



---

Welcome to the LEAP Quarterly Bulletin #4 of 2015, an update on LEAP's work over the last three months and other matters of interest. We want these updates to be useful for you, so please do [let us know](#) what you like or what you don't like. NB – If the original email was filtered into your junk mail folder and you only received the link directly from Alex Tinsley, please let us know.

It has been a busy three months, as the length of this email will attest to. You can jump to the different sections using the navigation below.

In this email:

- [LEAP News](#)
  - [LEAP Annual Conference](#)
  - [LEAP Advisory Board Meeting](#)
  - [LEAP 'current defence rights challenges' meeting](#)
  - [LEAP communications consultation completed](#)
- [Justice in Europe - Policy updates](#)
  - [Presumption of Innocence Directive agreed](#)
  - [Safeguards for Children Directive agreed](#)
  - [Luxembourg Presidency done, Netherlands next](#)
- [Justice in Europe - Defence rights judgments & litigation](#)
  - [Swedish Supreme Court judgment on pre-trial detention](#)
  - [Swedish Supreme Court judgment on costs of printing the case file](#)
  - [CJEU reference in Case C-25/15 \*Balogh\* heard](#)
  - [ECtHR judgment in \*Dvorski v. Croatia\*](#)
- [Legal Training](#)
  - [Vilnius training a success](#)
  - [Forthcoming trainings](#)
- [Publications and seminars](#)
  - [Fair Trials / LEAP at ERA](#)
  - [Fair Trials / LEAP publication](#)
  - [Fair Trials / LEAP in European Parliament EPPO debate](#)
  - [Fair Trials at the LSE](#)
- [INTERPOL](#)
  - [Fair Trials hosts INTERPOL event in Washington DC](#)
  - [Fair Trials and REDRESS in UN Committee Against Torture & INTERPOL expert meeting](#)
  - [Fair Trials and REDRESS obtain deletion of Djamel Kiti red notice](#)

[Register now for the LEAP Annual Conference, 5-6 Feb 2016](#) – Speakers include a recent former judge of the European Court of Human Rights and the lawyer who took the first reference on the Roadmap Directives to the Court of Justice of the European Union. €200 travel expenses and free accommodation for a limited number of places (there is a €100 contribution). For full details, see Alex Tinsley's emails of 7 December and 18 December or email [alex.tinsley@fairtrials.net](mailto:alex.tinsley@fairtrials.net) CC [gianluca.cesaro@fairtrials.net](mailto:gianluca.cesaro@fairtrials.net).

[LEAP Advisory Board meeting 20 Nov 2015](#) | [Read communiqué](#) | The LEAP Advisory Board met in Brussels on 20 Nov 2015 to review work in 2015/16 so far and discuss plans for 2016/17. In brief, it has been a great year with lots of enthusiasm for litigation work, and we will achieve lots in 2016.

[LEAP 'current defence rights challenges' meeting Nov 2015](#) | communiqué forthcoming | LEAP members met on 21 Nov 2015 amid the Brussels lockdown to discuss emerging defence rights challenges like electronic, secret and intelligence evidence (a new theme for the Annual Conference).

[LEAP communications consultation completed](#) - In September-November 2015 Fair Trials consulted the LEAP Advisory Board as to potential ways to develop LEAP's communications work, including through occasional co-signed statement, template press releases and email signatures. More soon.

[Back to the top](#)

---

## [JUSTICE IN EUROPE](#)

### [POLICY UPDATES](#)

[Presumption of Innocence \(POI\) Directive agreed](#) | [read text](#) / [read our comment](#) | The European Parliament and Council have agreed on a text for the POI Directive, to be adopted in 2016. It could be stronger in some areas but includes one provision on presentation of the suspect in measures of restraint (handcuffs etc.) which is – without exaggeration – directly authored by LEAP. A real win!

[Safeguards for Children Directive agreed](#) | [read text](#) | The European Parliament and Council have agreed on a text for the Children Directive, to be adopted in 2016. The measure includes provisions on access to a lawyer and audio-visual recording. Fair Trials will be having a closer look at the final text in January and will update LEAP members on key highlights then.

[Luxembourg Presidency done, Netherlands next](#) | The Luxembourgish Presidency ends on 31 December. The Dutch Presidency begins on 1 January. Luxembourg has a much more favourable a priori position on justice measures than the Netherlands. Interesting challenges lie ahead, not least in relation to the proposed directive on Legal Aid, which is currently under negotiation. Stay tuned.

[Back to the top](#)

---

## DEFENCE RIGHTS JUDGMENTS AND LITIGATION

[Swedish Supreme Court judgment on pre-trial detention](#) | [read judgment](#) | In November 2015 the Swedish Supreme Court found that restrictions imposed in the context of isolation in pre-trial detention 'result' [not may result] in severe psychological and physical strains, and that this should be taken into account in sentencing [beyond ordinary deductions for time served prior to trial].

[Swedish Supreme Court judgment on costs of printing the case file](#) | [read judgment](#) | In November 2015 the Swedish Supreme Court also found that the defence, which is entitled to a printed copy produced by the court, was entitled to claim reimbursement (2 SEK (about 22 €cents) per page) for the cost of printing the electronic version sent by the court themselves.

