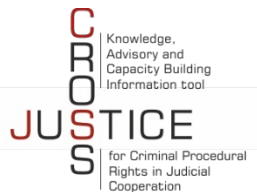
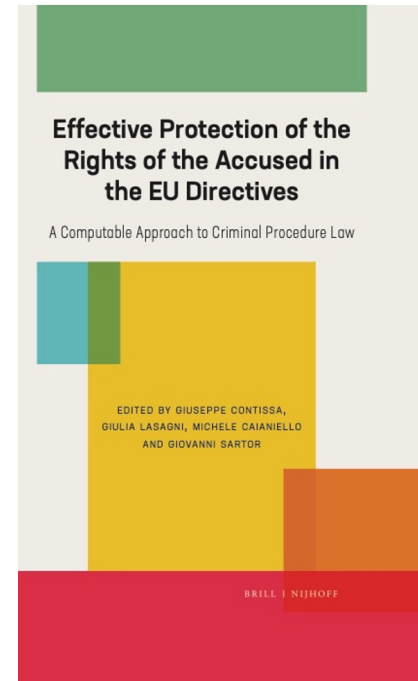


CrossJustice

<https://crossjustice.eu/>



Grant Agreement n. 847346
This Project is funded by the European
Union's Justice Programme (2014-2020)



ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA

CROSSJUSTICE

Knowledge, Advisory and Capacity Building Information Tool for Criminal Procedural Rights in Judicial Cooperation

