

Cross Border Crime

Defence rights in a new era of international
judicial co-operation

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A one-day conference assessing
the new UK / EU / US extradition
and mutual assistance regimes:

- How is the Eurowarrant working in practice?
- What are the new instruments that will follow in its wake?
- Are concerns about the new UK-US Extradition Treaty justified?
- Can defence rights be protected under these new arrangements?

Friday 15th April 2005

Church House, Great Smith Street,
Westminster, London SW1

Speakers

Susie Alegre, *Amnesty International European Office*

Alex Bailin, *Matrix Chambers*

Peter Binning, *Partner, Corker Binning*

Anand Doobay, *Peters and Peters*

Nicholas Evans, *Judge, Bow Street Magistrates Court*

Edward Fitzgerald QC, *Doughty Street Chambers*

Paul Garlick QC, *Outer Temple Chambers*

Professor Elspeth Guild,

Radboud University, Nijmegen, Partner, Kingsley Napley

Alun Jones QC, *Great James Street Chambers*

Michael Kennedy, *President, Eurojust*

Baroness Sarah Ludford *MEP*

Helen Malcolm, *3 Raymond Buildings*

Caroline Morgan, *DG Justice, Freedom and Security,
European Commission*

Christopher Murray, *Partner, Kingsley Napley*

Kevin O'Connell, *Deputy Director, Europol*

Professor Steve Peers, *Human Rights Centre, University of Essex*

Bernard Rabatel, *France – UK liaison magistrate*

Roger Smith, *Director, JUSTICE*



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Cross Border Crime

Defence rights in a new era of international judicial co-op

Your chance to
clarify the key issues
as the new regime
takes shape

- The new EU / US / UK regime explained
- Proposals for protecting defence rights examined
- Access to a panel of expert practitioners and academics
- The practical issues for lawyers

Why you should attend this conference

Crime crosses borders – but is justice being turned back at the frontier? The past 2 years have seen fundamental changes in the UK's response to trans-national crime. In Europe, a programme of 'mutual recognition' in criminal matters has spawned the European Arrest Warrant. More developments are imminent. Across the Atlantic, a controversial new extradition treaty – agreed without parliamentary scrutiny – has traded traditional safeguards for procedural efficiency.

These changes are happening in a context – EU enlargement, the war on terror and the ever-easier movement of people, goods, information, money and ideas – which means that international responses to crime are inevitable. But are essential human rights principles and crucial procedural safeguards for suspects being discarded?

Fundamental issues of politics, principle and practice are involved. This conference brings together leading experts to review the latest developments, highlight concerns and propose solutions.

JUSTICE's work on
EU Justice and Home Affairs is
funded by the Nuffield Foundation –
www.nuffieldfoundation.org

Key issues examined

- One year on – how is the European Arrest Warrant working in practice?
- What progress is there on the European Evidence Warrant and the other new mutual recognition instruments?
- What are the mechanisms of judicial co-operation in place and how are they working?
- From Enron to Guantanamo Bay – how does the UK/US extradition treaty square with human rights?
- Defence rights – are they the weakest link in a new internationalised criminal justice system?
- Mutual recognition – will this make adoption of a European criminal code inevitable?
- A new transatlantic order – how should conflicting rights be balanced?

The conference is the ideal opportunity to get to grips with all aspects of the new cross border regime: the current state of play; the key problems; and what lies ahead for governments, defendants and the lawyers representing them.

Who should attend

- Criminal practitioners [UK defence solicitors and barristers; EU criminal lawyers; white collar crime specialists; commercial, international firms]
- Police
- Prosecuting authorities
- Judicial authorities
- Policy makers
- Academics
- NGOs

Friday 15th April 2005

Operation

Church House, Great Smith Street, Westminster, London SW1

Programme

09:00 Registration

09:30 Opening speech

Roger Smith, Director, JUSTICE

09:50 **Session I: Judicial co-operation within the EU**

This three part session analyses the latest case-law relating to the European Arrest Warrant from the perspective of the defence; it examines the implications of the European Evidence Warrant, expected to be in force by the end of the year, as well as the new instruments to recognise foreign freezing and confiscation orders; and provides a first hand account of how judicial co-operation mechanisms work in practice.

