

COUNCIL OF EUROPE



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PC-OC Mod (2016) 02

English only

EUROPEAN COMMITTEE ON CRIME PROBLEMS

(CDPC)

COMMITTEE OF EXPERTS

ON THE OPERATION OF EUROPEAN CONVENTIONS

ON CO-OPERATION IN CRIMINAL MATTERS

(PC-OC)

Assessment of country information available on the PC-OC website (Tools for implementation)

Tools for implementation of the Council of Europe instruments on assistance in criminal matters

▶ Explanatory notes on the Council of Europe convention and protocols and minimum standards protecting persons subject to transnational criminal proceedings	Publication 2006
▶ Note for practitioners on criteria to assess whether a judgment in absentia and additional guarantees satisfy the rights of defence (in connection with Article 3 of the Second Additional Protocol to the European Convention on Extradition)	PC-OC Mod (2014) 02 Rev
▶ Information received from states on practical problems encountered and good practice as regards the interaction between extradition and asylum procedures	PC-OC Mod (2013) 06 rev.3
▶ "INTERPOL e-extradition" presentation made by Mr Joël Sollier, Director of the Office of Legal Affairs, INTERPOL	
▶ Compilation of replies to the questionnaire on the reference moment to be applied when considering double criminality as regards extradition requests	PC-OC(2013)12Bil.Rev3
▶ Questionnaire concerning judgments in absentia and the possibility of retrial: Summary and Compilation of Replies	PC-OC (2013) 01 rev.3
▶ Guidelines on practical measures to improve co-operation in respect of transfer of proceedings, including a model request form	PC-OC INF 78 December 2012
▶ Note on the relationship between extradition and deportation/expulsion (disguised extradition)	PC-OC (2012) 08 Rev2
▶ Note on dual criminality, <i>in concreto</i> or <i>in abstracto</i>	PC-OC (2012) 02 Final
▶ Consolidated document reflecting the applicable provisions of the European Convention on Extradition and the first three additional protocols thereto Prepared by Mr Miroslav Kubiček (Czech Republic)	PC-OC (2011) 07 Rev2
▶ Information document based on a questionnaire of the PC-OC on the relationship between asylum procedures and extradition procedures	PC-OC / INF 76 27 replies, dates 2008 updated in 2014
▶ Explanatory notes on the Convention	PC-OC Inf 21 Doubles publication Still necessary?
▶ A guide to national procedures on extradition	PC-OC Inf 4 Outdated and incomplete Also partly in country info Still necessary?
▶ Provisional arrest pending extradition – time limits in member States	PC-OC Inf 71 Recent, 2012 but also in country information Still necessary?

▶ National requirements with respect of languages in requests	<u>PC-OC Inf 7 Bil</u> Outdated Also in country information
▶ List of bilateral treaties of member States	<u>PC-OC Inf 8 Bil</u> Outdated and incomplete To be updated? Add possibility to link to treaties?
▶ Arrest in the context of extradition, human rights and other requirements	<u>PC-OC Inf 22</u> Analysis from 2000
▶ Provisional arrest: comments by INTERPOL	<u>PC-OC (2000)11</u>
▶ Provisional arrest – reservations and declarations by member States	<u>PC-OC (2000)16</u> Short analysis, maybe outdated Also in country info Still useful?
▶ Trial in absentia - note	<u>PC-OC (1998) 7</u> Old, but maybe still relevant

Tools for implementation of the Council of Europe instruments on mutual assistance in criminal matters

▶ Model request form for mutual assistance in criminal matters	PC-OC Mod (2014)10 rev.6
▶ Guidelines to the Model request form	PC-OC (2015)09 rev3
▶ Guidelines on practical measures to improve co-operation in respect of proceedings, including a model request form	PC-OC INF 78
▶ Replies to Questionnaire on legal and technical aspects of the use of video conferences in mutual legal assistance in criminal matters	PC-OC (2012) 1 Rev2
▶ Consolidated document reflecting the applicable provisions of the European Convention on Mutual Assistance in Criminal Matters and its two Additional Protocols. Prepared by Mr Miroslav Kubiček (Czech Republic)	PC-OC (2011) 15 Rev
▶ Manual on Mutual Assistance in criminal matters	PC-OC Inf 9 Outdated and incomplete Also in country information To be deleted?
▶ National requirements with respect of languages in requests	PC-OC Inf 7 Outdated Also in country information
▶ List of bilateral treaties of member States	PC-OC Inf 8 Bil Outdated and incomplete To be updated? Add possibility to link to treaties?
▶ Art 11: temporary transfer – comments	PC-OC (1999)9 Question by NL on Art 11 Still relevant?
▶ Police vs judicial co-operation - comments	PC-OC (2001)20 rev. Discussion paper 2001

▶ Art 22: request for DNA - comments	PC-OC (2004)16 Question by Germany Still relevant?
▶ Art 22: exchange of information – national replies to questionnaire	PC-OC (2005) 7 rev. Need for update?

