate redress for any violation that had already occurred.¹¹

A requirement that the remedy offers minimum guarantees of fairness also requires that the requested person be granted an opportunity to effectively exercise essential rights such as timely and confidential access to a lawyer and access to case materials. Participation of the requested person in EAW proceedings, even with a lawyer in both the executing and issuing state would be severely undermined if the defence did not have access to case materials, which form the basis of both the national arrest warrant and the EAW.

⁵ CJEU, Case C 169/14 *Morcillo and Garcia v. Banco Bilbao*, ECLI:EU:C:2014:2099, paragraphs 48-49.

⁶ ECtHR, *Çelik and İmret v. Turkey*, No. 44093/98, 26 October 2004, para. 59.

⁷ ECtHR, *Csüllög v. Hungary*, No. 30042/08, 7 June 2011, para. 46.

⁸ ECtHR, *Abdolkhani and Karimnia v. Turkey*, No. 30471/08, 22.09.2009, para. 114 and ECtHR, *M.S.S. v. Belgium and Greece*, No. 30696/09, 21.01.2011, para. 301.

⁹ ECtHR, *Hasan and Chaush v. Bulgaria*, No. 30985/96, 26 October 2000, para. 96.

¹⁰ ECtHR, *Pine Valley Developments Ltd and Others v. Ireland*, No. 12742/87, 29 November 1991.

¹¹ ECtHR, *Kudla v. Poland*, No. 30210/96, 26 October 2000, para. 158.

Right of access to case materials

National arrest warrant and pre-trial detention proceedings

As a starting point, it should be noted that EU law does not regulate access to case materials at the issuing of the national arrest warrant. Article 7(1) of the Directive 2012/13/EU on the right to information in criminal proceedings provides that the arrested or detained person and their lawyer should be granted access to “documents related to the specific case in the possession of the competent authorities, which are essential to challenging effectively (...) the lawfulness to the arrest or detention.” This suggests that Article 7(1) of Directive 2012/13/EU is concerned with proceedings for challenging the lawfulness of arrest or detention in proceedings where the person is already deprived of their liberty and is seeking to challenge the legality of the initial arrest *post factum* or the necessity of continued detention.

This is normally also the case in EAW proceedings, where the requested person is presumed to be missing and, unless the national law provides for the mandatory presence of a lawyer in proceedings involving deprivation of liberty, the initial arrest warrant and the EAW are issued in the absence of the defence. The CJEU has noted that an obligation for the issuing judicial authorities to hear the requested person before an EAW is issued would inevitably lead to the failure of the very system of surrender envisaged by FD EAW and, consequently, prevent the achievement of the objectives of area of freedom, security and justice.¹² The CJEU considered that an arrest warrant must have a certain element of surprise, in particular in order to stop the person concerned from taking flight¹³ Therefore it might be difficult to participate in the proceedings and obtain access to case materials in the issuing stage of the national arrest warrant.

Access to case materials in judicial review of arrest or detention is, however, regulated by EU law, which guarantees access to documents essential for effectively challenging the lawfulness of the arrest or detention.

The exact content of the term “essential documents” is not defined and may differ from case to case. Directive 2012/13/EU on the right to information does not provide much guidance as to what documents are covered by the term. Article 3(2) of Directive 2010/64 on the right to interpretation and translation, which refers to documents “essential to ensure that they are able to exercise their right of defence and to safeguard the fairness of the proceedings” in a broader context of the entire criminal proceedings, specifies that the term includes any decision depriving a person of his liberty, any charge or indictment, and any judgment. This list can be helpful in defining the minimum content of “essential documents” in detention

¹² CJEU, Case C-396/11, *Radu*, 29 January 2013, para. 40.

¹³ CJEU, Case C-396/11, *Radu*, 29 January 2013, para. 40.

proceedings keeping in mind that it is not exhaustive and any other documents that are essential to ensure that they are able to challenge the legality of arrest or detention effectively must also be disclosed.

The objective of granting access to case materials – equality of arms and the ability to prepare for effective challenge of lawfulness of arrest or detention – should guide a decision on what additional documents are essential. In proceedings dealing with the legality of arrest or detention, these should include at least all evidence supporting and also disproving the essential elements under consideration in before the court¹⁴ – a reasonable suspicion that a person has committed a crime, a public interest supporting the need to detain (e.g. risk of absconding, risk of obstructing the investigation, risk of committing a further offence) and the proportionality of detention, including reasons why alternative measures would not be effective in preventing such risks. It is important to note that defence should have access not only to a list or summarised description of the evidence, but the evidence itself. Recital 30 of Directive 2012/13/EU on the right to information provides some guidance as to the content and timing of disclosure:

“Documents and, where appropriate, photographs, audio and video recordings, which are essential to challenging effectively the lawfulness of an arrest or detention of suspects or accused persons in accordance with national law, should be made available to suspects or accused persons or to their lawyers at the latest before a competent judicial authority is called to decide upon the lawfulness of the arrest or detention in accordance with Article 5(4) ECHR, and in due time to allow the effective exercise of the right to challenge the lawfulness of the arrest or detention.”