[CJEU reference in Case C-25/15 Balogh heard](#) | [read reference](#) | In December 2015 the Court of Justice of the EU heard a case referred by a Hungarian court in January on the application of the Interpretation & Translation Directive to special proceedings. We will keep LEAP posted on this case.

[ECtHR judgment in Dvorski v. Croatia](#) | [read judgment](#) | In November 2015 the ECtHR Grand Chamber issued its judgment in Dvorski v. Croatia, reversing the Chamber judgment which Fair Trials has criticised in two interventions. The court had found a restriction upon the suspect's right of access to a lawyer due to his waiving the lawyer appointed by his family and appointing one (a former policeman) from a list provided by police. The Chamber found the national courts had not infringed Article 6 by founding a conviction partly on confessions made in that context. The Grand Chamber found this did infringe Article 6 ECHR, but without settling the question whether evidence obtained in breach of the right to a lawyer can be used at all, or to what degree, for a conviction. Ms Zdravka Kalaydjieva, the (now former) Bulgarian judge whose concurring opinion in the Grand Chamber case highlighted this issue, will be speaking at the LEAP Annual Conference in Budapest.

[Back to the top](#)

---

## LEGAL TRAINING

[Vilnius training a success](#) | [read news piece](#) | In October 2015 Fair Trials and LEAP member the Human Rights Monitoring Institute hosted a training in Vilnius, Lithuania with 40 lawyers from the Baltic and Nordic States. Working groups identified key issues for each country and considered strategies to address them using the Roadmap Directives.

### Forthcoming trainings

| Athens ([more information](#)) – Applications are open for the LEAP / Fair Trials training in Athens on 4-6

March 2016 for lawyers from Greece, Italy, Malta and Cyprus.

| London Brunel ([more information](#)) – Applications are open for the LEAP / Fair Trials training in London (Brunel University) on 15-17 April 2016 for lawyers from the UK, Ireland, France, Belgium and Luxembourg | Please feel free to forward on this information to potentially interested lawyers.

[Back to the top](#)

---

## [PUBLICATIONS AND SEMINARS](#)

[Fair Trials / LEAP at ERA](#) | [view presentations](#) | In November 2015 LEAP member Ed Cape and LEAP coordinator Alex Tinsley spoke to an Academy of European Law seminar of lawyers, prosecutors and judges on recent case-law of the ECtHR on detention (Ed Cape) and defence rights (Alex Tinsley). Advocate General Taru Spronken of the Dutch Supreme Court discussed plea bargaining & evidence.

[Fair Trials / LEAP publication](#) | [read article](#) | In November 2015 LEAP Advisory Board member Jodie Blackstock and LEAP coordinator Alex Tinsley published an article on the EU law in criminal cases, with a focus on the European Supervision Order (ESO). The ESO needs to be used more in practice.

[Fair Trials / LEAP in European Parliament EPPO debate](#) | [event page](#) | In November 2015 LEAP member Marianne Wade and LEAP coordinator Alex Tinsley spoke at a debate in the European Parliament on the European Public Prosecutor's Office together with EU policy-makers and academics including Prof. Mireille Delmas-Marty.

[Fair Trials at the LSE](#) | [event page](#) | In October 2015 Fair Trials' Chief Executive Jago Russell spoke at the London School of Economics on Article 6 of the European Convention with criminal lawyers and the former Director of Public Prosecutions, part of a Human Rights Law Association seminar series.

[Back to the top](#)

---

## [INTERPOL](#)

[Fair Trials hosts INTERPOL event in Washington DC](#) | [news page](#) | In November 2015 Fair Trials hosted an event in collaboration with Georgetown Law Human Rights Institute with interventions by Sherif Mansour, a journalist who was arrested due to an Egyptian alert, Patricia Poleo, a Venezuelan anti-corruption refugee journalist, Benny Wenda and Uzbek human rights defender Nadejda Ataeva, as well as representatives of the Lantos Foundation and Open Society Foundations.

[Fair Trials and REDRESS in UN Committee Against Torture & INTERPOL expert meeting](#) | [news page](#) |

In December 2015 Fair Trials and REDRESS, a UK-based charity that seeks justice for torture victims, coordinated an expert meeting with representatives of INTERPOL and the UNCAT in relation to INTERPOL's red notice system and international human rights norms on the prohibition of torture.

[Fair Trials and REDRESS obtain deletion of Djamel Ktiti Red Notice](#) | [press release](#) / [application](#) | Fair Trials and REDRESS challenged this red notice before the Control of INTERPOL's Files (CCF) in January 2015, on the basis national extradition refusals and a finding of the UNCAT established that the Red Notice against Mr Ktiti exposed him to a risk of torture and trial or punishment on the basis of torture. In November 2015 the CCF notified us that the Red Notice had been deleted.

[Back to the top](#)



*This publication has been produced with the financial support of the Criminal Justice Programme of the European Commission. The contents of this publication are the sole responsibility of Fair Trials and can in no way be taken to reflect the views of the European Commission.*

Copyright © 2015 Fair Trials, All rights reserved.

[unsubscribe from this list](#) [update subscription preferences](#)

The MailChimp logo, featuring the word 'MailChimp' in a white, cursive script font on a grey rectangular background.