

Abstract
ERA, EU Criminal Law for Defence Counsel
(Budapest, 9-10 October)

On the basis of individual cases from the jurisprudence of the ECtHR, the presentation will elaborate on some of the most important aspects of the right to and the rights of defence. The themes planned to be covered are the following (I do not plan to deal with those issues that are touched upon by the Directives, as these ones, I presume, will be covered by Mr Matt).

Article 6 of the ECHR

- Equality of arms (*Borgers v Belgium*, *Moiseyev v Russia*)
- Freedom from self-incrimination (*Funke v France*)
- Right to a reasoned judgment (*Buzescu v Romania*)
- Right to an independent and impartial tribunal (*Kyprianou v Cyprus*, *Werner v Poland*, *Piersack v Belgium*)
- Presumption of innocence (*Minelli v Switzerland*).
- Right to adequate time and facilities for defence (*Öcalan v Turkey*)
- Practical and effective legal assistance (*Kamasinski v Austria*)
- Right to call and cross-examine witnesses (*Al-Khawaja and Tahery v UK*)
- Overall fairness of the proceeding (*Khan v UK*)

Article 5 of the ECHR (I plan to cover Article 5 later, as many of the fair trial requirements also apply to proceedings deciding on the deprivation of liberty)

- Trial within a reasonable time (*Labita v Italy*)
- Acceptable reasons for upholding detention (*Letellier v France*, *Neumesiter v Austria*, *Clooth v Belgium*, *Szeloch v Poland*, *Matznetter v Austria*)
- Acceptable length of detention (*Bogdanowicz v Poland*, *Assenov v Bulgaria*, *Toth v Austria*, *Vaccaro v Italy*)
- Alternatives to detention (*Ilowiecki v Poland*, *Jablonski v Poland*)
- Fair trial guarantees in pre-trial detention procedures (*Hamanov v Bulgaria*, *Nikolova v Bulgaria*, *Svispta v Latvia*)

The EU Charter of Fundamental Rights

- Articles 47-49

The CJEU

- The preliminary ruling procedure in general (presented through the *Covaci* case)
- Intersection of preliminary rulings and the right to a fair trial: *Dhahbi v. Italy*