Chair: *Roger Smith, Director, JUSTICE*

Speakers:

Edward Fitzgerald QC, Doughty Street Chambers

Paul Garlick QC, Outer Temple Chambers

Bernard Rabatel, France – UK liaison magistrate

- The mutual recognition programme in practice
 - the European Arrest Warrant
 - the European Evidence Warrant
 - the execution of foreign freezing orders
 - the execution of foreign confiscation orders
- Human rights concerns in practice
 - Cases in the UK and the EU
 - Limits of the ECHR/HRA
- Practicalities and mechanisms of co-operations
 - European Judicial Network
 - Eurojust
 - Liaison magistrates

11:30 Coffee Break

11:45 **Session II: Judicial co-operation with the US**

How is the new UK / US Extradition Treaty working in practice?

This session assesses the latest legislation and examines the human rights concerns arising from recent cases.

Chair: *Baroness Sarah Ludford MEP*

Speakers:

Anand Doobay, Peters and Peters

Alun Jones QC, Great James Street Chambers

- The UK/US Extradition Treaty and Part II of the Extradition Act 2003
 - How does it work?
 - What are the flaws?
- Issues of jurisdiction
- Human rights concerns in practice
 - Recent cases
 - The war on terror and the status of the US in international law
 - Limits of the ECHR/HRA
- Suggested policy responses

13:00 Lunch

14:00 **Session III: Safeguarding suspects' and defendants' rights**

How are the basic fair trial rights of those facing justice anywhere in the EU to be guaranteed in practice? Standards are not adequate or equal all over the EU, yet instruments such as the European Arrest Warrant function on the premise that they are. This session highlights the impact of the mutual recognition regime so far on the rights of the defence and examines the latest proposals to redress this asymmetry.

Chair: *Peter Binning, Partner, Corker Binning*

Speakers:

Alex Bailin, Matrix Chambers

Helen Malcolm, 3 Raymond Buildings

Caroline Morgan, DG Justice, Freedom and Security, European Commission

Christopher Murray, Partner, Kingsley Napley

- The latest EU proposals
 - European Commission proposal for certain procedural rights in criminal proceedings throughout the EU
 - European Commission green paper on the mutual recognition of pre-trial non-custodial supervision measures
 - Ongoing research into the compatibility of EU-wide rules on admissibility of evidence
 - European double jeopardy rules and part 10 of the Criminal Justice Act 2003
- Practical implications of implementation
- What will the implications be if they are not agreed or fail to adopt high enough standards?
- What more should be done?

16:00 Tea Break

16:15 **Session IV: Panel discussion on the future of European judicial co-operation**

This session rounds off the day by looking ahead to some of the controversial issues European Judicial Co-operation will inevitably face: among them, the provision in the EU Constitution for a European public prosecutor, whether a European criminal code is inevitable, and a future Eurojust-US agreement. Delegates will have the opportunity to join the debate.

Chair: *Professor Elspeth Guild, Radboud University, Nijmegen, Partner, Kingsley Napley*

Panel:

Susie Alegre, Amnesty International European Office

Nicholas Evans, Judge, Bow Street Magistrates Court

Michael Kennedy, President, Eurojust

Kevin O'Connell, Deputy Director, Europol

Professor Steve Peers, Human Rights Centre,

University of Essex

17:30 Close

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Cross Border Crime

Friday 15th April 2005, Church House, Great Smith Street, Westminster, London SW1

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We reserve the right to change the programme, date, content, price, speakers and venue as necessary; or cancel the conference totally in which case we will refund any payment made in respect of the cancelled conference.

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