General Background

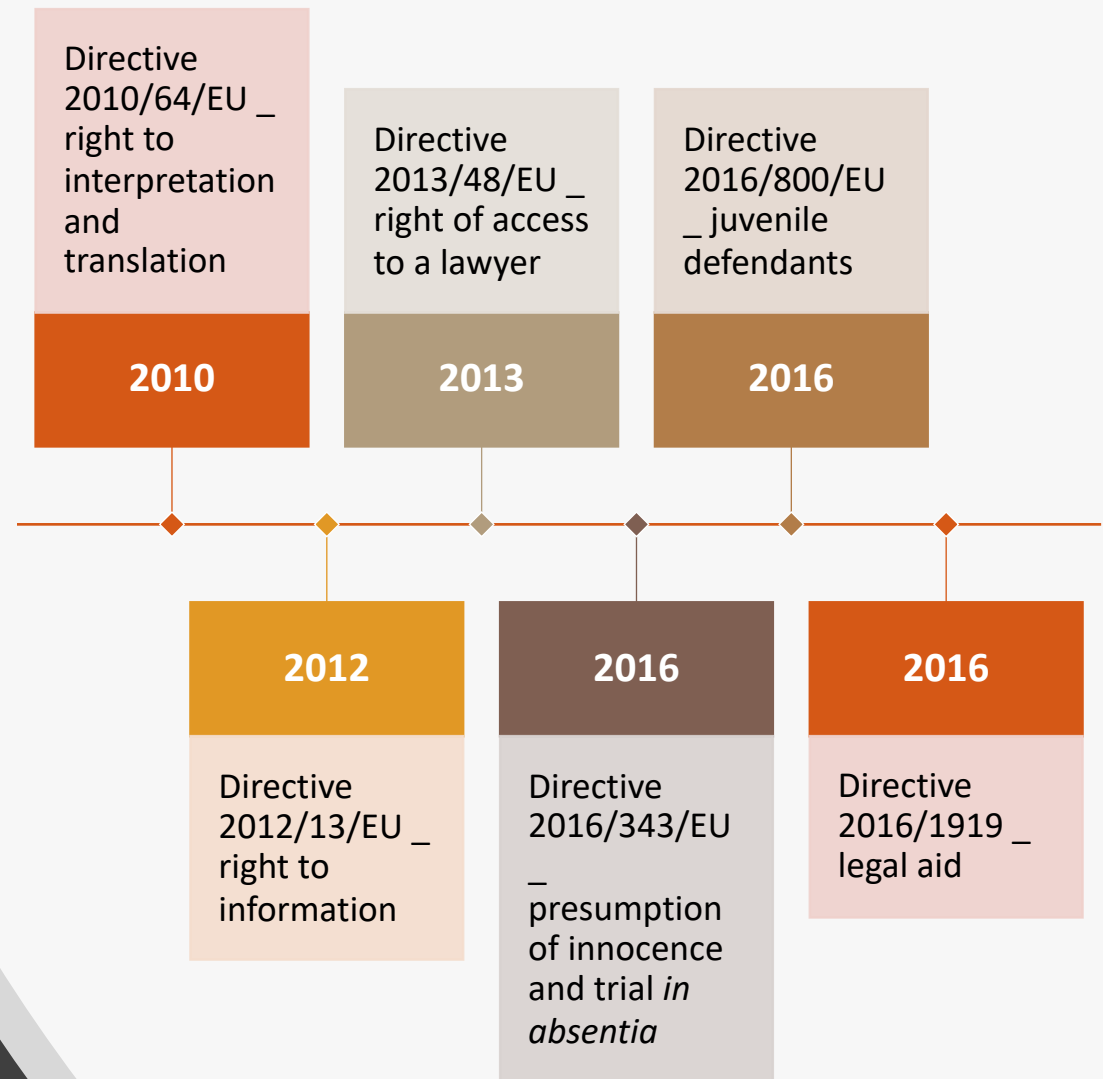


Protection of fundamental rights for persons accused or suspected of a crime is one of the main aims of the EU policy in the area of justice.



Highly varying legal frameworks which characterise Member States' regulations.