Tools for implementation of the Council of Europe instruments on the transfer of sentenced persons

Documents of interest for the implementation of the whole Convention	
▶ Explanatory notes on the Convention	PC-OC Inf 67 From 2003
▶ A guide to national procedures on transfer of sentenced persons	PC-OC Inf 5 rev.4 Outdated, Replaced by country info?
▶ Standard text providing information about the Convention	PC-OC Inf 12 To be completed and updated?
▶ National requirements with respect of languages in requests	PC-OC Inf 7 Bil Outdated Also in country information
▶ List of bilateral treaties of member States	PC-OC Inf 8 Bil Outdated and incomplete To be updated? Add possibility to link to treaties?
▶ Compilation of replies received to the questionnaires regarding the implementation of the Convention on the transfer of sentenced persons (ETS N° 112) and its Additional Protocol (ETS N° 167)	PC-OC (2013) 10 Rev.2
▶ Summary of replies received to the questionnaires regarding the implementation of the Convention on the transfer of sentenced persons (ETS N° 112) and its Additional Protocol (ETS N° 167)	PC-OC (2013) 10 ADD Rev.2
Documents dealing with specific questions related to the application of the Convention	
▶ Examples of national legislation and procedures with regard to conditional release and measures involving deprivation of liberty	PC-OC(2013)02 rev.2
▶ 1. Opinion on the Additional Protocol	CDPC (2006)16
▶ 2. Replies to the Questionnaire on the Additional Protocol	PC-OC (2005)21 rev.3
▶ Protocol ETS 167 – comments and questions	PC-OC (2005) 04
▶ Conventions ETS 112 and 051 (supervision of conditionally sentenced/released offenders)- comments	PC-OC (2004) 08 Question by Italy Useful as a tool?
▶ Conventions ETS 112 and 051 – replies to questionnaire	PC-OC (2003) 07 rev.
▶ Conventions ETS 112 and 051 - comments	PC-OC (2002) 10 Question by Sweden

▶ Accession to ETS 112 - comments	<u>PC-OC (2002) 04</u> Comments by Italy on PACE REC
▶ Difficulties with ratification, reservations, application	<u>PC-OC (2000) 02</u> Secretariat note, old Still relevant as tool?
▶ Requirement of double criminality	<u>PC-OC (2000) 07</u> Question by Norway
▶ Transfer of mentally disordered offenders - comments	<u>PC-OC (2004) 18</u> Discussion paper by Sweden
▶ The unconvicted mentally disordered patient who absconds to another jurisdiction	<u>PC-OC (2001) 16</u> Discussion paper by Ireland
▶ Undue delays in transfer procedures - comments	<u>PC-OC (2001) 17</u> Comments by NL on report PC-OC (2000)22
▶ Undue delays in transfer procedures - comments	<u>PC-OC (2001) 12</u> idem by Slovak Republic
▶ Undue delays in transfer procedures - comments	<u>PC-OC (2001) 03</u> Idem by Bulgaria, Sweden and Switzerland
▶ Undue delays in transfer procedures - report	<u>PC-OC (2000) 22</u>
▶ Consequences of transfer – penalties - question	<u>PC-OC (2004) 11</u> Discussion paper by Italy
▶ ETS 167 – provisional arrest - note	<u>PC-OC (2000) 09</u> Secretariat note
▶ Application Art 6-17 (language), ETS 112	<u>PC-OC (2000) 15</u> Secretariat note
▶ Application Art 9, 10, 11 ETS 112 – question	<u>PC-OC (2001) 18</u> Question by Slovak Republic
▶ National requirement and transfer non custodial sentence - question	<u>PC-OC (2001) 04</u> Question by Italy
▶ Baraldini case – note USA	<u>PC-OC (2001) 11</u>
▶ Application ETS 112 in USA	<u>PC-OC (2002) 08</u> Report by Secretariat
▶ European Group for Prisoners Abroad – presentation	<u>PC-OC (2002) 06</u>
▶ CM reply to AP recommendation 1527 (2001)	<u>CM/AS (2003) Rec 1527 fin</u>

▶ PC-OC opinion on AP recommendation 1527 (2001)

PC-OC (2002)