In a well-established line of case-law, the ECtHR has repeatedly stated that:

“Equality of arms is not ensured if counsel is denied access to those documents in the investigation file which are essential in order to challenge effectively the lawfulness, in the sense of the Convention, of his client’s detention. The concept of lawfulness of detention is not limited to compliance with the procedural requirements set out in domestic law but also concerns the reasonableness of the suspicion grounding the arrest, the legitimacy of the purpose pursued by the arrest and the justification of the ensuing detention.”¹⁵

Finally, it is clear from Article 7(4) of Directive 2012/13/EU on the right to information that the right to access essential documents in Article 7(1) is subject to no derogation. Article 7(4) provides grounds for restricting access to material evidence, but states specifically that this applies only as a derogation to the disclosure of material evidence under Articles 7(2) and (3) – disclosure of material evidence in the main criminal proceedings. Derogations under Article 7(4) relate to the disclosure of material evidence

¹⁴ According to the jurisprudence of the European Court of Human Rights see e.g., ECtHR, *Merabishvili v. Georgia*, App. No. 72508/13, Judgment of 28 November 2017, paragraph 222.

¹⁵ ECtHR, *Turcan and Turcan v. Moldova*, App. No. 39835/05, Judgment of 23 October 2007.

beyond that which is necessary for challenging detention and are themselves expressed as being 'without prejudice to [Article 7(1)]'.

Since the national arrest warrant forms the basis of an EAW, it is important that access be granted to the defence as soon as possible. If there is a national provision requiring a mandatory presence of a lawyer in proceedings concerning deprivation of liberty, access to essential documents should be granted already at the issuing stage. However, in most cases it will likely be granted at a later stage or even after the requested person is surrendered. In some Member States access to case materials is subject to the suspect or accused person being present in the territory of the Member State, which means that the person will have to be surrendered to become the beneficiary of those rights. This approach has recently been supported by the CJEU in a line of case law concerning *Criminal proceedings against IR*¹⁶ described in more detail below. However, as a lawyer in the executing or particularly in the issuing state you should try to make requests for access to essential documents as early as possible to verify the legality and proportionality of the national arrest warrant and subsequently the EAW.

For more practical suggestions, see **What to do?** on page 12.

EAW proceedings

The FD EAW limits the information available to requested persons only to the contents of the EAW and the possibility of consenting to surrender. Article 11(1) of the FD EAW states that "when a requested person is arrested, the executing competent judicial authority shall, in accordance with its national law, inform that person of the European arrest warrant and of its contents, and also of the possibility of consenting to surrender to the issuing judicial authority." Thus, in practice only the EAW form and the Letter of Rights in case the requested person is arrested or detained will be available to the requested person.

In a recent line of case law concerning the Criminal proceedings against IR, the CJEU approved a system whereby no adversarial judicial review of the merits of issuing either an EAW or a national arrest warrant is required until the requested person is transferred to the issuing state.¹⁷ The CJEU stated that Article 47, which encompasses the right to effective judicial protection, does not require that the right to challenge the decision to issue a European arrest warrant for the purposes of criminal prosecution can be exercised before the surrender of the person concerned to the competent authorities of that Member State. Thus, the Court has taken the view that the mere fact that the person who is the subject of a European arrest warrant issued for the purposes of criminal prosecution is not informed about the remedies available in the issuing Member State, and is not given access to the materials of the case until after he or

¹⁶ CJEU Case C 649/19, *Criminal proceedings against IR*, 28 January 2021, paras. 61, 77-79 and CJEU Case C-105/21, *IR*, 30.06.2022.

¹⁷ CJEU Case C 649/19, *Criminal proceedings against IR*, 28 January 2021, paras. 61, 77-79, CJEU Case C-105/21, *IR*, 30.06.2022, para. 44 and Case C-396/11, *Ciprian Vasile Radu*, 29.01.2013, paras. 38-40.

she is surrendered to the competent authorities of the issuing Member State, cannot result in any infringement of the right to effective judicial protection.¹⁸

Thus, the requested person or their lawyer in the issuing state do not appear to have the right to access essential documents in the case file in accordance with Article 7(1) of the Directive 2012/13/EU and other rights typically guaranteed to detained or accused persons under EU law until after their transfer to the issuing state. In *IR*, the CJEU stated that the requested persons acquires the status of an “accused person” within the meaning of Directive 2012/13/EU and therefore enjoys all the rights associated with that status under Articles 4, 6 and 7 of that directive “from the moment of his or her surrender to the authorities of the Member State that issued that warrant”.¹⁹ This means that even where there is a possibility to challenge the national arrest warrant, procedural rights enjoyed by all suspects in the EU may not apply due to the absence of the requested person from the territory of the issuing state.