Subject matter



CrossJustice Goals



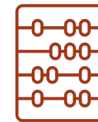
Online Platform



Automated assessments
and outcomes available
to users



Foster legal professionals,
law researchers, NGOs,
EU citizens



Analysis procedural
safeguards



Shortcomings and
remedies

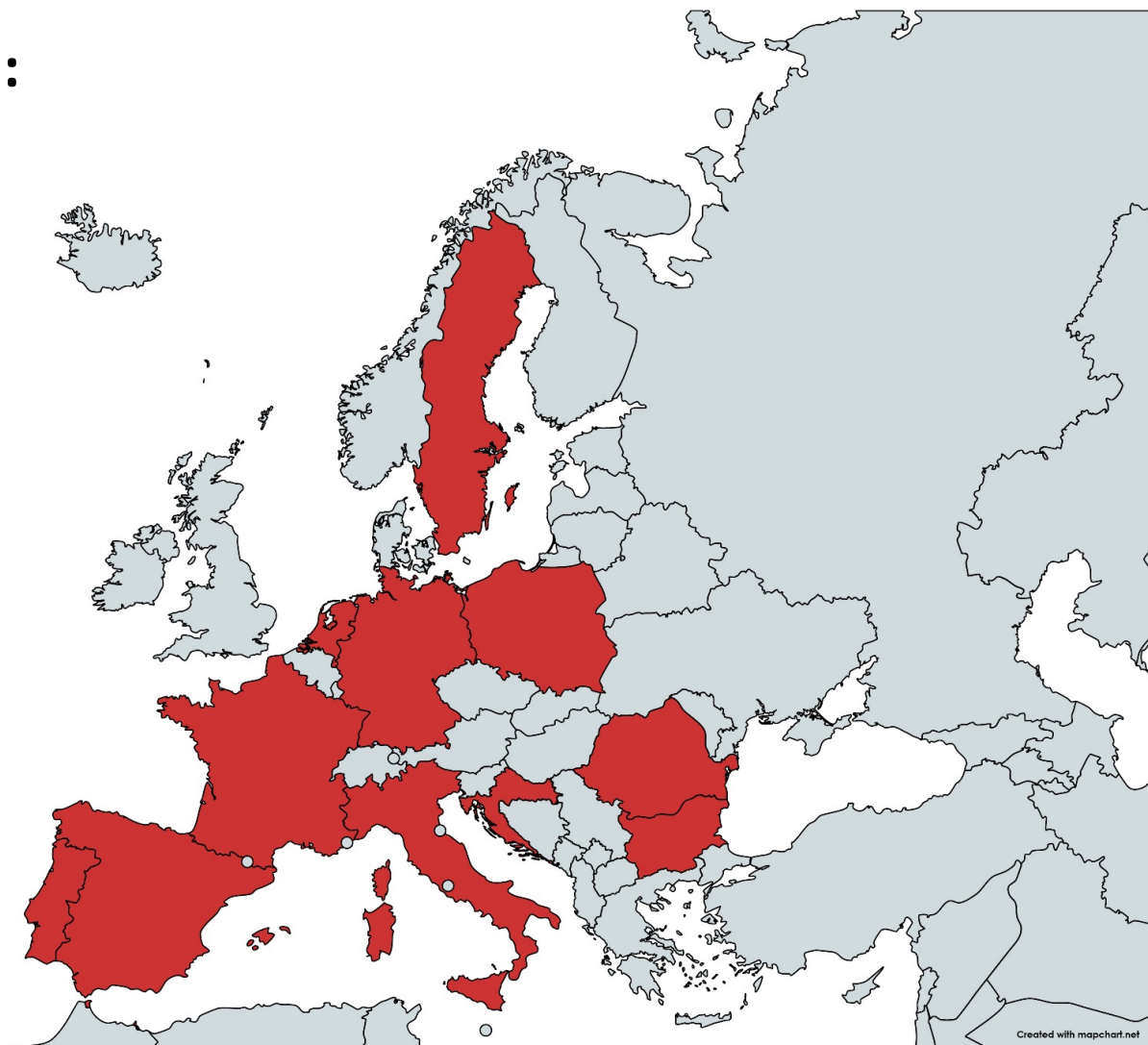


Judicial cooperation

Territorial Scope of CrossJustice Research

11 Member States of the EU:

- Bulgaria
- Croatia
- France
- Germany
- Italy
- Netherlands
- Poland
- Portugal
- Romania
- Spain
- Sweden



CrossJustice

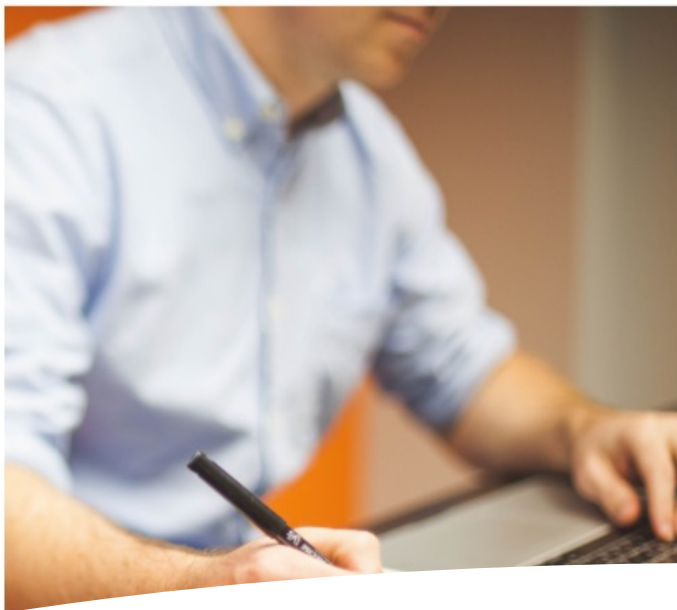
Knowledge, Advisory and Capacity Building Information Tool for Criminal
Procedural Rights in Judicial Cooperation

The Platform

<https://crossjustice.eu/>

Module 1: the LegalDataBase Module

- Support the user's information on criminal procedure rights;
- Large collection of EU and national legislation and case law;
- English.



Single Case Assessment

Mass Testing

What does the “Single Case Assessment” functionality of the Advisory Module offer and how does it work?

The aim of the “Single Case Assessment” functionality of the Advisory Module is to assist users in resolving practical cases related to the procedural rights of persons suspected or accused of a crime or detained pursuant to a European Arrest Warrant on the territory of an EU Member State. It helps them to understand what procedural guarantees EU law provides and how are they implemented into the national legal order of a particular Member State.

Through a series of questions, the system identifies the main characteristics of user’s case and the stage of the proceedings. It provides advice about the relevant procedural rights.

The Platform

<https://crossjustice.eu/Advisory/>

Module 2: the Advisory Module

- Implementation at national level;
- Critical assessment: inconsistency with EU Directives;
- Single Case Assessment/Mass Testing.

