

Background Information – A Suspect in a Foreign Country

Findings of the Court/ Important Aspects to be addressed

After the case was brought before the Felony Court in Komotini (capital of Thrace), where the Appeal Court is located, the Judge appointed a lawyer for the defendant and a translator in order to communicate with him. The lawyer after studying the file of the case, raised the arguments described below: 1) the indictment document, that was served to the defendant while he was placed in pre-trial detention, was not translated in his native language and was not served to a Greek lawyer, who should support him during the pretrial investigation. Thus, he was not properly informed or fully aware of the accusation against him; 2) The crucial evidence meaning the testimonies of the police officers were not translated in the accused person's native language; 3) The Court did not have the competence to decide on the accusation since the accused person was a minor and, therefore, the competent Court was the Juvenile Court; 4) The accused person did not have the opportunity to present his arguments to the Public Prosecutor at the initial stage of the police and to make clear that he was a minor, since he was only brought before them after the conclusion of the police investigation. Finally, the Court decided that a legal nullity occurred since the indictment was not translated in the accused person's native language and ordered the Public Prosecutor to repeat the service of the indictment. The Court did not examine the rest of the arguments.

In the new hearing the Public Prosecutor suggested a further investigation in order to clarify the real age of the defendant and maintained that the rest of the arguments are not relevant to the Court hearing.

Moot court design methodology

The above case will serve as a scenario for a moot court exercise in the initial training of judges and prosecutors, whereby distinct roles (judge, prosecutor, suspect/accused, lawyer, police officer etc.) will be assigned to trainees who will in turn perform them in a mock trial. The trial will concern the main proceedings of the case at hand, where all the relevant issues which arisen at the pre-trial stage will be adjudicated.



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Breaking THE BARRIERS

TRANSNATIONAL PARTICIPATORY
JUDICIAL TRAINING ON PROCEDURAL RIGHTS

The moot court exercise requires participants to undertake considerable preparatory work. Hence the trainers concluded on the methodology described below as the optimal choice for this type of exercise. One trainer was assigned to the preparation of this exercise in specific. He was selected on the basis of his experience with administering moot courts as part of his duties as a tutor at the Greek National School of the Judiciary and his previous participation as an instructor for the Greek delegation at the EJTN *Themis* competition. The trainer will work together with the Greek National School of the Judiciary, where the training will take place, to identify suitable persons for the above-mentioned roles. The persons identified will be students at the School who will also participate in the training. They will meet in regular intervals with the trainer to rehearse their roles.

On the day of the training, all participants will have the opportunity to follow the proceedings through the simultaneous interpretation service, intervene with questions and observations, and participate in a plenary discussion addressing all the issues at hand and offering different national perspectives.

Learning objectives and intended outcomes

The moot court was selected as a particularly relevant exercise for judges and prosecutors in training, as it gives them the opportunity to observe how arguments are presented in practice. In a transnational setting, it will give participants the opportunity to compare and discuss how procedural rights are implemented in different national contexts. Furthermore, the moot court aims to assist judges and prosecutors in training with learning how to apply EU procedural rights standards in a uniform manner and to review national procedures in their light.

The exercise is expected to foster dialogue and promote a better understanding of different judicial cultures, ultimately boosting transnational judicial cooperation.



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