However, access to the information held by the authorities in the issuing state is crucial to enable effective legal assistance and, particularly, to challenge the legality of the EAW and argue any grounds for non-execution of the EAW. For example, existence of a final sentence or proper notifications where the requested person has been tied *in absentia* may only be verified on the basis of the case file in the issuing state.

Therefore, access to the case file held by the issuing state should be facilitated before any surrender is ordered. As a lawyer representing the requested person in the executing or the issuing state you should try to request access to case file in the issuing state. In some states, the inability to access case materials and the negative impact on defence rights can successfully be argued before the executing judicial authority. For example, the right of access to the case file has been discussed before German courts in relation to an EAW issued by Poland. In several cases where access to the case file in the issuing state had been refused to the suspect’s lawyers without any valid reasoning, the Higher Regional Court of Appeals in Karlsruhe considered that there should be a possibility to challenge the detention and deprivation of liberty already in the days and weeks when the requested person is kept in detention in the executing state. There should be an effective remedy, including access to case materials, insofar the person seeks to challenge the substantive grounds for their detention.²⁰ Thus lack of access to case materials and the resulting inability to challenge the substance of the EAW may be brought before the executing judicial authority.

On a policy level, effort to introduce digital solutions to criminal proceedings should also cover digitalisation of case files to enable more efficient access to case materials and avoid unnecessary delays in accessing them in remote locations.

¹⁸ CJEU Case C 649/19, Criminal proceedings against IR, ft. 56, paras. 78-79.

¹⁹ CJEU Case C 649/19, *Criminal proceedings against IR*, ft. 56, paras. 61, 77-79.

²⁰ Dominik Brodowski, *First Periodic Country Report: Germany*, 2022, Section II.2.6.1., p.11.

What to do?

In an individual case

In most countries, lawyers may not have an opportunity to access case file in the issuing state at the issuing stage of the national arrest warrant or the EAW. The requested person and their lawyer in the executing state may only be able to access case materials after their arrest in the executing state or at latest after the requested person has already been surrendered. In most cases, the requested person's arrest is also the earliest point in the proceedings in which a lawyer in the issuing state may be appointed.

The CJEU has recently confirmed that EU law does not require that the requested person be afforded a possibility to challenge the EAW in the issuing state and give access to case materials before the surrender of the requested person.²¹ However, that does not prevent a lawyer in the issuing state to proactively seek the opportunity to access as complete information on the underlying criminal case as possible.

Lack of access to case materials also undermines the defence's ability to verify essential aspects of the case before the executing authority. These concerns the compatibility of the EAW with the FD EAW, for example, trial readiness of the case, the reasons for issuing the EAW and other important aspects. Case materials may also be necessary to confirm the existence of potential grounds for non-execution of the EAW such as proper notifications where a person is tried *in absentia*.

Therefore, as a lawyer in either the issuing or executing state, you could:

- cooperate with your colleague in the executing/issuing state to create a better strategy for accessing case materials in the issuing state relevant for preparing effective defence in the specific case of your client
- proactively seek access to case materials as early in the EAW proceedings as possible
- where case materials are disclosed only partially, request additional materials which allow you to verify all aspects of defence in EAW proceedings before the executing judicial authority, including whether the issuing of the national arrest warrant or the EAW complies with the national law and FD EAW. Depending on the case these may include:
 - appropriate judicial authority
 - trial-readiness of the case (for EAWs issued for criminal prosecution)
 - gravity of the charge (potential sentence)
 - reasons for arrest

²¹ CJEU, Case C-105/21, IR, 30.06.2022.

- whether the investigative authorities have made reasonable efforts to locate your client, including checking the available databases or even case records
- whether your client has been duly notified of pending criminal charges or conviction
- whether there are any grounds for non-execution of the EAW on account of the proceedings in the issuing state
- where access to case materials in the issuing state is denied, you could seek to appeal this decision before a higher authority or court
- where access to case materials in the issuing state is denied, raise this before the executing judicial authority citing where appropriate the inability to prepare effectively for the hearing before the executing judicial authority.

On a systemic level

Lawyers play an enormous role in advancing the law and putting in place mechanisms that allow the effective exercise of rights protected under national and EU law. Therefore, local bar associations and other similar organisations should actively participate in advocating for more effective protection of defendants' rights.