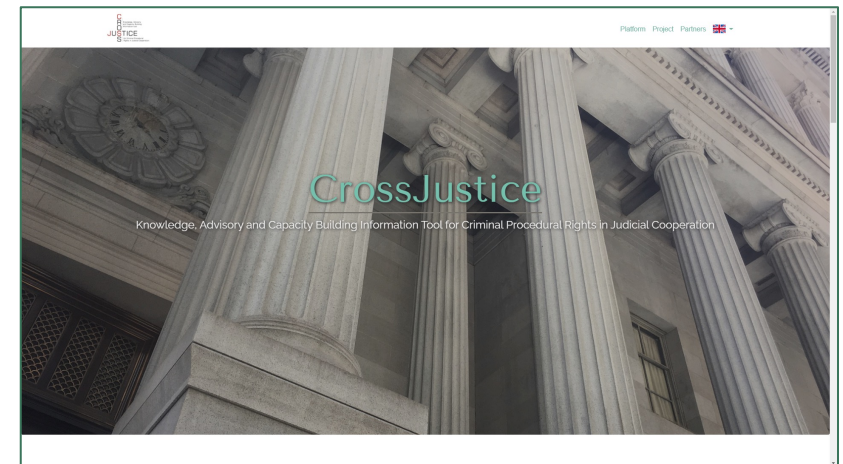
CrossJustice Platform Overview

Online platform aiming at:

- Provision of advice and support on the effectiveness of criminal procedural rights guaranteed by EU acquis
- Identification of critical gaps and solutions in a comparative perspective in order to improve the efficiency of judicial systems and their cooperation

Key aspects:

- Free service
- Most of the legal content is in English
- Mainly directed to legal professionals, but accessible also to law students, NGOs and all EU citizens



Modules of the CrossJustice Platform

1) The Legal Database Module:

Legal information module that:

- supports the user in retrieving legal information on criminal procedural rights
- provides access to a large collection of European and national legislation and case law on the matters

2) The Advisory Module:

Interactive expert module that supports experts in identifying and applying relevant rules of EU and national law. It assists legal professionals in making an assessment on:

- the compliance of national instruments transposing EU directives with the EU acquis
- the compatibility between national legal frameworks as resulting from the implementation of EU directives

