**Lesson Plan**

Lesson 2.3.3 (Drafting Applications)

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| Lesson 2.3.3 (Drafting Applications) | | Duration: 120 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Projector and display screen. * Internet access (if available). * Student notepaper and pens. | | |
| **Session Aim:**  The purpose of this lesson is to provide delegates with guidelines on drafting of applications seeking permission or authorisation for the exercise of procedural powers corresponding to the Budapest Convention. This lesson will therefore also provide information on what judges should look for in such applications. | | |
| **Objectives:**  By the end of the lesson the delegates will be able to:   * Recognize particular considerations relating to the drafting of applications for exercise of electronic evidence procedural powers * Realize the contents of a typical application including scope & duration and other requests * Understand what to look for in an application seeking exercise of electronic evidence procedural powers * Understand some of the considerations and safeguards that should be kept in mind when drafting and looking at applications for exercise of electronic evidence procedural powers | | |
| **Trainer Guidance**  Many jurisdictions require law enforcement officers, prosecutors or other persons concerned with conducting investigations into criminal offences to make applications to a judicial or other independent authority seeking authorisation to exercise procedural powers. The trainer is required to explain to the delegates various aspects of drafting applications for exercise of procedural powers including general contents of applications for different powers. The trainer should also ensure that this lesson be delivered keeping in mind conditions and safeguards relating to Article 15 of the Budapest Convention. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 3 | The first slides lay out the structure and objectives of this session. Delegates will be given an opportunity to ask any preliminary questions that they may have regarding the structure and objectives of the session. | |
| 4 to 9 | These slides provide a recap of certain key aspects of the Budapest Convention that are relevant to the lesson. They include a list of the various procedural powers under the Budapest Convention including those for which domestic law may require the preparing of applications for authorisation. The trainer should also use these slides to refresh key concepts under Article 15 of the Budapest Convention. | |
| 10 to 32 | These slides relate to the actual contents of the application. Though the contents of an application will vary depending on the particular facts and circumstances as well as the procedural power to which the application relates, the trainer should use these slides to provide examples of content that applications may include. The trainer should use the slides to explain to participants the documents that may be required along with the application as well as the other areas of content that have been identified. | |
| 33 to 40 | These slides specifically relate to conditions and safeguards to be included in the application. It is important that the trainer emphasize the importance of including conditions and safeguards such as the examples provided in the slides; and that applications without appropriate conditions and safeguards in relation to exercise of the power may be refused at time of hearing. | |
| 41 to 43 | The trainer should recap the session objectives with the delegates and give them the opportunity to ask any questions relating to the materials covered in this lesson. | |
| **Practical Exercises**  No practical exercises are envisaged in this lesson. | | |
| **Assessment/Knowledge Check**  No formal assessment has been prepared for this session. The trainer is encouraged to check knowledge and understanding by asking relevant questions throughout the session. | | |