In terms of securing a more efficient access to case materials in the issuing state, there are two immediate changes that could have a substantive impact:

- removal of any conditions on access to essential documents in proceedings where the suspect or accused person is detained based on national arrest warrant or an EAW issued by your Member State, regardless of the location of the detention, e.g., the executing state
- digitalisation of case materials which would enable lawyers to access the case file (or relevant parts of it) remotely.

Useful sources

EU law sources

- Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA). Available in all EU languages.
- Charter of Fundamental Rights of the European Union. Available in all languages.
- Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings. Available in all EU languages.
- Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings. Available in all EU languages.
- Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Available in all EU languages.

Toolkits and information

- Fair Trials, [Toolkit on the Right to Interpretation and Translation Directive](#), 2020.
- [Handbook on the EAW for Defence Lawyers “How to Defend a European Arrest Warrant”](#), Part I: Understanding the EAW Framework Decision, European Criminal Bar Association (ECBA), 2017.
- Fair Trials, [Toolkit on the Right to Information Directive](#), 2020.
- Fair Trials, [Toolkit on the Legal Aid Directive](#), 2020.
- Fair Trials, [Toolkit on the Presumption of Innocence Directive](#), 2020.
- Fair Trials, [Toolkit on the Charter of Fundamental Rights of the European Union](#), 2020.
- Fair Trials, [CJEU Preliminary Reference Toolkit](#), 2020.
- EUROJUST website, [section on European Arrest Warrant](#).

Guides on application of EU law

- [Handbook on how to issue and execute a European Arrest Warrant](#), European Commission, October 2017. Available in 21 languages.
- [Handbook on the transfer of sentenced persons and custodial sentences in the European Union](#), European Commission, November 2019. Available in 23 languages.

Case-law

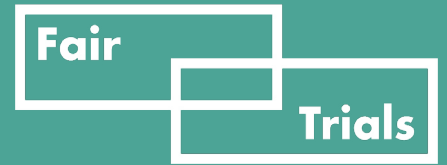
- [CJEU Case-law Analysis Repository](#), STREAM Project, 2022.
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- [Case law by the Court of Justice of the European Union on the European Arrest Warrant](#), EUROJUST, regularly updated, 8 December 2021.
- [Case-law of the European Court of Human Rights on the right to language assistance in criminal proceedings](#), James Brannan, May 2016.
- [Mapping CJEU Case Law on EU Criminal Justice Measures](#), Fair Trials, July 2020.
- [Guide on Article 6 of ECHR: Right to a fair trial \(criminal limb\)](#), Registry of the European Court of Human Rights, regularly updated. Available in multiple languages.
- [Guide on Article 5 of ECHR: Right to liberty and security](#), Registry of the European Court of Human Rights, regularly updated. Available in multiple languages.
- [Guide on Article 13 of ECHR: right to an effective remedy](#), Registry of the European Court of Human Rights. Regularly updated. Available in multiple languages.

Practice reports and analysis

- [Protecting fundamental rights in cross-border proceedings: Are alternatives to the European Arrest Warrant a solution?](#), Fair Trials, 2020.
- [Fair Trials, Reinforcing procedural safeguards and fundamental rights in European Arrest Warrant \('EAW'\) proceedings](#), 2021.
- [A Measure of Last Resort? The practice of pre-trial detention decision making in the EU](#), Fair Trials, 2016.
- [European Arrest Warrant – European Implementation Assessment](#), Wouter Van Ballegooij, European Parliament Research Service, June 2020.

- [Implementation Report of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States](#), European Commission July 2020. Available in all EU languages.
- [Rights in practice: access to a lawyer and procedural rights in criminal and European arrest warrant proceedings](#), European Union Agency for Fundamental Rights (FRA), September 2019.
- [Improving Mutual Recognition of European Arrest Warrants for the Purpose of Executing Judgments Rendered Following a Trial at which the Person Concerned Did Not Appear in Person](#), Hannah Brodersen, Vincent Glerum and André Klip, Maastricht University, 2019.
- [European arrest warrant makes Europe a safer place – factsheet for legal practitioners](#), European Commission, October 2017.
- [EAW Rights – Analysis of the implementation and operation of the European Arrest Warrant from the point of view of defence practitioners](#), Council of Bars and Law Societies of Europe (CCBE), European Lawyers’ Foundation (ELF), November 2016.
- [European added value of revising the European Arrest Warrant](#), Micaela Del Monte, European Parliamentary Research Service, 2014.
- [Who qualifies as a judicial authority for the purposes of the European Arrest Warrant?](#), Fair Trials, 2022.

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