Modules of the CrossJustice Platform

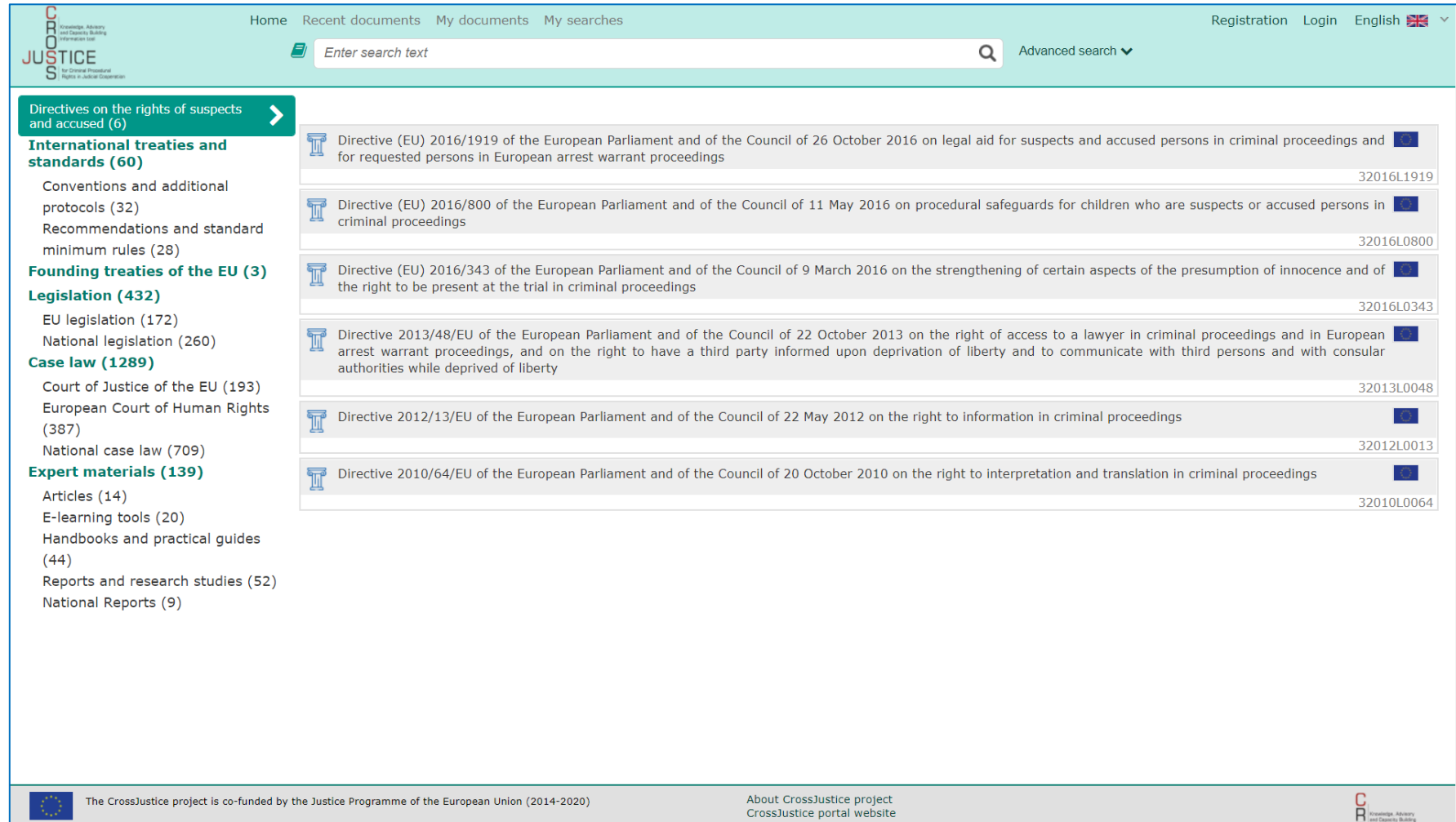
3) The Reasoning Tool – NLP

Interactive expert module that supports, via automated reasoning, the user in identifying the legislation relevant to a specific case

AND

Justifies the reasons behind the given outcome

Legal Database Module – Home Screen



The screenshot shows the home screen of the CrossJustice Legal Database. The header includes navigation links for Home, Recent documents, My documents, and My searches, along with a search bar and options for Registration, Login, and English. The main content area is divided into a left sidebar with categories and a right main area with a list of legal documents.

CROSS JUSTICE
Knowledge, Advisory and Capacity Building Information tool
for Criminal Procedural Rights in Judicial Cooperation

Home Recent documents My documents My searches Registration Login English

Enter search text Advanced search

Directives on the rights of suspects and accused (6)

International treaties and standards (60)

- Conventions and additional protocols (32)
- Recommendations and standard minimum rules (28)

Founding treaties of the EU (3)

Legislation (432)

- EU legislation (172)
- National legislation (260)

Case law (1289)

- Court of Justice of the EU (193)
- European Court of Human Rights (387)
- National case law (709)

Expert materials (139)

- Articles (14)
- E-learning tools (20)
- Handbooks and practical guides (44)
- Reports and research studies (52)
- National Reports (9)

Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings 32016L1919

Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings 32016L0800

Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings 32016L0343

Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty 32013L0048

Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings 32012L0013

Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings 32010L0064

The CrossJustice project is co-funded by the Justice Programme of the European Union (2014-2020)

About CrossJustice project
CrossJustice portal website

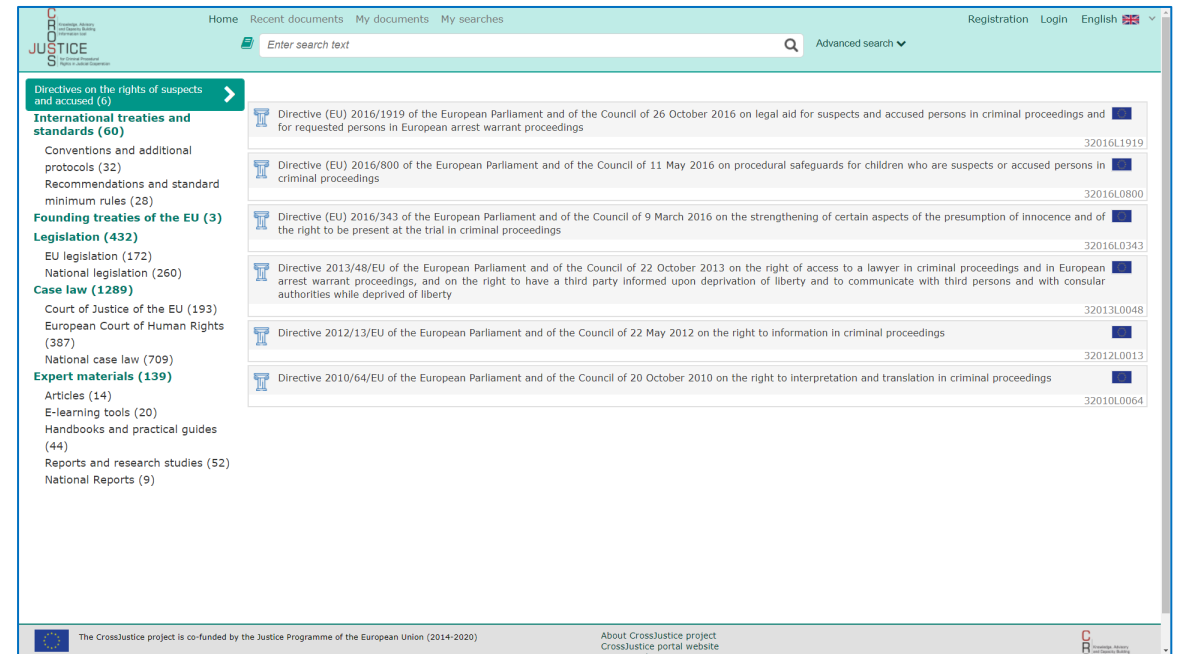
CROSS JUSTICE
Knowledge, Advisory and Capacity Building Information tool
for Criminal Procedural Rights in Judicial Cooperation

Legal Database Module: Content Coverage

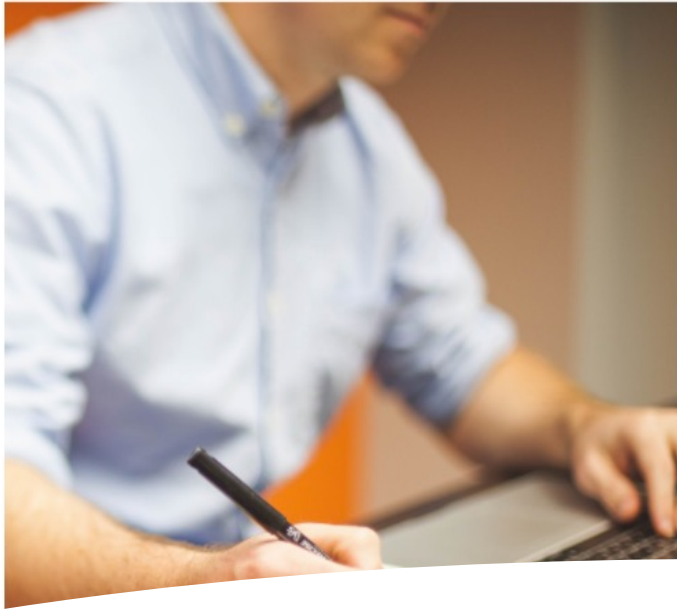
Document Collection	Documents	Scope
International treaties and standards	32	1) Conventions and protocols in the area of international human rights law
	28	2) Recommendations and minimum standard rules of the UN and the Council of Europe
International case law	387	Judgments of European Court of Human Rights in cases with relevance to criminal procedural rights
EU legislation	172	Instruments in the field of judicial cooperation in criminal matters
EU case law	193	Judgments of the Court of Justice in the field of judicial cooperation in criminal matters
National legislation	260	National transposition measures of 11 EU member states adopted in implementation of the six EU directives
National case law	709	Cases of national courts related to the application of criminal procedural rights
Expert materials	139	Digest with references to research studies, articles, handbooks, guidelines and e-learning tools related to procedural rights

LDB Module: User Benefits in Focus

- National case law collection
- Crosslinking documents
 - Links between articles and recitals of the directives
 - Links to citing documents
 - Links to national transposition measures
- CrossJustice national reports



Advisory Module – Home Screen



Single Case Assessment

Mass Testing

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The Platform

<https://crossjustice.eu/Advisory/>

Module 2: the Advisory Module

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- Critical assessment: inconsistency with EU Directives;
- Single Case Assessment/Mass Testing.

Base

Nationals

Which national laws are you interested in?

Nothing selected

What is the defendants name?

Mario

What is the defendants age?

30

What is the type of the proceeding?

criminal

What is the status of the defendant?

suspect

Is the defendant?

Nothing selected

Has the defendant been made aware of his status, by official notification or otherwise?

Reasoning Tool – Home Screen

Module 3: the Reasoning Tool

- Customised assistance
- Autonomous reasoning (NLP)

The Platform

<https://legalmachinelab.unibo.it/crossjustice>

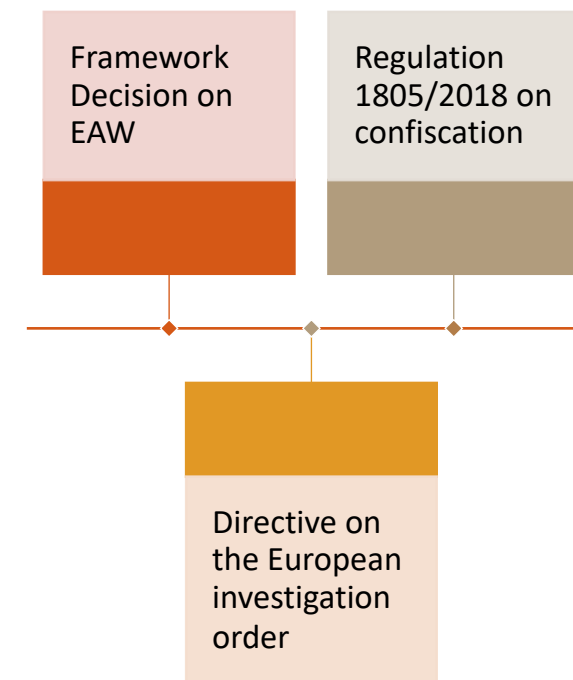
From CJ to...FACILEX

Grant Agreement n. 101089634
This Project is funded by the European
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Facilitating mutual recognition:
Analytics and Capacity building
Information Legal eXplainable
tool to strengthen cooperation in
the criminal matter

- Durata: 24 mesi (15.12.2022-14.12.2024)
- Website:
<https://site.unibo.it/facilex/en>



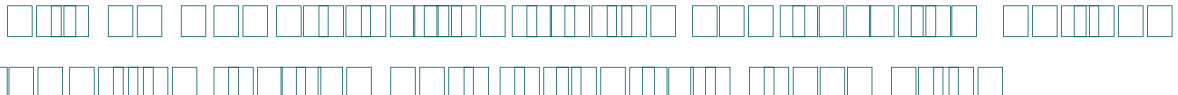
Facilitating mutual recognition
Analytics and Capacity building
Information Legal eXplainable
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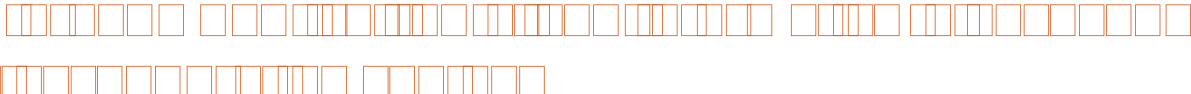
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General objectives

1. Enhance harmonization in national legislation regarding mutual recognition instruments in the criminal law field →

increasing mutual knowledge 

2. Mitigate and overcome linguistic barriers and deal with different national legal traditions →

establishing common languages 

→ *importance of legal notions, beyond wording*

3. Reconcile diverging jurisprudential practices by exploiting IT systems and AI

→ 



Case scenario

A Portuguese prosecutor needs to obtain documents in possession of a lawyer that is located in Italy, in order to produce the evidence at trial in Portugal. To do so, s/he issues a European Investigation Order, asking the Italian authorities to collect such documents.

Following the cooperation request, the Italian authorities will examine whether to execute the EIO or to refuse it, on the basis of the client-attorney privilege.

To foresee the potential outcome of her/his cooperation request, the Portuguese prosecutor shall assess whether there is a specific ground for refusal that could be opposed by the Italian authorities.

In order to do so, the Portuguese prosecutor may first use the “Harmonization Mass Testing” function, to have an overview – in English – of the applicable Italian and Portuguese Law and to obtain a harmonization index for each Member State involved. This will allow the prosecutor to generally assess the conformity between each involved State and the European Investigation Order Directive.

Then, the Portuguese prosecutor can obtain an automated and more refined analysis by making use of the “Customized Single Test Advisory Module” tool.

S/he will provide to the system more information concerning the specific case. Such information includes, for instance, what are the involved national legal systems (Italy and Portugal); what investigative act has been requested (confidential documents production); what rights are at stake (attorney-client privilege).

On the basis of the information provided, the system will automatically make a tailored assessment concerning the likelihood that a ground for refusal could be invoked. The system will identify what ground for refusal could be invoked by the executing authority, also in light of the interpretation given in Italy to such grounds by the case-law (e.g. investigative act not available in a similar domestic situation).

The assessment report will include an explanation of the reasoning carried out by the platform, and hyperlinks to relevant legislation and jurisprudence that justify the answer, highlighting the potential weaknesses in a cooperation request that should be addressed (where possible) by the requesting authority.

